

103^D CONGRESS
2^D SESSION

H. R. 2473

IN THE SENATE OF THE UNITED STATES

MAY 19 (legislative day, MAY 16), 1994

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, 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 referred to as “The Montana Wil-
5 derness Act of 1994”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds that—

3 (1) Many areas of undeveloped National Forest
4 System lands in the State of Montana possess out-
5 standing natural characteristics which give them
6 high value as wilderness and will, if properly pre-
7 served, contribute as an enduring resource of wild
8 land for the benefit of the American people.

9 (2) Preserving areas in their natural roadless
10 condition is a vital component of protecting the
11 biodiversity of lands in Montana and securing and
12 maintaining habitat for threatened and endangered
13 species.

14 (3) The existing Department of Agriculture
15 Land and Resource Management Plans for Forest
16 System lands in the State of Montana have identi-
17 fied areas which, on the basis of their land form,
18 ecosystem, associated wildlife, and location will help
19 to fulfill the National Forest System's share of a
20 quality National Wilderness Preservation System.

21 (4) Review and evaluation of roadless and unde-
22 veloped lands in the National Forest System in Mon-
23 tana have also identified those areas which should be
24 specially managed, deserve further study, or which
25 should be available for multiple uses other than wil-
26 derness, subject to the Forest Service's land man-

1 agement planning process and the provisions of this
2 Act.

3 (5) Montanans and those interested in Mon-
4 tana's wildlands have been fully involved in the for-
5 mulation of this wilderness proposal. That the wil-
6 derness designations recommended in this legislation
7 have been developed with the support of Montana
8 wilderness advocates and is therefore the product of
9 years of negotiations.

10 (b) PURPOSES.—The purposes of this Act are to—

11 (1) designate certain National Forest System
12 lands in the State of Montana as components of the
13 National Wilderness Preservation System, in fur-
14 therance of the purposes of the Wilderness Act (16
15 U.S.C. 1131 et seq.), in order to preserve the wilder-
16 ness character of the land and the health and diver-
17 sity of native populations of fish, wildlife and plants
18 and to protect watersheds and wildlife habitat, pre-
19 serve scenic and historic resources, and promote sci-
20 entific research, primitive recreation, solitude, and
21 physical and mental challenge; and

22 (2) ensure that certain other National Forest
23 System lands in the State of Montana will be made
24 available for uses other than wilderness in accord-

1 ance with applicable national forest laws, planning
2 procedures and the provisions of this Act.

3 **SEC. 3. WILDERNESS DESIGNATIONS.**

4 (a) DESIGNATION.—In furtherance of the purposes of
5 the Wilderness Act of 1964, the following lands in the
6 State of Montana are designated as wilderness and, there-
7 fore, as components of the National Wilderness Preserva-
8 tion System:

9 (1) Certain lands in the Beaverhead, Bitterroot,
10 and Deerlodge National Forests, which comprise ap-
11 proximately 31,600 acres, as generally depicted on a
12 map entitled “Anaconda-Pintler Wilderness Addi-
13 tions—Proposed” (North Big Hole, Storm Lake,
14 Upper East Fork), dated March 1994, and which
15 are hereby incorporated in and shall be deemed to
16 be a part of the Anaconda-Pintler Wilderness.

17 (2) Certain lands in the Beaverhead National
18 Forest, which comprise approximately 33,000 acres,
19 as generally depicted on a map entitled “Italian
20 Peaks Wilderness—Proposed”, dated March 1994,
21 and which shall be known as the Italian Peaks Unit
22 of the Howard Zahnizer Great Divide Wilderness.

23 (3) Certain lands in the Beaverhead National
24 Forest, which comprise approximately 84,920 acres,
25 as generally depicted on a map entitled “East Pio-

1 neer Wilderness—Proposed”, dated March 1994,
2 and which shall be known as the East Pioneer Wil-
3 derness.

4 (4) Certain lands in the Beaverhead National
5 Forest, Montana, comprising approximately 40,000
6 acres, as generally depicted on a map entitled “West
7 Big Hole Wilderness—Proposed”, dated March
8 1994, and which shall be known as the West Big
9 Hole Unit of the Howard Zahnizer Great Divide
10 Wilderness.

11 (5) Certain lands in the Bitterroot, Deerlodge,
12 and Lolo National Forests, which comprise approxi-
13 mately 76,600 acres, as generally depicted on a map
14 entitled “Stony Mountain Wilderness—Proposed”,
15 dated March 1994, and which shall be known as the
16 Stony Mountain Wilderness. The provisions of sec-
17 tion 4 of this Act shall not apply to the portion of
18 such lands within the drainage of the Burnt Fork.

19 (6) Certain lands in the Bitterroot and Lolo
20 National Forests, which comprise approximately
21 55,500 acres, as generally depicted on maps entitled
22 “Selway-Bitterroot Wilderness Additions—Pro-
23 posed”, dated March 1994, and which are hereby in-
24 corporated in and shall be deemed to be a part of
25 the Selway-Bitterroot Wilderness.

1 (7) Certain lands in the Custer National For-
2 est, which comprise approximately 13,700 acres, as
3 generally depicted on a map entitled “Pryor Moun-
4 tains Wilderness—Proposed”, dated March 1994,
5 and which shall be known as the Pryor Mountains
6 Wilderness.

7 (8) Certain lands in the Custer National For-
8 est, which comprise approximately 28,000 acres, as
9 generally depicted on a map entitled “Custer Absa-
10 roka Beartooth Wilderness Additions—Proposed”
11 (Burnt Mountain, Timberline Creek, Stateline, Line
12 Creek Plateau, and Mystic Lake), dated March
13 1994, and which are hereby incorporated in and
14 shall be deemed to be a part of the Absaroka
15 Beartooth Wilderness.

16 (9) Certain lands in the Deerlodge and Helena
17 National Forests, which comprise approximately
18 26,800 acres, as generally depicted on a map enti-
19 tled “Blackfoot Meadow-Electric Peak Wilderness—
20 Proposed”, dated March 1994, and which shall be
21 known as the Blackfoot Meadow Unit of the Howard
22 Zahnizer Great Divide Wilderness.

23 (10) Certain lands in the Flathead and
24 Kootenai National Forests, which comprise approxi-
25 mately 120,400 acres, as generally depicted on a

1 map entitled “North Fork Wilderness—Proposed
2 (Tuchuck, Thompson-Seton, and Mount Hefty)”,
3 dated March 1994, and which shall be known as the
4 North Fork Wilderness.

5 (11) Certain lands in the Flathead, Helena,
6 Lolo, and Lewis and Clark National Forests, which
7 comprise approximately 261,440 acres, as generally
8 depicted on maps entitled “Arnold Bolle Additions to
9 the Bob Marshall Wilderness—Proposed” (Silver
10 King-Falls Creek, Renshaw, Clearwater-Monture,
11 Deep Creek, Teton High Peak, Volcano Reef, Slip-
12 pery Bill, Limestone Cave, Choteau Mountain, and
13 Crown Mountain, Lost Jack, Spotted Bear), dated
14 March 1994, which shall be known as the Arnold
15 Bolle-Bob Marshall Wilderness Additions and are in-
16 corporated in and shall be deemed to be a part of
17 the Bob Marshall Wilderness.

