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EXHIBIT 7
DATE 1.25.13
HB HJ8

II

112TH CONGRESS
1ST SESSION

S. 268

To sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2011

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

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A BILL

To sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Forest Jobs and Recreation Act of 2011".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MONTANA FOREST JOBS AND RESTORATION INITIATIVE

Sec. 101. Purpose.
Sec. 102. Definitions.
Sec. 103. Montana Forest Jobs and Restoration Pilot Initiative.
Sec. 104. Authorized forest and watershed restoration projects.
Sec. 105. Miscellaneous.

TITLE II—DESIGNATION OF WILDERNESS AND SPECIAL MANAGEMENT AREAS IN MONTANA

Sec. 201. Purposes.
Sec. 202. Definitions.
Sec. 203. Designation of wilderness areas.
Sec. 204. Administration of wilderness areas.
Sec. 205. Release of Bureau of Land Management study areas.
Sec. 206. Release of Sapphire and West Pioneer Wilderness Study Areas.
Sec. 207. Special management and recreation management areas.
Sec. 208. All-terrain-vehicle study and report.

TITLE I—MONTANA FOREST JOBS AND RESTORATION INITIATIVE

SEC. 101. PURPOSE.

The purpose of this title is to establish an initiative—

(1) to preserve and create local jobs in rural communities that are located in or near National Forest System land;

(2) to create an immediate, predictable, and increased flow of wood fiber with commercial value to support and maintain locally based infrastructure and economies that are necessary for the appropriate management and restoration of National Forest System land;

(3) to promote cooperation and collaboration in the management of National Forest System land;

(4) to restore and improve the ecological structure, composition, and function and the natural processes of priority watersheds within the National Forest System;

(5) to carry out collaborative projects to reduce the risk of disturbances from fire, insects, and disease to communities, watersheds, and natural resources through a collaborative process of planning, prioritizing, and implementing ecological restoration and hazardous fuel reduction projects; and

(6) to collect information from the projects carried out under this title in an effort to better understand the manner in which to improve forest restoration and management activities.

SEC. 102. DEFINITIONS.

In this title:

(1) AUTHORIZED FOREST AND WATERSHED RESTORATION PROJECT.—The term "authorized forest and watershed restoration project" means a collection of activities within a watershed area that are carried out—

(A) on eligible land; and

(B) to achieve the purposes of this title.

(2) DECOMMISSION.—The term "decommission" means—

(A) to reestablish vegetation on a road or trail; and

(B) to restore any natural drainage, watershed function, or other ecological processes that are disrupted or adversely impacted by the road or trail by removing or hydrologically disconnecting the road prism.

(3) ELIGIBLE LAND.—The term "eligible land" means—

(A) land within the approximately 1,900,000 acres of land in the Beaverhead-Deerlodge National Forest designated as "Suitable for Timber Production" and "Timber Harvest Is Allowed" as generally depicted on the map entitled "Beaverhead-Deerlodge National Forest, Revised Forest Plan, Modeled Timber Harvest Classification" and dated December 10, 2008; and

(B)(i) land within the Three Rivers Ranger District of the Kootenai National Forest; and

(ii) any land within the adjacent ranger districts of the Kootenai National Forest that is

necessary to achieve the requirements of section 103(b).

(4) INFISH.—The term "INFISH" means the land and resource management plan amendments made before the date of enactment of this Act arising from the document—

(A) entitled "Inland Native Fish Strategy";

(B) published by the Department of Agriculture; and

(C) dated July 28, 1995.

(5) INITIATIVE.—The term "Initiative" means the Montana Forest Jobs and Restoration Pilot Initiative established by section 103(a).

(6) MECHANICAL TREATMENT.—

(A) IN GENERAL.—The term "mechanical treatment" means an activity that uses a tool to remove fiber that has commercial value to local markets in the vicinity of the area treated.

(B) INCLUSIONS.—The term "mechanical treatment" includes leaving fiber on the forest floor after treatment with a tool, if an option for removal of the fiber was provided.

