

103^D CONGRESS
2^D SESSION

S. 2125

To provide for the designation of certain Federal lands in Montana as wilderness areas, to provide for multiple use and recovery of certain other Federal lands in Montana, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 18 (legislative day, MAY 16), 1994

Mr. BURNS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the designation of certain Federal lands in Montana as wilderness areas, to provide for multiple use and recovery of certain other Federal lands in Montana, 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 “Montana Jobs Security
5 and Land Protection Act of 1994”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

1 (1) Like all lands in the American West, the
2 present state of the lands of Montana results from
3 a series of geological, hydrological, meteorological,
4 and biological cycles. The forces of nature expressed
5 through such cycles have produced a vast resource
6 of raw materials enabling mankind to utilize and re-
7 tain physical assets in a manner that creates the
8 American standard of living, a standard of living un-
9 surpassed in the world today.

10 (2) The agencies of the Federal Government
11 having responsibility for management of Federal
12 lands have developed and continue to update plans
13 for the management of Federal lands which are in
14 compliance with Federal environmental laws. Such
15 agencies have studied and determined the capacity
16 of such lands for multiple-use purposes.

17 (3) There are 16,806,126 acres of National
18 Forest land within the State of Montana, and of this
19 acreage 3,371,770 acres are designated as wilder-
20 ness areas. In addition, there are 8,077,253 acres of
21 land under the jurisdiction of the Bureau of Land
22 Management within the State of Montana, and of
23 this acreage 6,000 acres are designated as wilder-
24 ness areas.

1 (4) Every area of the State of Montana pos-
2 sesses natural resources having commercial or rec-
3 reational value or an undeveloped status.

4 (5) As with all of the lands of the United
5 States, the lands of the State of Montana contrib-
6 utes to the diversity and productivity of the United
7 States for the enduring benefit of all people.

8 (6) As the next century approaches for the peo-
9 ple of the State of Montana, natural resource indus-
10 tries (including the timber, mining, oil and gas, agri-
11 culture, and recreation industries) will continue to
12 support local communities and governments in the
13 State. These industries must be allowed to prosper
14 as the next century approaches.

15 (7) The timber industry has played an impor-
16 tant part in the economy of the State of Montana.
17 The industry accounts for 10 to 15 percent of the
18 economy of the State and is responsible for the ex-
19 istence of 15,000 to 20,000 jobs in the State. With
20 few exceptions, 25 percent of all receipts received
21 from National Forest System lands during any fiscal
22 year are paid to States in which such lands are lo-
23 cated. Such funds benefit public schools and public
24 roads. Counties in the State of Montana received
25 \$13,854,903 from such receipts in fiscal year 1993.

1 (8) The Forest Service National Minerals Pol-
2 icy provides that the Forest Service should encour-
3 age and facilitate the orderly exploration, develop-
4 ment, and production of mineral resources within
5 the National Forest System in order to maintain a
6 viable and healthy minerals industry and to promote
7 self-sufficiency in the mineral resources necessary
8 for economic growth and the National defense. In
9 the State of Montana, mines and mine-processing fa-
10 cilities employ approximately 4,500 people and such
11 mines and facilities contribute more than
12 \$500,000,000 each year to the economy of the State.
13 Mines in the State pay approximately \$15,000,000
14 in severance taxes and \$9,000,000 in property taxes
15 to local governments in the State each year.

16 (9) A potential for oil and gas production exists
17 in each of the counties of the State of Montana. Oil
18 and gas production occurs in 32 of the 56 counties
19 in the State. In 1991, there were 5,950 producing
20 wells and 7,719 employees supported by the oil and
21 gas industry. While half of the oil consumed in the
22 United States is imported, the number of seismic ex-
23 ploration activities in the State has decreased to 2.
24 The total number of wells drilled annually in the
25 State dropped from 816 in 1982 to 256 in 1991.

1 Over the same period, crude oil revenues in the
2 State dropped from \$966,281,000 to \$355,750,000.

3 (10) According to the United States Forest
4 Service, 3,465,900 visitor days were spent on mecha-
5 nized travel in the State of Montana in 1992. Off-
6 highway motorcycle use in the State in 1992 was
7 valued at \$45,059,000. Motorcycles and all-terrain
8 vehicles in the State used 30,200 gallons of gas in
9 1990. In 1987 and 1988, snowmobile operators who
10 were not residents of the State spent \$15,300,000 in
11 the State, generating \$3,500,000 in revenue for the
12 people of the State and creating 350 full-time or
13 part-time jobs.

14 (11) Many of the Federal lands in the State of
15 Montana are in dire need of proper management.
16 Research and applied technology demonstrate that
17 such lands require proper management in order to
18 preserve natural variability, enhance the productivity
19 of the flora and fauna, and provide for the continu-
20 ing availability of the material resources that are re-
21 quired for and valuable to society.

22 (b) PURPOSES.—The purposes of this Act are as fol-
23 lows:

24 (1) To designate certain Federal lands within
25 the State of Montana as multiple use lands, and as

1 components of the National Wilderness Preservation
2 System in order to provide for the release, manage-
3 ment, and systematic preservation of the character
4 and uses of the land.