18 (12) Certain lands in the Flathead National
19 Forest, which comprise approximately 960 acres, as
20 generally depicted on a map entitled “Mission Moun-
21 tains Wilderness Additions—Proposed”, dated
22 March 1994, and which are hereby incorporated in
23 and shall be deemed to be a part of the Mission
24 Mountain Wilderness.

1 (13) Certain lands in the Flathead and Lolo
2 National Forests, comprising approximately 175,500
3 acres, as generally depicted on maps entitled “Jewel
4 Basin/Swan Wilderness—Proposed”, dated March
5 1994. Those lands contiguous to the west slope of
6 the Bob Marshall Wilderness referred to in this
7 paragraph are hereby incorporated in and shall be
8 deemed to be a part of the Bob Marshall Wilderness,
9 while the remaining lands shall be known as the
10 Swan Crest Wilderness, the boundaries of which are
11 depicted on the map referenced in this paragraph.

12 (14) Certain lands in the Gallatin National
13 Forest, which comprise approximately 14,440 acres,
14 as generally depicted on a map entitled “Gallatin
15 Absaroka Beartooth Wilderness Additions—Pro-
16 posed” (Dexter Point, Tie Creek and Mt. Rae),
17 dated March 1994, and which are hereby incor-
18 porated in and shall be deemed to be a part of the
19 Absaroka Beartooth Wilderness.

20 (15) Certain lands in the Gallatin and Beaver-
21 head National Forests, which comprise approxi-
22 mately 20,400 acres, as generally depicted on a map
23 entitled “Lee Metcalf Cowboys Heaven Addition—
24 Proposed”, dated March 1994, and which are hereby

1 incorporated in and shall be deemed to be a part of
2 the Lee Metcalf Wilderness.

3 (16) Certain lands in the Gallatin National
4 Forest, which comprise approximately 18,300 acres,
5 as generally depicted on a map entitled “Earthquake
6 Wilderness—Proposed”, dated March 1994, and
7 which shall be known as the Earthquake Unit of the
8 Howard Zahnizer Great Divide Wilderness.

9 (17) Certain lands in the Helena National For-
10 est, which comprise approximately 22,900 acres, as
11 generally depicted on a map entitled “Camas Creek
12 Wilderness—Proposed”, dated March 1994, and
13 which shall be known as the Camas Creek Wilder-
14 ness.

15 (18) Certain lands in the Helena National For-
16 est, which comprise approximately 15,000 acres, as
17 generally depicted on a map entitled “Mount Baldy
18 Wilderness—Proposed”, dated March 1994, and
19 which shall be known as the Mount Baldy Wilder-
20 ness.

21 (19) Certain lands in the Helena National For-
22 est, Montana, which comprise approximately 10,000
23 acres, as generally depicted on a map entitled
24 “Gates of the Mountains Wilderness Additions—
25 Proposed” (Big Log), dated March 1994, and which

1 are hereby incorporated in and shall be deemed to
2 be part of the Gates of the Mountain Wilderness.

3 (20) Certain lands in the Helena National For-
4 est, which comprise approximately 10,700 acres, as
5 generally depicted on a map entitled “Black Moun-
6 tain Wilderness—Proposed”, dated March 1994, and
7 which shall be known as the Black Mountain Unit
8 of the Howard Zahniser Great Divide Wilderness.

9 (21) Certain lands in the Kootenai National
10 Forest, which comprise approximately 39,620 acres,
11 as generally depicted on a map entitled “Cabinet
12 Mountains Wilderness Additions—Proposed”, dated
13 March 1994, and which are hereby incorporated in
14 and shall be deemed to be part of the Cabinet Moun-
15 tains Wilderness.

16 (22) Certain lands in the Kaniksu and Kootenai
17 National Forest, which comprise approximately
18 52,000 acres, as generally depicted on a map enti-
19 tled “Scotchman Peaks Wilderness—Proposed”,
20 dated March 1994, which shall be known as the
21 Scotchman Peaks Wilderness.

22 (23) Certain lands in the Kootenai National
23 Forest which comprise approximately 42,000 acres,
24 as generally depicted on a map entitled “Yaak Wil-
25 derness—Proposed” (Roderick Mountain, Grizzly

1 Peak, Pink Mountain), dated March 1994, which
2 shall be known as the Yaak Wilderness.

3 (24) Certain lands in the Kootenai and Lolo
4 National Forests, which comprise approximately
5 17,900 acres, as generally depicted on a map enti-
6 tled “Cataract Peak Wilderness—Proposed”, dated
7 March 1994, which shall be known as the Cataract
8 Peak Wilderness.

9 (25) Certain lands in the Lolo National Forest,
10 which comprise approximately 19,400 acres, as gen-
11 erally depicted on a map entitled “Cube Iron/Mount
12 Silcox Wilderness—Proposed”, dated March 1994,
13 which shall be known as the Cube Iron/Mount Silcox
14 Wilderness.

15 (26) Certain lands in the Lolo National Forest,
16 which comprise approximately 94,700 acres, as gen-
17 erally depicted on a map entitled “Great Burn Wil-
18 derness—Proposed”, dated March 1994, which shall
19 be known as the Great Burn Wilderness.

20 (27) Certain lands in the Lolo National Forest,
21 which comprise approximately 60,100 acres, as gen-
22 erally depicted on a map entitled “Quigg Peak Wil-
23 derness—Proposed”, dated March 1994, which shall
24 be known as the Quigg Peak Wilderness.

1 (28) Certain lands in the Kootenai National
2 Forest, which comprise approximately 24,600 acres,
3 as generally depicted on a map entitled “Trout
4 Creek Wilderness—Proposed”, dated March 1994,
5 and which shall be known as the Trout Creek Wil-
6 derness.

7 (29) Certain lands in the Helena National For-
8 est, which comprise approximately 21,700 acres, as
9 generally depicted on a map entitled “Nevada Moun-
10 tain Wilderness—Proposed”, dated March 1994, and
11 which shall be known as the Nevada Mountain Unit
12 of the Howard Zahnizer Great Divide Wilderness.

13 (30) Certain lands in the Helena National For-
14 est, which comprise approximately 56,100 acres, as
15 generally depicted on a map entitled “Elkhorn Wil-
16 derness—Proposed”, dated March 1994, and which
17 shall be known as the Elkhorn Wilderness.

18 (31) Certain lands in the Gallatin National
19 Forest, which comprise approximately 500 acres, as
20 generally depicted on a map entitled “North Absa-
21 roka Wilderness Addition—Proposed (Republic
22 Mountain)”, dated March 1994, and which are here-
23 by incorporated in and shall be deemed a part of the
24 North Absaroka Wilderness.

1 (32) Certain lands in the Beaverhead National
2 Forest, which comprises approximately 90,000 acres,
3 as generally depicted on a map entitled “Snowcrest
4 Wilderness—Proposed”, dated March 1994 and
5 shall be known as the Snowcrest Wilderness.

6 (33) Certain lands in the Beaverhead National
7 Forest, which comprise approximately 4,700 acres,
8 as generally depicted on a map entitled “Mount Jef-
9 ferson Wilderness—Proposed”, dated March 1994
10 and shall be known as the Mount Jefferson Unit of
11 the Howard Zahnizer Great Divide Wilderness.