(C) EXCLUSIONS.—The term "mechanical treatment" excludes prescribed burning.

(7) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(8) STEWARDSHIP CONTRACT.—The term "stewardship contract" means a contract authorized under section 347 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105–277) to carry out land management goals that meet local and rural community needs through a source that is selected on a best-value basis.

(9) WATERSHED AREA.—The term "watershed area" means 1 or more subwatersheds (also known as 6th code hydrologic units).

SEC. 103. MONTANA FOREST JOBS AND RESTORATION PILOT INITIATIVE.

(a) ESTABLISHMENT.—There is established the Montana Forest Jobs and Restoration Pilot Initiative under which the Secretary shall implement authorized forest and watershed restoration projects and other land management projects on eligible land to achieve—

(1) the performance requirements under subsection (b); and

(2) the purposes of this title.

(b) PERFORMANCE REQUIREMENTS.—Subject to subsection (g), on the eligible land, the Secretary shall place under contract for the mechanical treatment of vegetation—

(1) on the Beaverhead-Deerlodge National Forest, a minimum of 5,000 acres annually until the date on which a total of 70,000 acres in the National Forest have been placed under contract; and

(2) on the Kootenai National Forest—

(A) 2,000 acres during the first year after the date of enactment of this Act;

(B) 2,500 acres during the second year after the date of enactment of this Act; and

(C) 3,000 acres during each subsequent year until the date on which a total of 30,000 acres in the National Forest have been placed under contract.

(c) COLLABORATION.—

(1) IN GENERAL.—For each National Forest within the Initiative, the Secretary shall identify 1 or more collaborative groups or resource advisory committees that support the achievement of the purposes of this title.

(2) COMPOSITION.—A collaborative group or resource advisory committee identified under para-

graph (1) shall include multiple interested persons representing diverse interests in forest and watershed management.

(3) CONSULTATION.—The Secretary shall consult with a collaborative group or resource advisory committee identified under paragraph (1) in the development and implementation of each authorized forest and watershed restoration project carried out under the Initiative.

(4) EXPANSION.—The Secretary shall seek to expand the public participation and diversity of interests involved in the implementation of the Initiative in each National Forest participating in the Initiative.

(d) ADMINISTRATIVE REVIEW.—

(1) IN GENERAL.—The administrative review provisions of section 105 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515) shall apply to any administrative review of authorized forest and watershed restoration projects carried out under this title.

(2) PROPOSED DECISION.—The Secretary shall provide notice of, and distribute, a proposed administrative decision with the environmental assessment

or final environmental impact statement for any project subject to review under paragraph (1).

(3) INDEPENDENT MEDIATOR.—If 1 or more of the parties to a special administrative review process under paragraph (1) requests a mediator to help facilitate the process, an independent mediator may be used for the administrative review process.

(e) JUDICIAL REVIEW.—Any judicial proceeding arising from an authorized forest and watershed restoration project shall be conducted in accordance with section 106 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6516).

(f) REPORTS.—

(1) ANNUAL SUMMARY.—The Secretary shall provide to the appropriate committees of Congress an annual summary of the progress of the Initiative toward accomplishing the purposes of this title, including the performance requirements established under subsection (b).

(2) PROGRESS REPORT.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this Act and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that assesses the progress of the

Initiative toward accomplishing the purposes of this title.

(B) INCLUSIONS.—The report under subparagraph (A) shall include an analysis, with respect to the Initiative, of—

(i) fire and fuel dynamics, including changes in—

(I) condition and class; and

(II) fuel levels and distribution;

(ii) biodiversity, including the selection of plant, terrestrial animals, and aquatic organisms;

(iii) soil and water, including soil movement, water quality, stream flows, and soil productivity;

(iv) economic effects, including job creation, labor income, and energy; and

(v) social implications, including land management practices, aesthetics, and attitudes towards land use.

(C) DATA ANALYSIS.—In preparing the report under this paragraph, the Secretary may consult with regional institutions of higher education and institutions with the capacity to co-

ordinate, analyze, and archive the data collected as a result of monitoring under the Initiative.