5 (2) To provide for management standards with
6 respect to such lands in order to—

7 (A) ensure the ecological health and pro-
8 ductivity of forest and range lands;

9 (B) ensure the reasonable development and
10 production of natural resources on such lands;

11 (C) stabilize and stimulate the economies
12 of localities on or near such lands; and

13 (D) maintain the qualities of the land.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) The term “Federal lands” means any lands
17 under the jurisdiction of the Forest Service or under
18 the jurisdiction of the Bureau of Land Management.

19 (2) The term “Secretary” shall mean the Sec-
20 retary of Agriculture.

1 **TITLE I—WILDERNESS AREA**
2 **DESIGNATIONS**

3 **SEC. 101. DESIGNATION OF CERTAIN NATIONAL FOREST**
4 **SYSTEM LANDS AS WILDERNESS AREAS.**

5 (a) DESIGNATION OF LANDS AS WILDERNESS
6 AREAS.—Subject to subsection (b), the following lands
7 within the National Forest System in the State of Mon-
8 tana are designated as components of the National Wilder-
9 ness Preservation System under the provisions of the Wil-
10 derness Act (16 U.S.C. 1131 et seq.):

11 (1) Certain lands in the Beaverhead, Bitterroot,
12 and Deerlodge National Forests, Montana, which
13 comprise approximately 20,000 acres, as generally
14 depicted on a map entitled “Anaconda-Pintler Wil-
15 derness Additions—Proposed (North Big Hole,
16 Storm Lake)”, dated May 1994, and which are here-
17 by incorporated in and shall be deemed to be a part
18 of the Anaconda-Pintler Wilderness.

19 (2) Certain lands in the Beaverhead National
20 Forest, Montana, which comprise approximately
21 79,500 acres, as generally depicted on a map enti-
22 tled “East Pioneer Wilderness—Proposed”, dated
23 May 1994, and which shall be known as the East
24 Pioneer Wilderness.

1 (3) Certain lands in the Beaverhead National
2 Forest, Montana, which comprise approximately
3 55,000 acres, as generally depicted on a map enti-
4 tled “West Big Hole—Proposed”, dated May 1994,
5 and which shall be known as the West Big Hole Wil-
6 derness.

7 (4) Certain lands in the Bitterroot National
8 Forest, Montana, which comprise approximately
9 10,240 acres, as generally depicted on a map enti-
10 tled “Stony Mountain Wilderness—Proposed”, dated
11 May 1994, and which shall be known as the Stony
12 Mountain Wilderness.

13 (5) Certain lands in the Bitterroot and Lolo
14 National Forests, Montana, which comprise approxi-
15 mately 36,060 acres, as generally depicted on a map
16 entitled “Selway-Bitterroot Wilderness Additions—
17 Proposed”, dated May 1994, and which are hereby
18 incorporated in and shall be deemed to be a part of
19 the Selway-Bitterroot Wilderness.

20 (6) Certain lands in the Custer National For-
21 est, Montana, which comprise approximately 4,900
22 acres, as generally depicted on a map entitled “Ab-
23 saroKa-BearTooth Wilderness Additions—Proposed
24 (Mistic Lake, Timberline, and Stateline)”, dated
25 May 1994, and which are hereby incorporated in

1 and shall be deemed to be a part of the Absaroka-
2 Beartooth Wilderness.

3 (7) Certain lands in the Helena National For-
4 est, Montana, which comprise approximately 14,300
5 acres, as generally depicted on a map entitled
6 “Blackfoot Meadow/Electric Peak Wilderness—Pro-
7 posed”, dated May 1994, and which shall be known
8 as the Electric Peak Wilderness.

9 (8) Certain lands in the Custer National For-
10 est, Montana, which comprise approximately 5,800
11 acres, as generally depicted on a map entitled
12 “Pryor Mountain-Lost Water Canyon Wilderness—
13 Proposed”, dated May 1994, and which shall be
14 known as the Pryor Mountain-Lost Water Canyon
15 Wilderness.

16 (9) Certain lands in the Flathead, Lolo, and
17 Helena National Forests, Montana, which comprise
18 approximately 67,997 acres, as generally depicted on
19 a map entitled “Bob Marshall Additions—Proposed
20 (Slippery Bill, Limestone Cave, Clearwater/Monture,
21 Benchmark/Elk Creek, Renshaw)”, dated May 1994,
22 and which are hereby incorporated in and shall be
23 deemed to be a part of the Bob Marshall Wilderness.

24 (10) Certain lands in the Flathead National
25 Forest, Montana, which comprise approximately

1 63,000 acres, as generally depicted on a map enti-
2 tled “Jewell Basin-Swan Crest—Proposed”, dated
3 May 1994, and which shall be known as the Jewell
4 Basin-Swan Crest Wilderness.