12 (34) Certain lands in the Deerlodge National
13 Forest which comprise about 30,300 acres, as gen-
14 erally, depicted on a map entitled “Flint Creek Wil-
15 derness—Proposed”, dated March 1994 and shall be
16 known as the Flint Creek Wilderness.

17 (35) Certain lands in the Gallatin and Lewis
18 and Clark National Forests, which comprise approxi-
19 mately 34,800 acres, as generally depicted on a map
20 entitled “Crazy Mountain Wilderness—Proposed”,
21 dated March 1994 and shall be known as the Crazy
22 Mountain Wilderness.

23 (36) Certain lands in the Beaverhead and
24 Deerlodge National Forests, which comprise approxi-
25 mately 19,500 acres, as generally depicted on a map

1 entitled “Tobacco Roots Wilderness—Proposed”,
2 dated March 1994, and shall be known as the To-
3 bacco Roots Wilderness.

4 (b) MAPS AND DESCRIPTIONS.—(1) The Secretary of
5 Agriculture (hereinafter referred to as the “Secretary”)
6 shall file the maps referred to in this section and legal
7 descriptions of each wilderness area designated by this
8 section with the Committee on Energy and Natural Re-
9 sources of the United States Senate and the Committee
10 on Natural Resources of the United States House of Rep-
11 resentatives, and each such map and legal description
12 shall have the same force and effect as if included in this
13 Act.

14 (2) The Secretary may correct clerical and typo-
15 graphical errors in the maps and legal descriptions sub-
16 mitted pursuant to this section.

17 (3) Each map and legal description referred to in this
18 section shall be on file and available for public inspection
19 in the office of the Chief of the Forest Service, Washing-
20 ton, D.C. and at the office of the Regional Forester of
21 the Northern Region.

22 (c) ADMINISTRATION.—Subject to valid existing
23 rights, each wilderness area designated by this section
24 shall be administered by the Secretary of Agriculture in
25 accordance with the provisions of the Wilderness Act of

1 1964, except that, with respect to any area designated in
2 this section, any reference to the effective date of the Wil-
3 derness Act shall be deemed to be a reference to the date
4 of enactment of this Act.

5 (d) WILDERNESS AREA PERIMETERS.—Congress
6 does not intend that the designation of wilderness areas
7 in this section will lead to the creation of protective perim-
8 eters or buffer zones around such areas. The fact that
9 nonwilderness activities or uses can be seen or heard from
10 areas within a wilderness area shall not, of itself, preclude
11 such activities or uses up to the boundary of the wilder-
12 ness area.

13 (e) GRAZING.—The grazing of livestock, where estab-
14 lished prior to the date of enactment of this Act, in wilder-
15 ness areas designated in this section shall be administered
16 in accordance with section 4(d)(4) of the Wilderness Act
17 of 1964 and section 108 of an Act entitled “An Act to
18 designate certain National Forest System Lands in the
19 States of Colorado, South Dakota, Missouri, South Caro-
20 lina, and Louisiana for inclusion in the National Wilder-
21 ness Preservation System, and for other purposes” (94
22 Stat. 3271; 16 U.S.C. 1133 note).

23 (f) STATE FISH AND GAME AUTHORITY.—In accord-
24 ance with section 4(d)(7) of the Wilderness Act of 1964,
25 nothing in this Act shall be construed as affecting the ju-

1 jurisdiction or responsibilities of the State of Montana with
2 respect to wildlife and fish in the national forests of Mon-
3 tana.

4 (g) HUNTING.—Nothing in this Act or the Wilder-
5 ness Act of 1964 shall be construed to prohibit hunting
6 within the wilderness areas designated in this section.

7 (h) COLLECTION DEVICES.—(1) Within the wilder-
8 ness areas designated in this section, maintenance and re-
9 placement of essential hydrological, meteorological, or cli-
10 matological collection devices and ancillary facilities are
11 permitted, subject to such conditions as the Secretary
12 deems desirable.

13 (2) Access to the devices and facilities described in
14 paragraph (1) shall be by the least intrusive practicable
15 means available as determined by the Secretary. Access,
16 installation, and maintenance shall be compatible with the
17 provisions of the Wilderness Act.

18 (i) CITIZEN INVOLVEMENT.—The wilderness manag-
19 ing agencies are hereby authorized to use citizen advisory
20 groups, task forces, and ad hoc committees among the
21 public involvement techniques employed to assist the agen-
22 cies in the development of wilderness management direc-
23 tion.

1 **SEC. 4. WATER.**

2 (a) FINDINGS, PURPOSES, AND DEFINITIONS.—(1)

3 The Congress finds that—

4 (A) the lands designated as wilderness by this
5 Act are located at the headwaters of the streams
6 and rivers on those lands, with no actual or pro-
7 posed water resource facilities located upstream
8 from such lands and no opportunities for diversion,
9 storage, or other uses of water occurring outside
10 such lands that would adversely affect the wilderness
11 values of such lands;

12 (B) the lands designated as wilderness by this
13 Act are not suitable for use for development of new
14 water resource facilities, or for the expansion of ex-
15 isting water resource facilities; and

16 (C) therefore, it is possible to provide for prop-
17 er management and protection of the water-related
18 wilderness values of such lands in ways different
19 from those utilized in other legislation designating
20 as wilderness lands not sharing the attributes of the
21 lands designated as wilderness by this Act.

22 (2) The purpose of this section is to protect the
23 water-related wilderness values of the lands designated as
24 wilderness by this Act by means other than those based
25 on a Federal reserved water right.

26 (3) As used in this section—

1 (A) the term “water resource facility” means ir-
2 rigation and pumping facilities, reservoirs, water
3 conservation works, aqueducts, canals, ditches, pipe-
4 lines, wells, hydropower projects, and transmission
5 and other ancillary facilities, and other water diver-
6 sion, storage, and carriage structures; and

7 (B) the term “historic”, used with reference to
8 rates of flow, quantities of use, or timing or fre-
9 quency of use of water, means the pattern of actual
10 average annual use or operation of a facility prior to
11 the date of enactment of this Act.

12 (b) RESTRICTION ON CLAIMS AND CLARIFICATION OF
13 EFFECT.—(1) Notwithstanding any other provision of
14 law, no court or agency shall have any jurisdiction under
15 any Act of Congress (including the “McCarran Amend-
16 ment”, 43 U.S.C. 666) to consider any claim on behalf
17 of the United States asserted by the Secretary or by any
18 other person to or for water or water rights in the State
19 of Montana based on any construction of any portion of
20 this Act, or the designation of any lands as wilderness by
21 this Act, as constituting an express or implied reservation
22 of water or water rights.

23 (2)(A) Nothing in this Act shall be construed as a
24 creation, recognition, disclaimer, relinquishment, or reduc-
25 tion of any water rights of the United States in the State

1 of Montana existing before the date of enactment of this
2 Act.

3 (B) Nothing in this Act shall be construed as con-
4 stituting an interpretation of any other Act or any des-
5 ignation made by or pursuant thereto.

6 (C) Nothing in this Act shall be construed as estab-
7 lishing a precedent with regard to any future wilderness
8 designations.