(g) EFFECT ON OTHER FUNDS.—Amounts expended under the Initiative shall not reduce the allocations of appropriated funds to the Secretary for use in other regions of the Forest Service or other States.

(h) EXPANSION OF INITIATIVE.—

(1) IN GENERAL.—The Secretary may elect to include the Seeley Ranger District of the Lolo National Forest in the Initiative, if—

(A) the Seeley Ranger District no longer receives funding under section 4003(b)(1)(B) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(b)(1)(B)); and

(B) a local collaborative group for the District requests inclusion in the Initiative.

(2) REQUIREMENTS.—On the election by the Secretary to include the Seeley Ranger District in the Initiative, the requirements of the Initiative under this title shall apply to the District.

(i) TERMINATION DATE.—

(1) IN GENERAL.—The Initiative shall terminate on the later of—

(A) the date that is 15 years after the date of enactment of this Act; or

(B) the date on which the Secretary determines that the performance requirements under subsection (b) have been achieved.

(2) EFFECT.—Nothing in this subsection affects a valid contract in effect on the termination date under paragraph (1).

SEC. 104. AUTHORIZED FOREST AND WATERSHED RESTORATION PROJECTS.

(a) IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary shall annually implement 1 or more authorized forest and watershed restoration projects on the eligible land.

(2) LANDSCAPE-SCALE PROJECTS.—The Secretary shall implement in 1 or more watershed areas authorized forest and watershed restoration projects that provide landscape-scale work with the goal of minimizing entries into the watershed.

(3) STEWARDSHIP CONTRACTS.—

(A) IN GENERAL.—To the maximum extent practicable, the Secretary shall enter into stewardship contracts or agreements to carry out authorized forest and watershed restoration projects.

(B) STEWARDSHIP CONTRACT PRIORITIES.—In developing a stewardship contract

under subparagraph (A), the Secretary shall, after consultation with the relevant collaborative groups or resource advisory committees identified under section 103(c)(1), prioritize areas consistent with the priorities described in paragraph (4).

(4) PRIORITY.—Consistent with the purposes of this title, the Secretary shall give priority to carrying out authorized forest and watershed restoration projects in areas—

(A) in which the road density exceeds 1.5 miles per square mile;

(B) in the wildland-urban interface (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511)) that are at risk of wildfire that threatens public infrastructure or private property;

(C) in which fish and wildlife habitat connectivity is compromised as a result of past management practices; and

(D) that contain forests that are at risk from insect epidemics or high-severity wildfires.

(5) ENVIRONMENTAL REVIEW.—An environmental review of authorized forest and watershed restoration projects shall be carried out in accord-

ance with section 104 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515), except that—

(A) the review shall also address—

(i) the activities necessary to meet the purposes and requirements of this title; and

(ii) the site-specific impacts of an authorized forest and watershed restoration project;

(B) on signing of a record of decision or finding of no significant impact for the authorized forest and watershed restoration project, the Secretary shall implement the authorized forest and watershed restoration project; and

(C) if the Secretary or a court determines that additional review is warranted due to significant new circumstances after implementation of an authorized forest and watershed restoration project has begun, the additional analysis shall not interrupt the implementation of the activities that are not subject to the additional review, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) PROJECT REQUIREMENTS.—

(1) RIPARIAN HABITAT PROTECTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall comply with INFISH in carrying out each authorized forest and watershed restoration project.

(B) MODIFICATIONS.—The Secretary may modify INFISH if the Secretary determines, after taking into consideration the best available science, that the modifications would meet or exceed the intent and goals of INFISH.

(2) ROADS.—In carrying out any authorized forest and watershed restoration project under this title, the Secretary shall—

(A) not construct any permanent road, unless—

(i) the Secretary determines that the road is a justifiable realignment of a permanent road to restore or improve the ecological structure, composition, and function and the natural processes of the affected forest or watershed; and

(ii) the replaced road bed is decommissioned by removing the road prism; and

(B) decommission any temporary road constructed to carry out the land management project by the conclusion of the contract.