5 (11) Certain lands in the Gallatin National
6 Forest, which comprise approximately 8,960 acres,
7 as generally depicted on a map entitled “Lee
8 Metcalf/Cowboys Heaven Wilderness—Proposed”,
9 dated May 1994, and which shall be known as the
10 Lee Metcalf/Cowboys Heaven Wilderness.

11 (12) Certain lands in the Gallatin National
12 Forest, which comprise approximately 20,720 acres,
13 as generally depicted on a map entitled “Earthquake
14 Wilderness—Proposed”, dated May 1994, and which
15 shall be known as the Earthquake Wilderness.

16 (13) Certain lands in the Helena National For-
17 est, Montana, which comprise approximately 8,600
18 acres, as generally depicted on a map entitled
19 “Mount Baldy Wilderness—Proposed”, dated May
20 1994, and which shall be known as the Mount Baldy
21 Wilderness.

22 (14) Certain lands in the Helena National For-
23 est, Montana, which comprise approximately 10,500
24 acres, as generally depicted on a map entitled
25 “Gates of the Mountain Wilderness Additions—Pro-

1 posed”, dated May 1994, and which are hereby in-
2 corporated in and shall be deemed to be part of the
3 Gates of the Mountain Wilderness.

4 (15) Certain lands in the Kootenai National
5 Forest, Montana, which comprise approximately
6 31,100 acres, as generally depicted on a map enti-
7 tled “Cabinet Mountains Wilderness Additions—
8 Proposed”, dated May 1994, and which are hereby
9 incorporated in and shall be deemed to be a part of
10 the Cabinet Mountains Wilderness.

11 (16) Certain lands in the Kootenai National
12 Forest, Montana, which comprise approximately
13 46,000 acres, as generally depicted on a map enti-
14 tled “Scotchman Peaks Wilderness—Proposed”,
15 dated May 1994, and which shall be known as the
16 Scotchman Peaks Wilderness.

17 (17) Certain lands in the Lolo National Forest,
18 Montana, which comprise approximately 39,000
19 acres, as generally depicted on a map entitled “Cube
20 Iron/Mount Silcox Wilderness—Proposed”, dated
21 May 1994, and which shall be known as the Cube
22 Iron/Mount Silcox Wilderness.

23 (18) Certain lands in the Lolo National Forest,
24 Montana, which comprise approximately 46,080
25 acres, as generally depicted on a map entitled

1 “Great Burn Wilderness—Proposed”, dated May
2 1994, and which shall be known as the Great Burn
3 Wilderness.

4 (19) Certain lands in the Lolo National Forest,
5 Montana, which comprise approximately 56,900
6 acres, as generally depicted on a map entitled
7 “Quigg Peak Wilderness—Proposed”, dated May
8 1994, and which shall be known as the Quigg Peak
9 Wilderness.

10 (20) Certain lands in the Gallatin National
11 Forest, Montana, which comprise approximately
12 5,720 acres, as generally depicted on a map entitled
13 “North Absaroka Wilderness Additions—Proposed
14 (Republic Mountain)”, dated May 1994, and which
15 are hereby incorporated in and shall be deemed to
16 be a part of the Absaroka-Beartooth Wilderness.

17 (21) Certain lands in the Deerlodge National
18 Forest, Montana, which comprise approximately
19 16,000 acres, as generally depicted on a map enti-
20 tled “Flint Creek Range Wilderness—Proposed”,
21 dated May 1994, and which shall be known as the
22 Flint Creek Range Wilderness.

23 (22) Certain lands in the Gallatin National
24 Forest, Montana, which comprise approximately
25 21,500 acres, as generally depicted on a map enti-

1 tled “Sawtooth Mountain Wilderness—Proposed”,
2 dated May 1994, and which shall be known as the
3 Sawtooth Mountain Wilderness.

4 (23) Certain lands in the Gallatin National
5 Forest, Montana, which comprise approximately
6 24,000 acres, as generally depicted on a map enti-
7 tled “Hyalite-Porcupine-Buffalo Wilderness—Pro-
8 posed”, dated May 1994, and which shall be known
9 as the Hyalite-Porcupine-Buffalo Wilderness.

10 (24) Certain lands in the Lolo National Forest,
11 Montana, which comprise approximately 6,400 acres,
12 as generally depicted on a map entitled “Sheep
13 Mountain Wilderness—Proposed”, dated May 1994,
14 and which shall be known as the Sheep Mountain
15 Wilderness.

16 (25) Certain lands in the Beaverhead National
17 Forest, Montana, which comprise approximately
18 37,120 acres, as generally depicted on a map entitle
19 “West Pioneer Wilderness—Proposed”, dated May
20 1994, and which shall be known as the West Pioneer
21 Wilderness.

22 (b) ADMINISTRATION OF LANDS.—Subject to valid
23 existing rights, each of the lands designated as a wilder-
24 ness area by subsection (a) shall be administered by the
25 Secretary, through the Forest Services, as a component

1 of the National Wilderness Preservation System in accord-
2 ance with the provisions of the Wilderness Act (16 U.S.C.
3 1131 et seq.). Any reference in such provisions to the ef-
4 fective date of the Wilderness Act shall, with respect to
5 such designated lands, be deemed to refer to the date of
6 enactment of this Act.