9 (c) PROHIBITION OF NEW OR EXPANDED
10 PROJECTS.—(1) Notwithstanding any other provision of
11 law, on and after the date of enactment of this Act neither
12 the President nor any other officer, employee, or agent
13 of the United States shall fund, assist, authorize, or issue
14 a license or permit for, or exempt from licensing or permit-
15 ting—

16 (A) the development of any new water resource
17 facility within the lands designated as wilderness or
18 for wilderness study by this Act; or

19 (B) the enlargement of a water resource facility
20 or the expansion of the historic rate of diversion,
21 quantity of use, or timing or frequency of use of a
22 water resource facility that is located within or that
23 would adversely affect the wilderness values of lands
24 designated as wilderness or for wilderness study by
25 this Act.

1 (2) Except as provided in subsection (d) of this sec-
2 tion, nothing in this Act shall be construed to affect or
3 limit operation, maintenance, repair, modification, or re-
4 placement without enlargement of water resource facilities
5 in existence on the date of enactment of this Act located
6 within the boundaries of the lands designated as wilder-
7 ness or for wilderness study by this Act.

8 (d) ACCESS AND OPERATION.—(1) Subject to the
9 provisions of this subsection, the Secretary shall allow rea-
10 sonable access to water resource facilities in existence on
11 the date of enactment of this Act located within lands des-
12 ignated as wilderness or for wilderness study by this Act,
13 including motorized access where necessary and customar-
14 ily employed on routes existing as of the date of enactment
15 of this Act.

16 (2) Subject to the provisions of this subsection, the
17 Secretary, to the extent required for the continued exercise
18 of any valid water rights associated with such facilities,
19 shall allow the present diversion, carriage, and storage ca-
20 pacity of water resource facilities existing on the date of
21 enactment of this Act located within lands designated as
22 wilderness or for wilderness study by this Act, and access
23 routes to such facilities existing and customarily employed
24 as of such date, to be operated, maintained, repaired, and
25 replaced as necessary to maintain the present function, de-

1 sign, and serviceable operation of such facilities and
2 routes, so long as such activities have no greater adverse
3 impacts on wilderness values than as of the date of enact-
4 ment of this Act.

5 (3) Water resource facilities, and access routes serv-
6 ing such facilities, existing on the date of enactment of
7 this Act shall be maintained and repaired when and to
8 the extent necessary to prevent increased adverse impacts
9 on wilderness values.

10 (4) There shall be no enlargement in the historic rate
11 of diversion, quantity of use, or timing or frequency of
12 use of water resource facilities existing on the date of en-
13 actment of this Act located within lands designated as wil-
14 derness or for wilderness study by this Act.

15 (e) MONITORING AND IMPLEMENTATION.—(1) The
16 Secretary of Agriculture shall monitor the operation of
17 and access to water resource facilities within the bound-
18 aries of the lands designated as wilderness and for wilder-
19 ness study by this Act, and shall take all steps that the
20 Secretary finds necessary or desirable in order to further
21 the protection of the resources and values of such lands
22 and to implement the provisions of this section, including,
23 to the extent consistent with this Act, the utilization of
24 any procedures available under Federal or State law, in-
25 cluding laws of the State of Montana concerning either

1 the utilization of water or the establishment, adjudication,
2 and administration of water rights.

3 (2) In implementing subsection (d)(3), the Secretary
4 may require the owners of water resource facilities or par-
5 ties entitled to use access routes to perform necessary
6 maintenance or repairs, and may require the relocation or
7 removal of such facilities or such routes if such necessary
8 maintenance or repairs are not performed or not feasible
9 or such facilities or routes are no longer in use.

10 (f) APPLICATION TO OTHER AREAS.—Solely for pur-
11 poses of implementation of subsections (c), (d), and (e)
12 of this section, lands in Montana which as of the date of
13 enactment of this Act are managed as wilderness study
14 areas pursuant to Public Law 95–150 shall be deemed to
15 have been designated for wilderness study by this Act, and
16 such lands shall be managed pursuant to the provisions
17 of such subsections in addition to other applicable provi-
18 sions of law.

19 **SEC. 5. SPECIAL MANAGEMENT AREAS.**

20 (a) DESIGNATIONS.—For the purposes of conserving,
21 protecting and enhancing the exceptional scenic, fish and
22 wildlife, biological, educational and recreational values of
23 certain National Forest System lands in the State of Mon-
24 tana, the following designations are made:

1 (1) The Mount Helena National Education and
2 Recreation Area located in the Helena National For-
3 est, comprising approximately 5,220 acres, as gen-
4 erally depicted on a map entitled “Mount Helena
5 National Education and Recreation Area—Pro-
6 posed”, dated March 1994.

7 (2) The Hyalite National Education and Recre-
8 ation Area located in the Gallatin National Forest,
9 comprising approximately 18,900 acres, as generally
10 depicted on a map entitled “Hyalite National Edu-
11 cation and Recreation Area—Proposed”, dated
12 March 1994.

13 (3) The Northwest Peak National Recreation
14 Area located in the Kaniksu and Kootenai National
15 Forests, comprising approximately 16,700 acres, as
16 generally depicted on a map entitled “Northwest
17 Peak National Recreation and Scenic Area—Pro-
18 posed”, dated March 1994.

19 (4) The Buckhorn Ridge National Recreation
20 Area located in the Kaniksu and Kootenai National
21 Forests, comprising approximately 22,600 acres, as
22 generally depicted on a map entitled “Buckhorn
23 Ridge National Recreation Area—Proposed”, dated
24 March 1994.

1 (5) The West Big Hole National Recreation
2 Area located in the Beaverhead National Forest,
3 comprising approximately 90,000 acres, as generally
4 depicted on a map entitled “West Big Hole National
5 Recreation Area—Proposed”, dated March 1994,
6 and which shall be known as the West Big Hole Na-
7 tional Recreation Area.

8 (6) The LeBeau Natural Area located on the
9 Kootenai and Flathead National Forests comprising
10 approximately 5,350 acres, as generally depicted on
11 a map entitled “LeBeau Natural Area—Proposed”,
12 dated March 1994.

13 (7) The Ross Creek Cedars Natural Area lo-
14 cated on the Kootenai National Forest comprising
15 approximately 700 acres, as generally depicted on a
16 map entitled “Ross Creek Cedars Natural Area—
17 Proposed”, dated March 1994.

18 (8) The McIntire Natural Area located on the
19 Kootenai National Forest comprising approximately
20 75,000 acres, as generally depicted on a map enti-
21 tled “McIntire Natural Area—Proposed”, dated
22 March 1994.

23 (b) MAPS AND BOUNDARY DESCRIPTIONS.—The Sec-
24 retary shall file a map and boundary description for each
25 area referred to in this section with the Committee on En-

1 ergy and Natural Resources, United States Senate, and
2 the Committee on Natural Resources, United States
3 House of Representatives, and each such map and bound-
4 ary description shall have the same force and effect as if
5 included in this Act: *Provided*, That the Secretary may
6 correct clerical and typographical errors in such maps and
7 boundary descriptions. Each such map and boundary de-
8 scription shall be on file and available for public inspection
9 in the office of the Chief of the Forest Service and the
10 office of the Regional Forester of the Northern Region.