(3) ROAD DENSITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary, at the conclusion of an authorized forest and watershed restoration project, shall achieve a road density maximum of 1.5 linear miles per square mile, averaged over the watershed area.

(B) EXCEPTIONS.—Notwithstanding subparagraph (A), the maximum road density provided in an applicable land management plan shall apply if—

(i) the applicable land management plan requires a road density maximum that is less than that required under subparagraph (A); or

(ii) the authorized forest and watershed restoration project is carried out in an area governed by an interagency grizzly bear conservation plan.

(C) METHOD.—The road density established under subparagraph (A) may be accomplished through a combination of decommis-

sioning and year-round permanent closure, except that the Secretary shall prioritize for decommissioning any roads adversely affecting water quality or fish habitat.

(4) VEGETATION MANAGEMENT.—The Secretary shall design authorized forest and watershed restoration projects to produce commercial and noncommercial wood products, consistent with the purposes of this title.

SEC. 105. MISCELLANEOUS.

(a) IN GENERAL.—Except as otherwise provided in this title, the Secretary shall administer the National Forests subject to the Initiative in accordance with applicable law.

(b) AGENCY PARTICIPATION.—The Secretary may, in accordance with applicable law, permit the Seeley Lake District Ranger of the Lolo National Forest and the Lincoln District Ranger of the Helena National Forest to serve in the official capacities of the districts on the Board of Directors of the Blackfoot Challenge.

(c) BIOMASS.—To help improve forest restoration activities by using and creating markets for small-diameter material and low-valued trees removed from forest restoration activities in the State, the Secretary may provide grants through the Woody Biomass Utilization Grant Pro-

gram or any other biomass program in accordance with applicable law.

TITLE II—DESIGNATION OF WILDERNESS AND SPECIAL MANAGEMENT AREAS IN MONTANA

SEC. 201. PURPOSES.

The purposes of this title are—

(1) to protect and enhance motorized recreational opportunities in the Beaverhead-Deerlodge National Forest, the Lolo National Forest, and the Kootenai National Forest; and

(2) to protect and enhance the wild heritage and backcountry traditions of the State through—

(A) the addition of certain land to the National Wilderness Preservation System; and

(B) the management of other land in a manner that preserves existing primitive and semi-primitive recreational activities.

SEC. 202. DEFINITIONS.

In this title:

(1) BEAVERHEAD-DEERLODGE NATIONAL FOREST.—The term "Beaverhead-Deerlodge National Forest" means the National Forest that is—

(A) comprised of—

(i) the Beaverhead National Forest; and

(ii) the Deerlodge National Forest; and

(B) managed by the Secretary concerned as a single administrative unit.

(2) FOREST PLAN.—The term "forest plan" means a land and resource management plan prepared in accordance with section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(3) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

(4) STATE.—The term "State" means the State of Montana.

SEC. 203. DESIGNATION OF WILDERNESS AREAS.

(a) LAND ADMINISTERED BY THE FOREST SERVICE.—In furtherance of the purposes of the Wilderness

Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) ANACONDA PINTLAR WILDERNESS ADDITIONS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 65,407 acres, as generally depicted on the map entitled "Anaconda-Pintlar Wilderness Additions" and dated September 13, 2010, is incorporated in, and shall be considered to be a part of, the Anaconda-Pintlar Wilderness.

(2) BOB MARSHALL WILDERNESS ADDITIONS.—Certain land in the Lolo National Forest, comprising approximately 40,072 acres generally depicted as the "North Fork Blackfoot-Monture Creek Wilderness Addition (Bob Marshall Addition)" and approximately 7,792 acres generally depicted as the "Grizzly Basin of the Swan Range Wilderness Addition" on the map entitled "Bob Marshall, Mission Mountains and Scapegoat Wilderness Additions and Otatsy Recreation Management Area" and dated September 13, 2010, is incorporated in, and shall be considered to be a part of, the Bob Marshall Wilderness designated by Public Law 92–395 (86 Stat. 578).