7 (c) DESCRIPTIONS OF PROPERTY.—The exact acre-
8 age and legal description of each of the lands designated
9 as a wilderness area by subsection (a) shall be determined
10 by a survey or such other means as the Secretary deter-
11 mines appropriate. The Secretary may correct clerical and
12 typographical errors in such descriptions.

13 (d) SUBMITTAL OF DESCRIPTIONS TO CONGRESS.
14 Not later than 90 days after the date of the enactment
15 of this Act, the Secretary shall submit to the Committee
16 on Energy and Natural Resources of the Senate and the
17 Committee on Natural Resources of the House of Rep-
18 resentatives a copy of the description (including an appro-
19 priate map or other boundary record) of each of the lands
20 designated as a wilderness area by subsection (a).

21 (e) PUBLIC AVAILABILITY OF DESCRIPTIONS.—Each
22 land description prepared under subsection (c) shall be on
23 file and available for public inspection in the following of-
24 fices:

1 (1) The office of the Chief of the Forest Serv-
2 ice.

3 (2) The office of Regional Forester of the
4 Northern Region of the Forest Service.

5 (3) The office of the Director of the Bureau of
6 Land Management.

7 (4) The office of the State Director of Region
8 Three of the Bureau of Land Management.

9 **SEC. 102. DESIGNATION OF CERTAIN BUREAU OF LAND**
10 **MANAGEMENT LANDS AS WILDERNESS**
11 **AREAS.**

12 (a) DESIGNATION OF LANDS AS WILDERNESS
13 AREAS.—Subject to subsection (b), the following lands in
14 the State of Montana are designated as components of the
15 National Wilderness Preservation System under the provi-
16 sions of the Wilderness Act (16 U.S.C. 1131 et seq.):

17 (1) Certain lands in Granite County, Montana,
18 which comprise approximately 520 acres, as gen-
19 erally depicted on a map entitled “West Quigg Wil-
20 derness—Proposed,” dated May 1994, and which
21 shall be known as the West Quigg Wilderness.

22 (2) Certain lands in Lewis and Clark County,
23 Montana, which comprise approximately 8,960 acres,
24 as generally depicted on a map entitled “Sleeping
25 Giant/Gates of the Mountains Wilderness—Pro-

1 posed,” dated May 1994, and which shall be known
2 as the Sleeping Giant/Gates of the Mountains Wil-
3 derness.

4 (3) Certain lands in Silver Bow County, Mon-
5 tana, which comprise approximately 8,791 acres, as
6 generally depicted on a map entitled “Humberg
7 Spires Wilderness—Proposed,” dated May 1994,
8 and which shall be known as the Humberg Spires
9 Wilderness.

10 (4) Certain lands in Beaverhead County, Mon-
11 tana, which comprise approximately 10,586 acres, as
12 generally depicted on a map entitled “Blacktail
13 Mountain Wilderness—Proposed,” dated May 1994,
14 and which shall be known as the Blacktail Mountain
15 Wilderness.

16 (5) Certain lands in Beaverhead County, Mon-
17 tana, which comprise approximately 610 acres, as
18 generally depicted on a map entitled “Farlin Ridge
19 Wilderness—Proposed,” dated May 1994, and which
20 shall be known as the Farlin Ridge Wilderness.

21 (6) Certain lands in Valley County, Montana,
22 which comprise approximately 13,730 acres, as gen-
23 erally depicted on a map entitled “Burnt Lodge Wil-
24 derness—Proposed,” dated May 1994, and which
25 shall be known as the Burnt Lodge Wilderness.

1 (b) ADMINISTRATION OF LANDS.—Jurisdiction over
2 any lands designated as wilderness areas by subsection (a)
3 that are, as of the date of the enactment of this Act, ad-
4 ministered by the Bureau of Land Management is hereby
5 transferred to the Secretary. The Secretary, acting
6 through the Forest Service, shall administer such lands
7 as components of the National Wilderness Preservation
8 System in accordance with the provisions of the Wilder-
9 ness Act (16 U.S.C. 1131 et seq.). Any reference in such
10 provisions to the effective date of the Wilderness Act shall,
11 with respect to such designated lands, be deemed to refer
12 to the date of enactment of this Act.

13 (c) DESCRIPTIONS OF PROPERTY.—The exact acre-
14 age and legal description of each of the lands designated
15 as a wilderness area by subsection (a) shall be determined
16 by a survey or such other means as the Secretary deter-
17 mines appropriate. The Secretary may correct clerical and
18 typographical errors in such descriptions.

19 (d) SUBMITTAL OF DESCRIPTIONS TO CONGRESS.
20 Not later than 90 days after the date of the enactment
21 of this Act, the Secretary shall submit to the Committee
22 on Energy and Natural Resources of the Senate and the
23 Committee on Natural Resources of the House of Rep-
24 resentatives a copy of the description (including an appro-

1 priate map or boundary record) of each of the lands des-
2 igned as a wilderness area by subsection (a).