11 (c) MANAGEMENT.—(1) Except as otherwise may be
12 provided in this subsection, the Secretary shall administer
13 the areas designated in subsection (a) so as to achieve the
14 purposes of their designation and in accordance with the
15 laws and regulations applicable to the National Forest
16 System.

17 (2) Subject to valid existing rights, all federally
18 owned lands within the areas designated in subsection (a)
19 are hereby withdrawn from all forms of entry, appropria-
20 tion and disposal under the mining and public land laws,
21 and disposition under the geothermal and mineral leasing
22 laws.

23 (3) Commercial timber harvesting is prohibited in the
24 areas designated by this section with the following excep-
25 tions:

1 (A) Nothing in this Act shall preclude such
2 measures which the Secretary, in his discretion,
3 deems necessary in the event of fire, or infestation
4 of insects or disease.

5 (B) Fuel wood, post and pole gathering may be
6 permitted.

7 (C) Commercial timber harvesting may be per-
8 mitted in the Hyalite National Recreation and Edu-
9 cation Area, and the McIntire Natural Area but
10 must be compatible with the purposes of its designa-
11 tion.

12 (4) Where the Secretary determines that such use is
13 compatible with the purposes for which an area is des-
14 ignated, the use of motorized equipment may be permitted
15 in the areas subject to applicable law and applicable land
16 and resource management plans.

17 (5) The grazing of livestock, where established prior
18 to the date of enactment of this Act may be permitted
19 to continue subject to applicable law and regulations of
20 the Secretary.

21 (d) NATIONAL EDUCATION AND RECREATION AREAS
22 AND NATURAL AREAS.—(1) The Secretary shall manage
23 the Mount Helena and Hyalite National Education and
24 Recreation Areas with a focus on education. All manage-
25 ment activities shall be conducted in a manner that pro-

1 vides the public with an opportunity to become better in-
2 formed about natural resource protection and manage-
3 ment.

4 (2) The Secretary shall manage the LeBeau,
5 McIntire and Ross Creek Cedars Natural Areas for the
6 enhancement of biodiversity and scientific study. These
7 forests' unique natural qualities are to be the focus of the
8 area's management.

9 (e) LAND AND RESOURCE MANAGEMENT PLANS.—

10 (1) Those areas established pursuant to subsection (a)
11 shall be administered as components of the national for-
12 ests wherein they are located. Land and resource manage-
13 ment plans for the affected national forests prepared in
14 accordance with the Forest and Rangeland Renewable Re-
15 sources Planning Act, as amended by the National Forest
16 Management Act, shall be amended to be consistent with
17 the purposes for which the areas are designated. The pro-
18 visions of the national forest land and resource manage-
19 ment plan, relating to each area designated by this sec-
20 tion, shall also be available to the public in a document
21 separate from the rest of the forest plan.

22 (2) The Secretary shall manage the McIntire Natural
23 Area with the goal of managing the Area to develop and
24 test new management approaches that achieve ecological
25 health. Management activities should be focused on im-

1 proving water quality, riparian area condition, and stream
2 channel stability. The emphasis will be on testing and eval-
3 uating ecosystem management approaches. Timber har-
4 vest activities that minimize soil effects and impacts to
5 residual vegetation may be allowed. Silvicultural prescrip-
6 tions will emphasize structural and vegetative diversity
7 within stands, as distinguished from even-age manage-
8 ment prescriptions as a usual treatment. Development of
9 late-successional forests will be emphasized on portions of
10 the Natural Area.

11 **SEC. 6. WILDERNESS STUDY AREAS.**

12 (a) DESIGNATION.—The following areas are hereby
13 designated as wilderness study areas and shall be man-
14 aged in accordance with the provisions of this section:

15 (1) Certain lands on the Gallatin National For-
16 est, comprising approximately 21,500 acres, as gen-
17 erally depicted on a map entitled “Sawtooth Moun-
18 tain Wilderness Study Area—Proposed”, dated Sep-
19 tember 1992.

20 (2) Certain lands in the Lolo National Forest
21 which comprise approximately 22,000 acres, as gen-
22 erally depicted on a map entitled “Sheep Mountain
23 Wilderness Study Area—Proposed”, dated Novem-
24 ber 1991.

1 (3) Certain lands in the Lewis and Clark and
2 Gallatin National Forests, which comprise approxi-
3 mately 111,700 acres, as generally depicted on a
4 map entitled “Crazy Mountain Wilderness Study
5 Area—Proposed”, dated October 1992. The Forest
6 Service shall complete a study of public and private
7 land consolidation alternatives for this area which
8 shall be submitted to the appropriate committees of
9 Congress 2 years after the date of the enactment of
10 this Act.

11 (4) Certain lands in the Gallatin National For-
12 est, which comprise approximately 4,500 acres, as
13 generally depicted on a map entitled “South Cotton-
14 wood Wilderness Study Area—Proposed,” dated
15 September, 1992, and shall be managed as part of
16 the Gallatin Wilderness Study Area in accordance
17 with Public Law 95–150.

18 (5) Certain lands in the Lewis and Clark Na-
19 tional Forest which comprise approximately 94,000
20 acres, as generally depicted on a map entitled “Ten-
21 derfoot-Deep Creek Wilderness—Proposed”, dated
22 March 1994.

23 (b) REPORT.—When the forest plans are revised, the
24 Secretary shall submit a report to the Committee on En-
25 ergy and Natural Resources of the United States Senate

1 and the Committee on Natural Resources of the United
2 States House of Representatives containing recommenda-
3 tions as to whether the areas designated in subsection (a)
4 should be added as components of the National Wilderness
5 Preservation System.

6 (c) MANAGEMENT.—Subject to valid existing rights,
7 the wilderness study areas designated in subsection (a)
8 shall be managed to protect their suitability for inclusion
9 in the National Wilderness Preservation System.

10 (d) MAPS.—The Secretary shall file a map and
11 boundary description for each area referred to in this sec-
12 tion with the Committee on Natural Resources, United
13 States House of Representatives, and the Committee on
14 Energy and Natural Resources, United States Senate, and
15 each such map and boundary description shall have the
16 same force and effect as if included in this Act: *Provided*,
17 That correction of clerical and typographical errors in
18 these maps may be made. Each map and boundary de-
19 scription shall be on file and available for public inspection
20 in the office of the Chief of the Forest Service and the
21 Regional Forester of the Northern Region.

22 **SEC. 7. BADGER-TWO MEDICINE AREA.**

23 (a) WITHDRAWAL.—(1) Subject to valid existing
24 rights including rights held by the Blackfeet Nation under
25 existing treaties and statute, all federally owned lands as

1 depicted on a map entitled “Badger-Two Medicine Area”,
2 dated September 1991, comprising approximately 116,600
3 acres, are withdrawn from all forms of entry, appropria-
4 tion, and disposal under the mining and public land laws
5 and from disposition under the geothermal and mineral
6 leasing laws. Until otherwise directed by Congress, the
7 Secretary shall manage this area so as to protect its wil-
8 derness qualities.

9 (2) Nothing in this section shall preclude the gather-
10 ing of timber by the Blackfeet Nation in exercise of and
11 consistent with valid treaty rights within the Badger-Two
12 Medicine Area.

13 (3)(A) With respect to oil and gas leases on Federal
14 lands within the Badger-Two Medicine Area, no surface
15 disturbance shall be permitted pursuant to such leases
16 until Congress determines otherwise.