3 (e) PUBLIC AVAILABILITY OF DESCRIPTIONS.—Each
4 land description prepared under subsection (c) shall be on
5 file and available for public inspection in the following of-
6 fices:

7 (1) The office of the Chief of the Forest Serv-
8 ice.

9 (2) The office of Regional Forester of the
10 Northern Region of the Forest Service.

11 (3) The office of the Director of the Bureau of
12 Land Management.

13 (4) The office of the State Director of Region
14 Three of the Bureau of Land Management.

15 **SEC. 103. BUFFER ZONES.**

16 The designation of lands as wilderness areas in the
17 State of Montana under this Act may not be construed
18 or interpreted to require the creation of protective perim-
19 eters or buffer zones around each wilderness area. The
20 fact that nonwilderness activities or uses can be seen or
21 heard from areas within the wilderness area shall not, of
22 itself, preclude such activities or uses up to the boundary
23 of the wilderness area.

1 **SEC. 104. LIVESTOCK GRAZING ON DESIGNATED LANDS.**

2 In administering the lands designated as wilderness
3 areas by section 101(a) or 102(a), the Secretary shall ad-
4 minister any permit or license for the grazing of livestock,
5 and any grazing allotment, on such lands that was issued
6 or established before the date of enactment of this Act
7 in accordance with the following:

8 (1) Clause (2) of section 4(d)(4) of the Wilder-
9 ness Act (16 U.S.C. 1133(d)(4)).

10 (2) Section 108 of Public Law 96-560 (16
11 U.S.C. 1133 note), relating to livestock grazing in
12 National Forest wilderness areas.

13 **SEC. 105. FLOOD CONTROL AND WATER STORAGE.**

14 Notwithstanding any provision of the Wilderness Act
15 (16 U.S.C. 1131 et seq.), the Secretary may install and
16 maintenance any hydrological, meteorological, or climato-
17 logical collection device, or facility ancillary thereto, that
18 the Secretary determines appropriate in order to provide
19 for flood warning, flood control, and water storage pur-
20 poses. The Secretary shall carry out activities under this
21 section by any means in utilization on or before the date
22 of the enactment of this Act.

23 **SEC. 106. WHEELCHAIR ACCESS.**

24 Notwithstanding any other provision of law, the Sec-
25 retary may permit the access to lands designated as wil-

1 derness areas by sections 101(a) and 102(a) by persons
2 utilizing motorized or non-motorized wheelchairs.

3 **SEC. 107. JURISDICTION OF STATE OF MONTANA OVER**
4 **FISH AND WILDLIFE.**

5 This Act may not be construed or interpreted to af-
6 fect the jurisdiction or responsibilities of the State of Mon-
7 tana with respect to wildlife and fish in or on National
8 Forest System land in the State of Montana.

9 **TITLE II—MULTIPLE-USE RE-**
10 **SOURCE RECOVERY LAND**
11 **DESIGNATIONS**

12 **SEC. 201. DESIGNATION OF CERTAIN FEDERAL LANDS AS**
13 **MULTIPLE USE AND RESOURCE RECOVERY**
14 **LANDS.**

15 (a) DESIGNATION.—Except as provided in subsection
16 (b) and notwithstanding any other provision of law, all
17 Federal lands in the State of Montana (including areas
18 designated as study areas by the Montana Wilderness
19 Study Act (16 U.S.C. 1132 note)) are hereby designated
20 as multiple-use resource recovery lands to be managed by
21 the Secretary in accordance with section 202.

22 (b) EXCLUDED LANDS.—Subsection (a) shall not
23 apply to the following Federal lands in the State of Mon-
24 tana:

1 (1) Lands designated as wilderness areas by
2 section 101(a) or 102(a) of this Act.

3 (2) Lands designated as wilderness areas by
4 any other provision of law.

5 (3) Lands that are components of the National
6 Wild and Scenic Rivers System.

7 (4) Lands that are components of the National
8 Trails System.

9 (5) Any lands withdrawn from mineral entry or
10 timber production by any Federal law or executive
11 order.

12 (6) Any lands not reviewed for suitability as
13 wilderness during Second Roadless Area Review and
14 Evaluation Program (RARE II) conducted by the
15 Department of Agriculture.

16 (c) TERMINATION OF DESIGNATION.—Any land des-
17 igned as multiple-use resource recovery land by sub-
18 section (a), or any portion of such land, shall cease to be
19 multiple-use resource recovery land under this section if—

20 (1) the designation of the land, or portion
21 thereof, as multiple-use resource recovery land is re-
22 voked by Act of Congress; or

23 (2) the land, or portion thereof, is withdrawn
24 pursuant to section 204 of the Federal Land Policy
25 and Management Act of 1976 (43 U.S.C. 1714).

1 **SEC. 202. MANAGEMENT OF MULTIPLE-USE RESOURCE RE-**
2 **COVERY LANDS.**

3 (a) IN GENERAL.—The Secretary shall manage the
4 lands designated as multiple-use resource recovery lands
5 by section 201(a) in a manner that provides for a balance
6 of uses of such lands.

7 (b) MANAGEMENT PRINCIPLES.—(1) Subject to
8 paragraph (2), the Secretary shall manage multiple-use re-
9 source recovery lands designated by section 201(a) in ac-
10 cordance with the principles of multiple-use and sustained-
11 yield as such principles are set forth in the following:

12 (A) The Forest and Rangeland Renewable Re-
13 sources Planning Act of 1974 (16 U.S.C 1600 et
14 seq.).

15 (B) The Multiple-Use Sustained-Yield Act of
16 1960 (16 U.S.C. 528 et seq.).

17 (C) The Federal Land Management Policy Act
18 of 1976 (43 U.S.C. 1701 et seq.).

19 (2) In managing such lands, the Secretary shall em-
20 phasize the uses that are not allowed or available on lands
21 designated as wilderness areas or on lands withdrawn in
22 the manner referred to in section 201(c)(2).

23 **SEC. 203. LAND AND RESOURCE MANAGEMENT PLANS FOR**
24 **DESIGNATED LANDS.**

25 (a) REVISED PLANS.—Not later than 3 years after
26 the date of the enactment of this Act, the Secretary shall

1 prepare amended or revised land and resource manage-
2 ment plans applicable to the lands designated as wilder-
3 ness areas by sections 101(a) and 102(a) and the lands
4 designated as multiple-use resource recovery lands by sec-
5 tion 201(a) in order to meet the requirements of this Act.

6 (b) INTERIM PLANS.—The lands referred to in sub-
7 section (a) shall be managed in accordance with provisions
8 of the land and resource management plans applicable to
9 such lands on the date of the enactment of this Act during
10 the period beginning on such date and ending on the date
11 that such amendments or revisions take effect.

12 (c) REQUIREMENT RELATING TO SUBSEQUENT PLAN
13 REVISIONS.—In preparing any subsequent amendment or
14 revision to a land and resource management plan that
15 takes effect after an amendment or revision to such plan
16 prepared under subsection (a), the Secretary shall con-
17 sider and discuss in the justification and environmental
18 analysis accompanying the subsequent amendment or revi-
19 sion any other land use or land management practice that,
20 in combination with the revised practice proposed under
21 the subsequent amendment or revision, would be appro-
22 priate to maintain a balance of uses of multiple-use re-
23 source recovery lands designated by section 201(a) and to
24 meet other outputs on such lands under the plan subject
25 to the subsequent amendment or revision.

1 **SEC. 204. MONITORING OF LAND USE IN ACCORDANCE**
2 **WITH LAND AND RESOURCE MANAGEMENT**
3 **PLANS.**

4 (a) OUTPUT TARGETS.—Any land and resource man-
5 agement plan prepared under section 203 shall specify by
6 quantity the output required for each proposed use of a
7 land designated as a multiple-use resource recovery land
8 by section 201(a) in order to meet the requirements of
9 the land and resource management plan with respect to
10 that land. The plan shall specify such output for each year
11 covered by the plan and for the entire term of the plan.

12 (b) CERTIFICATION.—(1) The Secretary shall certify
13 to the committees referred to in paragraph (2), in writing,
14 that each action undertaken by the Secretary to carry out
15 a land and resource management plan contributes to, or
16 does not preclude, the achievement of the output targets
17 specified under subsection (a).

18 (2) The committees referred to in paragraph (1) are
19 the following:

20 (A) The Committee on Energy and Natural Re-
21 sources of the Senate.

22 (B) The Committee on Natural Resources of
23 the House of Representatives.

24 (c) MONITORING.—The Secretary shall monitor regu-
25 larly the outputs from the multiple-use resource recovery

1 lands designated by section 201(a) in order to ensure
2 that—

3 (1) the output targets specified in the land and
4 resource management plans for such lands are being
5 met; and

6 (2) the implementation of the plans is consist-
7 ent with the plans.

8 (d) CORRECTIVE ACTIONS.—If the Secretary deter-
9 mines that output targets specified in a land and resource
10 management plan are not being met, the Secretary shall—

11 (1) direct that appropriate actions are under-
12 taken in order to ensure that such output targets
13 are met; or

14 (2) amend or revise the plan in order to specify
15 new output targets.

16 **TITLE III—SPECIAL**
17 **MANAGEMENT AREAS**

18 **SEC. 301. DESIGNATION OF SPECIAL MANAGEMENT AREAS.**

19 (a) DESIGNATION OF SPECIAL MANAGEMENT
20 AREAS.—Subject to subsection (b), for the purposes of
21 conserving, protecting, and enhancing the exceptional sce-
22 nic, fish and wildlife, biological, educational, and rec-
23 reational values of certain Federal lands in the State of
24 Montana, the following designations are made:

1 (1) The Hyalite National Education and Recre-
2 ation Area located in the Gallatin National Forest,
3 Montana, comprising approximately 10,240 acres, as
4 generally depicted on a map entitled “Hyalite Na-
5 tional Recreation and Education Area—Proposed”,
6 dated May 1994.