17 (B) Notwithstanding any other law, the term of any
18 oil and gas lease subject to the limitations imposed by this
19 section shall be extended for a period of time equal to the
20 term that such limitation remains in effect.

21 (b) REVIEW.—The Secretary shall conduct a review
22 of the area referred to in subsection (a) as to its availabil-
23 ity for inclusion in the National Wilderness Preservation
24 System and in accordance with the provisions of this sub-
25 section. Not later than 5 years after the date of enactment

1 of this Act, the Secretary shall report to Congress. In con-
2 ducting this review:

3 (1) The Secretary shall establish a committee
4 composed of 2 representatives from the Blackfeet
5 Nation, as well as one representative from the Na-
6 tional Park Service, one representative from the
7 Forest Service, and representatives of various con-
8 cerned user groups, including proportional represen-
9 tation for environmental groups, industry groups
10 and other interested parties. The Committee shall
11 not exceed eleven members. The Blackfeet Tribal
12 Business Council shall choose the 2 Tribal rep-
13 resentatives. The Blackfeet Tribal Business Council
14 shall conduct a public meeting to receive rec-
15 ommendations of the community regarding the selec-
16 tion of these members. The committee shall regu-
17 larly advise the Secretary during the preparation of
18 the report required in this subsection and submit its
19 findings to Congress concurrently with those of the
20 Secretary.

21 (2) Special consideration shall be given to the
22 religious, wilderness and wildlife uses of the area,
23 taking into account any treaties the United States
24 has entered into with the Blackfeet Nation.

1 (3) In consultation with the committee, the Sec-
2 retary shall establish a process to provide informa-
3 tion to the Blackfeet Nation and interested public
4 about options for future designation of the Badger-
5 Two Medicine Area.

6 (c) RIGHTS.—Nothing in this section shall be con-
7 strued to diminish, prejudice, add to, or otherwise affect
8 the treaty rights of the Blackfeet Nation or the rights of
9 the United States.

10 (d) MAP AND BOUNDARY DESCRIPTION.—(1) The
11 Secretary shall file a map and boundary description of the
12 area designated by this section with the Committee on En-
13 ergy and Natural Resources, United States Senate and
14 Committee on Natural Resources of the United States
15 House of Representatives and such map and boundary de-
16 scription shall have the same force and effect as if in-
17 cluded in this Act.

18 (2) The Secretary may correct clerical and typo-
19 graphical errors in the map and boundary description sub-
20 mitted pursuant to this section.

21 (3) The map and boundary description referred to in
22 this section shall be on file and available for public inspec-
23 tion in the office of the Chief of the Forest Service and
24 the office of the Regional Forester of the Northern Re-
25 gion.

1 **SEC. 8. LANDS ADMINISTERED BY BUREAU OF LAND MAN-**
2 **AGEMENT.**

3 (a) FINDINGS.—The Congress has reviewed the suit-
4 ability of a portion of the Axolotl Lakes Wilderness Study
5 Area (MT–076–069, BLM Wilderness Study Number) as
6 generally depicted on a map entitled “Released portion of
7 Axolotl Lakes WSA”, dated September 1992, for wilder-
8 ness designation and finds that this portion has been suffi-
9 ciently studied for wilderness pursuant to section 603 of
10 the Federal Land Policy and Management Act of 1976
11 (43 U.S.C. 1782).

12 (b) DIRECTION.—The area described in subsection
13 (a) shall no longer be subject to the requirement of section
14 603(c) of the Federal Land Policy and Management Act
15 of 1976 pertaining to management in a manner that does
16 not impair suitability for preservation as wilderness.

17 (c) ADMINISTRATIVE JURISDICTION.—Those lands
18 designated as wilderness pursuant to section 3(a) of this
19 Act, which, as of the date of enactment of this Act, are
20 administered by the Secretary of the Interior as public
21 lands (as defined in the Federal Land Policy and Manage-
22 ment Act of 1976), are hereby transferred to the jurisdic-
23 tion of the Secretary of Agriculture, and shall be added
24 to and managed as part of the National Forest System,
25 and the boundaries of the adjacent National Forests are
26 hereby modified to include such lands.

1 (d) LAND AND WATER CONSERVATION FUND.—For
2 purposes of section 7 of the Land and Water Conservation
3 Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries
4 of affected National Forests, as modified by this section,
5 shall be considered to be the boundaries of such National
6 Forests as if they were the boundaries of the National
7 Forests as of January 1, 1965. Money appropriated from
8 the Land and Water Conservation Fund shall be available
9 for the acquisition of lands, waters, and interests therein
10 in furtherance of the purposes of this Act.

11 **SEC. 9. MONTANA ECOSYSTEM AND ECONOMICS STUDY.**

12 (a) DEFINITIONS.—For the purposes of this section:

13 (1) The term “ecosystem” means a dynamic
14 complex of plant, animal and microorganism commu-
15 nities and their nonliving environment interacting as
16 a functional unit.

17 (2) The term “Northern Rockies” means Fed-
18 eral lands and resources in the State of Montana.

19 (3) The term “Panel” means the independent
20 scientific panel for the study of the Northern Rock-
21 ies ecosystem established under subsection (b).

22 (b) INDEPENDENT SCIENTIFIC PANEL FOR THE
23 STUDY OF THE NORTHERN ROCKIES ECOSYSTEM.—

24 (1) ESTABLISHMENT.—The President shall es-
25 tablish an independent scientific panel for the study

1 of the Northern Rockies. The Panel shall conduct
2 the study and submit the reports and recommenda-
3 tions required by subsection (c).

4 (2) MEMBERSHIP.—(A) The Panel established
5 under this subsection shall be composed of 11 mem-
6 bers, appointed by the President, from a list of can-
7 didates to be developed and submitted to the Presi-
8 dent by the National Academy of Sciences and lists
9 from well-established professional societies with an
10 interest in the environmental sciences.

11 (B) Each member of the Panel shall be a recog-
12 nized expert in the field for which the member is
13 considered for appointment and shall be free of eco-
14 nomic conflict of interest with regard to the subject
15 of this section. Each member also shall have re-
16 search experience in the Northern Rockies region or
17 otherwise be familiar with the issues and ecology of
18 the region. As a whole, membership of the Panel
19 shall represent an appropriately broad diversity of
20 disciplines, and members shall have recognized expe-
21 rience in natural sciences, economics, and adminis-
22 trative policy.

23 (C) The list of candidates provided by the Na-
24 tional Academy of Sciences shall consist of at least

1 twice as many nominees as positions available in
2 each category specified in this section.

3 (D) The Panel shall work cooperatively with all
4 relevant State and Federal agencies, university re-
5 search stations and departments, and Indian tribes.

6 (E) The Panel may establish, at its discretion,
7 such subregional review teams and working groups
8 as it deems necessary to complete its tasks in a
9 timely and professional manner.

10 (3) PAY AND EXPENSES.—(A) Except as pro-
11 vided in subparagraph (B), members of the Panel
12 established under this subsection shall each be paid
13 at a rate not to exceed, and consistent with, the rate
14 paid to employees of the United States performing
15 similar duties and with similar qualifications for
16 each day (including travel time) during which they
17 are engaged in the actual performance of duties
18 vested in the Panel. While away from their homes or
19 regular places of business in the performance of
20 services for the Panel, members of the Panel shall
21 be allowed travel expenses, including per diem in lieu
22 of subsistence, in the same manner as persons em-
23 ployed intermittently in Government service are al-
24 lowed expenses under section 5703 of title 5, United
25 States Code.