7 (2) The Northwest Peak National Recreation
8 and Scenic Area located in the Kootenai National
9 Forest, Montana, comprising approximately 16,700
10 acres, as generally depicted on a map entitled
11 “Northwest Peak National Recreation and Scenic
12 Area—Proposed”, dated May 1994.

13 (3) The Buckhorn Ridge National Recreation
14 Area located in the Kootenai National Forest, Mon-
15 tana, comprising approximately 22,600 acres, as
16 generally depicted on a map entitled “Buckhorn
17 Ridge National Recreation Area—Proposed”, dated
18 May 1994.

19 (4) The Ross Creek Cedars National Recreation
20 Area located in the Kootenai National Forest, Mon-
21 tana, comprising approximately 700 acres, as gen-
22 erally depicted on a map entitled “Ross Creek Ce-
23 dars National Recreation Area—Proposed”, dated
24 May 1994.

1 (5) The Sapphires National Recreation Area lo-
2 cated in the Deerlodge and Bitterroot National For-
3 ests, Montana, comprising approximately 94,000
4 acres, as generally depicted on a map entitled “Sap-
5 phires National Recreation Area—Proposed”, dated
6 May 1994.

7 (6) The Ten Lakes National Recreation Area
8 located in the Kootenai National Forest, Montana,
9 comprising approximately 34,000 acres, as generally
10 depicted on a map entitled “Ten Lakes National
11 Recreation Area—Proposed”, dated May 1994.

12 (7) The Middle Judith National Recreation
13 Area located in the Lewis and Clark National For-
14 est, Montana, comprising approximately 81,000
15 acres, as generally depicted on a map entitled “Mid-
16 dle Judith National Recreation Area—Proposed”,
17 dated May 1994.

18 (8) The Big Snowies National Recreation Area
19 located in the Lewis and Clark National Forest,
20 Montana, comprising approximately 91,000 acres, as
21 generally depicted on a map entitled “Big Snowies
22 National Recreation Area—Proposed”, dated May
23 1994.

24 (9) The Hyalite-Porcupine-Buffalo National
25 Recreation Area located in the Gallatin National

1 Forest, comprising approximately 127,000 acres, as
2 generally depicted on a map entitled “Hyalite-Porcu-
3 pine-Buffalo National Recreation Area—Proposed”,
4 dated May 1994.

5 (b) ADMINISTRATION OF LANDS.—(1) The Secretary
6 shall administer the areas designated by subsection (a) as
7 components of the National Forests wherein such areas
8 are located. In preparing land and resource management
9 plans for such National Forests in accordance with the
10 Forest and Rangeland Renewable Resources Planning Act
11 of 1974 (16 U.S.C. 1600 et seq.), the Secretary shall em-
12 phasize the achievement with respect to such areas of the
13 purposes for which the areas are designated.

14 (2) The activities that the Secretary may carry out
15 in the areas designated by subsection (a) shall include ac-
16 tivities relating to fire prevention or control, abatement
17 of insect infestation, or disease prevention or control.

18 (3)(A) Subject to such regulations as the Secretary
19 prescribes, the Secretary may—

20 (i) permit the removal of the nonleasable min-
21 erals from lands or interests in lands within the
22 areas designated by subsection (a) in the manner de-
23 scribed by section 10 of the Act of August 4, 1939
24 (43 U.S.C. 387); and

1 (ii) permit the removal of leasable minerals
2 from lands or interests in lands within the recreation
3 areas in accordance with the mineral leasing laws of
4 the United States.

5 (B) The Secretary may permit removal of minerals
6 under subparagraph (A) from recreation areas designated
7 by subsection (a) only if the Secretary determines that
8 such removal would not have a significant adverse effect
9 on the administration of the recreation areas.

10 (4) The Secretary may permit the use of motorized
11 equipment in an area designated by subsection (a) if the
12 Secretary determines that the use is compatible with the
13 purposes for which an area is designated and with the law
14 and land and resource management plans that apply to
15 the area.

16 (c) LIVESTOCK GRAZING.—The Secretary shall per-
17 mit livestock grazing in an area designated by subsection
18 (a) if such grazing was permitted in the area before the
19 date of the enactment of this Act.

20 (d) CONSTRUCTION OF DESIGNATION.—This title
21 may not be construed or interpreted as effecting valid ex-
22 isting rights within the areas designated by subsection (a).

23 (e) DESCRIPTIONS OF PROPERTY.—The exact acre-
24 age and legal description of each area designated by sub-
25 section (a) shall be determined by a survey or such other

1 means as the Secretary determines appropriate. The Sec-
2 retary may correct clerical and typographical errors in
3 such descriptions.

4 (f) SUBMITTAL OF DESCRIPTIONS TO CONGRESS.—
5 Not later than 90 days after the date of the enactment
6 of this Act, the Secretary shall submit to the Committee
7 on Energy and Natural Resources of the Senate and the
8 Committee on Natural Resources of the House of Rep-
9 resentatives a copy of the description (including an appro-
10 priate map or other boundary record) of each area des-
11 ignated by subsection (a).