1 (B) Other than reimbursement of expenses pur-
2 suant to subparagraph (A), members of the Panel
3 who are full-time officers or employees of the United
4 States shall receive no additional pay, allowances, or
5 benefits by reason of their service on the Panel.

6 (4) CHAIRPERSON.—The Chairperson of the
7 Panel shall be appointed by the President.

8 (5) AGENCY ASSISTANCE.—Upon request of the
9 Panel, the head of any Federal agency shall provide
10 facilities, equipment, personnel, and other types of
11 support to the Panel to assist the Panel in carrying
12 out its duties under this Act.

13 (6) TERMINATION.—The Panel shall terminate
14 30 days after the submission of the final report
15 under subsection (c).

16 (c) STUDY OF ECOSYSTEMS MANAGEMENT OF THE
17 NORTHERN ROCKIES.—

18 (1) STUDY.—(A) The Panel shall define the
19 boundaries of, and map, the ecosystems of the
20 Northern Rockies, including any corridors the Panel
21 deems necessary to connect isolated ecosystems. In
22 making the determination of ecosystem boundaries,
23 the Panel shall consider—

24 (i) restoration and maintenance of natural
25 biological diversity;

1 (ii) productivity on a long-term, sustain-
2 able basis of essential natural ecological ele-
3 ments, functions, and successional processes;

4 (iii) preservation of the integrity of genetic
5 stocks of native communities of plants and ani-
6 mals, with an emphasis on areas of high species
7 richness and endemism;

8 (iv) restoration or maintenance or protec-
9 tion of high water quality instream flows and
10 watersheds (or riparian areas) sufficient to pro-
11 tect fish and wildlife;

12 (v) maintaining biological connectivity be-
13 tween and among physiographic provinces; and

14 (vi) maintenance of long-term, sustainable
15 outputs of economically valuable natural re-
16 sources.

17 (B)(i) The Panel shall define the essential man-
18 agement purpose and biological function and desired
19 condition of the ecosystems defined under subpara-
20 graph (A). In conjunction with carrying out sub-
21 paragraph (A), the Panel shall assess the ecological
22 status and trends, including, where appropriate, lev-
23 els of risks associated with applicable management
24 alternatives of water quality, riparian areas, and
25 fisheries; uncommon, rare, threatened, and endan-

1 gered species; rangelands; soils; and late successional
2 old growth forest.

3 (ii) The Panel shall analyze the timber quan-
4 tity, quality, and growth on the existing timber base
5 as well as the success of reforestation in the region
6 to date, probable rates of reforestation success in the
7 future, and their effect on timber supply and related
8 issues.

9 (C) The Panel shall gather and display in a
10 useful form biological data from each of the
11 ecosystems defined under subparagraph (A).

12 (D) The Panel shall identify gaps in important
13 research areas and contract for or otherwise obtain
14 research necessary in the short term to accomplish
15 the duties of the Panel under this section.

16 (E) The Panel shall analyze Federal land own-
17 ership patterns and associated Federal land manage-
18 ment mandates and practices within the ecosystems
19 identified in subparagraph (A) and identify those
20 mandates and practices which are inconsistent or in-
21 compatible with ecosystem management levels of risk
22 identified under subparagraph (B).

23 (F) The Panel shall identify opportunities to
24 encourage sustainable economic use of the natural
25 resources of the ecosystems identified by the Panel

1 and the sustainable economic outputs identified in
2 subparagraph (A)(vi), in a manner consistent with
3 the goals and purposes of those ecosystems. Special
4 emphasis shall be placed on the identification of op-
5 portunities for the maintenance and growth of small
6 businesses and the establishment of new small busi-
7 nesses consistent with the goals and purposes of
8 those ecosystems. In making these recommendations,
9 the Panel should consider opportunities to improve
10 environmental conditions that could permit an ex-
11 pansion of the sustainable contribution of commodity
12 and noncommodity uses and outputs of natural re-
13 sources, including but not limited to each of the fol-
14 lowing:

15 (i) Increasing desirable natural vegetative
16 growth through reforestation with native spe-
17 cies, thinning and other timber stand modifica-
18 tions, prescribed burning, and seeding or plant-
19 ing native grasses, forbs, and shrubs.

20 (ii) Improving the quality of other biologi-
21 cal resources (such as species diversity and ani-
22 mal populations) through habitat restoration,
23 extended timber rotations, alternative timber
24 harvesting and bidding systems, and different

standards and methods for road construction, maintenance, closure, and eradication.

(iii) Enhancing the quality of non-biological resources (such as recreation trails and developments, watersheds and streams), through site restoration and rehabilitation, demand management (such as user regulation and enforcement, marketing to shift timing and location of uses) and investment in recreational use.

(2) RECOMMENDATIONS.—The Panel shall submit recommendations on each of the following:

(A) Specific, implementable steps for management of the ecosystems defined under paragraph (1)(A), including removal of inconsistent or incompatible mandates and practices identified under paragraph (1)(E).

(B) Ways to better monitor the resources within the ecosystems.

(C) Ways to create or improve direct cooperation between scientists both within and without the Federal Government and Federal land managers.

(D) Methods, including incentives by which State and private landowners might cooperatively manage their lands in a manner compat-

1 ible with Federal lands located within the
2 ecosystems.

3 (E) Other institutional or legislative
4 changes the Panel determines will promote
5 sound ecosystem management.

6 (3) REPORTS.—(A) Not later than 6 months
7 after the date of enactment of this Act, the Panel
8 shall submit an interim report to the President and
9 the Congress. The report shall discuss the progress
10 of the Panel in carrying out this section and shall
11 include—

12 (i) a description of any ecosystems defined
13 and mapped under paragraph (1)(A) and (B);

14 (ii) summaries of the biological data gath-
15 ered to date under paragraph (1)(C); and

16 (iii) the additional research obtained under
17 paragraph (1)(D).

18 (B) Not later than 30 months after the date of
19 enactment of this Act, the Panel shall submit a final
20 report to the President and the Congress which con-
21 tains a description of its activities under this section
22 and includes the findings, analyses, and rec-
23 ommendations made under this section.

24 (C) The reports submitted to the Congress
25 under this paragraph shall be submitted to the Com-

1 mittee on Natural Resources and the Committee on
2 Merchant Marine and Fisheries of the House of
3 Representatives and the Committee on Energy and
4 Natural Resources of the Senate.

5 (d) PANEL ACTIVITIES ON PRIVATE AND OTHER
6 NON-FEDERAL LANDS.—

7 (1) COMPLIANCE WITH STATE LAWS.—The
8 Panel shall comply with applicable State and tribal
9 government laws, including laws relating to private
10 property rights and privacy.

11 (2) CONSENT AND NOTICE REQUIREMENTS.—

12 (A) IN GENERAL.—The Panel shall not
13 enter non-Federal real property for the purpose
14 of collecting information regarding the prop-
15 erty, unless the owner of the property has—

16 (i) consented in writing to that entry;

17 (ii) after providing that consent, been
18 provided notice of that entry; and

19 (iii) been notified that any raw data
20 collected from the property must be made
21 available at no cost, if requested by the
22 land owner.

23 (B) LIMITATION.—Subparagraph (A) does
24 not prohibit entry of property for the purpose

1 of obtaining consent or providing notice as re-
2 quired by that subparagraph.

3 (3) REPORT TO CONGRESS.—On January 1,
4 1996, the Panel shall submit a report to the Con-
5 gress. The report shall identify all activities of the
6 Panel on non-Federal lands and shall certify compli-
7 ance with paragraph (2)(A).

8 (4) POLICY ON ACCESS TO PRIVATE AND NON-
9 FEDERAL LANDS.—Within 6 months after the date
10 of the enactment of this Act, the Panel shall develop
11 and submit to the Congress a policy for employees
12 and agents of the Panel to follow in order to help
13 ensure compliance with paragraph (2)(A).

14 (5) PANEL DEFINED.—In this subsection, the
15 term “Panel” includes any person that is an officer,
16 employee, or agent of the Panel, including any such
17 person acting pursuant to a contract or cooperative
18 agreement with or any grant from the Panel.

19 **SEC. 10. MISCELLANEOUS PROVISIONS.**

20 (a) REDESIGNATION.—(1) Those lands comprising
21 the Rattlesnake National Recreation Area and Wilderness,
22 as designated in Public Law 96–476 are hereby redesign-
23 nated as the “Rattlesnake National Education and Recre-
24 ation Area and Wilderness”.

1 (2) Those lands comprising 200 acres, as generally
2 depicted on a map entitled “West Pioneers Study Dele-
3 tion—Proposed”, are hereby released from study under
4 Public Law 95–150.

5 (b) WITHDRAWAL.—(1) Those lands comprising ap-
6 proximately 27,000 acres, as generally depicted on a map
7 entitled “Gibson Reservoir Mineral Withdrawal Area—
8 Proposed”, dated October 1992, are hereby withdrawn
9 from all forms of entry, appropriation and disposal under
10 the mining and public land laws, and disposition under
11 the geothermal and mineral leasing laws.

12 (2) The Secretary shall file a map and boundary de-
13 scription of the area designated by this subsection with
14 the committees identified in this subsection and such map
15 and boundary description shall have the same force and
16 effect as if included in this Act.

17 (3) The Secretary may correct clerical and typo-
18 graphical errors in the map and boundary description sub-
19 mitted pursuant to this subsection.

20 (4) The map and boundary description referred to in
21 this subsection shall be on file and available for public in-
22 spection in the office of the Chief of the Forest Service
23 and the office of the Regional Forester of the Northern
24 Region.

1 (c) ACREAGES.—All acreages cited in this Act are ap-
2 proximate and in the event of discrepancies between cited
3 acreage and the lands depicted on referenced maps, the
4 maps shall control.

5 (d) ACCESS.—It is the policy of Congress that the
6 Forest Service affirm or acquire and maintain reasonable
7 public access to National Forest System lands in the State
8 of Montana.

9 (e) SCAPEGOAT AND GREAT BEAR WILDERNESS
10 NAMES.—In order to consolidate existing contiguous wil-
11 derness areas, those lands comprising the Great Bear Wil-
12 derness Area designated by Public Law 95–946 and any
13 amendments thereto and the Scapegoat Wilderness Area
14 designated by Public Law 92–395 and any amendments
15 thereto are hereby incorporated in and deemed to be a
16 part of the Bob Marshall Wilderness. The designations of
17 the Great Bear Wilderness and Scapegoat Wilderness
18 shall refer to units within the Bob Marshall Wilderness.

19 **SEC. 11. WILDERNESS REVIEW.**

20 (a) FINDINGS.—The Congress finds that—

21 (1) the Department of Agriculture has studied
22 the suitability of roadless areas for inclusion in the
23 National Wilderness Preservation System; and

24 (2) the Congress has made its own review and
25 examination of National Forest System roadless

1 areas in the State of Montana and the environ-
2 mental impacts associated with nonwilderness man-
3 agement of such areas.

4 (b) RELEASE.—Those National Forest System lands
5 in the State of Montana which were not designated as wil-
6 derness, special management, national recreation, or wil-
7 derness study areas by this Act or Public Law 95–150
8 shall be managed for multiple use in accordance with land
9 and resource management plans developed pursuant to
10 section 6 of the Forest and Rangeland Renewable Re-
11 sources Planning Act of 1974, as amended by the National
12 Forest Management Act of 1976, and other applicable
13 law, and those areas need not be managed for the purpose
14 of protecting their suitability for wilderness designation
15 prior to or during revision of land and resource manage-
16 ment plans.

17 (c) PLAN REVISIONS.—In the event that revised land
18 management plans in the State of Montana are imple-
19 mented pursuant to section 6 of the Forest and Rangeland
20 Renewable Resources Planning Act of 1974, as amended
21 by the National Forest Management Act of 1976, and
22 other applicable law, areas not recommended for wilder-
23 ness designation, need not be managed for the purpose
24 of protecting their suitability for wilderness designation
25 prior to or during revision of such plans, and areas rec-

1 ommended for wilderness designation shall be managed for
2 the purpose of protecting their suitability for wilderness
3 designation.

4 (d) FURTHER REVIEW.—Unless expressly authorized
5 by Congress, the Department of Agriculture shall not con-
6 duct any further statewide roadless area review and eval-
7 uation of National Forest System lands in the State of
8 Montana for the purpose of determining their suitability
9 for inclusion in the National Wilderness Preservation Sys-
10 tem.

11 (e) PREVIOUS PLANS.—Except as specifically pro-
12 vided in section 3, 5, 6, and 7 of this Act and in Public
13 Law 95–150, with respect to the National Forest System
14 lands in the State of Montana which were reviewed by the
15 Department of Agriculture under Public Law 94–557, the
16 unit plans that were in effect prior to completion of RARE
17 II, the 1978 Forest Plan for the Beaverhead National
18 Forest, that such reviews shall be deemed an adequate
19 consideration of the suitability of such lands for inclusion
20 in the National Wilderness Preservation System, and the
21 Department of Agriculture shall not be required to review
22 the wilderness option prior to the revision of the land and
23 resource management plans.

24 (f) REVISIONS.—As used in this section, and as pro-
25 vided in section 6 of the Forest and Rangeland Renewable

1 Resources Planning Act, as amended by the National For-
 2 eign Management Act, the term “revision” shall not in-
 3 clude an amendment to a land and resource management
 4 plan.

5 (g) SIZE.—The provisions of this section also shall
 6 apply to those National Forest System roadless lands in
 7 the State of Montana which are less than 5,000 acres in
 8 size.

9 **SEC. 12. COMPLIANCE WITH BUY AMERICAN ACT.**

10 None of the funds made available in this Act may
 11 be expended in violation of sections 2 through 4 of the
 12 Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly
 13 known as the “Buy American Act”), which are applicable
 14 to those funds.

15 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

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

Passed the House of Representatives May 17, 1994.

Attest: DONNALD K. ANDERSON,
Clerk.

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HR 2473 RFS——3

HR 2473 RFS——4

HR 2473 RFS——5