12 (g) PUBLIC AVAILABILITY OF DESCRIPTIONS.—Each
13 land description prepared under subsection (e) shall be on
14 file and available for public inspection in the following of-
15 fices:

16 (1) The office of the Chief of the Forest Serv-
17 ice.

18 (2) The office of the Region I Forester of the
19 Forest Service.

20 **TITLE IV—WATER RIGHTS**

21 **SEC. 401. WATER RIGHTS ON DESIGNATED LANDS.**

22 (a) PROHIBITION ON CREATION OF EXPRESS OR IM-
23 PLIED RESERVATION OF WATER.—This Act, and the Wil-
24 derness Act (16 U.S.C. 1131 et seq.), may not be con-
25 strued or interpreted to create an express or implied res-

1 ervation of water or water rights in the name of the Unit-
2 ed States with respect to any lands or areas designated
3 by this Act.

4 (b) ACQUISITION OF WATER RIGHTS.—The Sec-
5 retary may acquire such water rights as the Secretary con-
6 siderers appropriate to carry out the administrative respon-
7 sibilities of the Secretary on the lands and areas des-
8 igned by this Act. The substantive and procedural re-
9 quirements of the laws of the State of Montana shall apply
10 to—

11 (1) any water rights acquired by the Secretary
12 under this section; and

13 (2) the allocation and administration of such
14 rights.

15 (c) EFFECT OF ACT ON EXISTING WATER RIGHTS
16 OF STATE OF MONTANA.—This Act may not be construed
17 or interpreted as a relinquishment or reduction of any
18 water rights which may have been reserved by the United
19 States in the State of Montana on or before the date of
20 the enactment of this Act. Any quantification of such
21 water rights shall be—

22 (1) established in accordance with the sub-
23 stantive and procedural laws of the State of Mon-
24 tana;

1 (2) included in the general adjudication of
2 water rights of and within the State of Montana as
3 set forth under the law of the State of Montana; and

4 (3) only for the minimum amount of water nec-
5 essary for purposes associated with the administra-
6 tion of the lands and areas designated by this Act.

7 (d) EFFECT ON UTILIZATION OF WATER DIVERSION
8 STRUCTURES.—(1) This Act may not be construed or in-
9 terpreted to impair in any manner the utilization of water
10 diversion structures or facilities located within any lands
11 or areas designated by this Act.

12 (2)(A) Subject to such regulations as the Secretary
13 shall prescribe, the owner or operator of any canal, ditch,
14 reservoir, headgate, flume, or other water diversion or car-
15 riage facility may have access to the facility in order to
16 maintain, repair, or replace the facility.

17 (B) The regulations prescribed by the Secretary
18 under this paragraph—

19 (i) shall not impair the right to divert or utilize
20 quantities of water which may be established under
21 the laws of the State of Montana;

22 (ii) shall not affect in any manner the ability of
23 the State of Montana to administer waters within
24 lands and areas designated by this Act; and

1 (iii) shall not impair the reasonable use and
2 maintenance of water diversion, storage, or carriage
3 facilities located within lands or areas designated by
4 this Act.

5 **TITLE V—PROTECTION OF**
6 **PRIVATE PROPERTY**

7 **SEC. 501. PROTECTION OF PRIVATE PROPERTY.**

8 (a) STATEMENT OF PRINCIPLE.—Our democracy was
9 founded on the principles of ownership, use and control
10 of private property. These principles are embodied in the
11 fifth amendment to the Constitution prohibiting the tak-
12 ing of private property without payment of just compensa-
13 tion.

14 (b) PROTECTION OF PROPERTY.—In carrying out the
15 provisions of this Act, the Secretary shall—

16 (1) comply with applicable State laws, including
17 laws relating to private property rights and privacy;
18 and

19 (2) administer the Act in a manner consistent
20 with the constitutional rights and other legal rights
21 of private property owners.

1 **TITLE VI—BADGER-TWO**
2 **MEDICINE AREA**

3 **SEC. 601. ADMINISTRATION OF BADGER-TWO MEDICINE**
4 **AREA.**

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of law, the Secretary shall administer the lands re-
7 ferred to in subsection (b) for nonwilderness, multiple-use
8 purposes.

9 (b) COVERED LANDS.—(1) Except as provided in
10 paragraph (2), the lands referred to in subsection (a) are
11 certain lands in the Lewis and Clark National Forest,
12 Montana, which comprise approximately 102,100 acres
13 and are known as Badger-Two Medicine Area.

14 (2) The lands referred to in paragraph (1) shall not
15 include any areas otherwise located in such lands that are
16 designated by the Blackfeet Tribal Council as having spe-
17 cific cultural or religious significance.

18 (c) ADMINISTRATION OF AREAS OF SPECIFIC SIG-
19 NIFICANCE.—The Blackfeet Tribal Council shall, in con-
20 sultation with the National Forest System unit of the For-
21 est Service having jurisdiction over the areas referred to
22 in subsection (b), establish rules and regulations for the
23 administration of the areas referred to in subsection
24 (b)(2).



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