(3) DOLUS LAKES WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 9,407 acres, as generally depicted on the map entitled "Dolus Lakes Wilderness" and dated September 13, 2010, which shall be known as the "Dolus Lakes Wilderness".

(4) EAST PIONEERS WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 77,438 acres, as generally depicted on the map entitled "East Pioneers Wilderness" and dated September 13, 2010, which shall be known as the "East Pioneers Wilderness".

(5) ELECTRIC PEAK WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 5,670 acres, as generally depicted on the map entitled "Electric Peak Wilderness and Thunderbolt Creek Recreation Management Area" and dated September 13, 2010, which shall be known as the "Electric Peak Wilderness".

(6) HIGHLANDS WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 15,659 acres, as generally depicted on the map entitled "Highlands Wilderness Area and Special Management Area" and dated

September 13, 2010, which shall be known as the "Highlands Wilderness".

(7) ITALIAN PEAKS WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 29,677 acres, as generally depicted on the map entitled "Italian Peaks Wilderness" and dated September 13, 2010, which shall be known as the "Italian Peaks Wilderness".

(8) LEE METCALF WILDERNESS ADDITIONS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 17,201 acres, as generally depicted on the map entitled "Lee Metcalf Wilderness Additions" and dated September 13, 2010, is incorporated in, and shall be considered to be a part of, the Lee Metcalf Wilderness.

(9) LIMA PEAKS WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 35,012 acres, as generally depicted on the map entitled "Lima Peaks Wilderness" and dated September 13, 2010, which shall be known as the "Lima Peaks Wilderness".

(10) MISSION MOUNTAINS WILDERNESS ADDITION.—Certain land in the Lolo National Forest, which comprises approximately 4,460 acres, as generally depicted as the "West Fork Clearwater Wil-

derness Addition" on the map entitled "Bob Marshall, Mission Mountains and Scapegoat Wilderness Additions and Otatsy Recreation Management Area" and dated September 13, 2010, is incorporated in, and shall be considered to be a part of, the Mission Mountains Wilderness designated by Public Law 93–632 (88 Stat. 2153).

(11) MOUNT JEFFERSON WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 4,465 acres, as generally depicted on the map entitled "Mount Jefferson Wilderness" and dated September 13, 2010, which shall be known as the "Mount Jefferson Wilderness".

(12) QUIGG PEAK WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 8,275 acres, as generally depicted on the map entitled "Quigg Peak Wilderness" and dated September 13, 2010, which shall be known as the "Quigg Peak Wilderness".

(13) RODERICK WILDERNESS.—Certain land in the Kootenai National Forest, which comprises approximately 29,467 acres, as generally depicted as the "Roderick Wilderness Area" on the map entitled "Roderick Wilderness and Special Management Area

and Three Rivers Special Management Area" and dated September 13, 2010, which shall be known as the "Roderick Wilderness".

(14) SAPPHIRES WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 43,101 acres, as generally depicted on the map entitled "Sapphires Wilderness" and dated September 13, 2010, which shall be known as the "Sapphires Wilderness".

(15) SCAPEGOAT WILDERNESS ADDITIONS.—Certain land in the Lolo National Forest, which comprises approximately 30,967 acres, as generally depicted as the "North Fork Blackfoot-Monture Creek Wilderness Addition (Scapegoat Addition)" on the map entitled "Bob Marshall, Mission Mountains and Scapegoat Wilderness Additions and Otatsy Recreation Management Area" and dated September 13, 2010, is incorporated in, and shall be considered to be a part of, the Bob Marshall Wilderness designated by Public Law 92–395 (86 Stat. 578).

(16) SNOWCREST WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 91,561 acres, as generally depicted on the map entitled "Snowcrest Wilderness"

and dated September 13, 2010, which shall be known as the "Snowcrest Wilderness".

(17) STONY MOUNTAIN WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 14,213 acres, as generally depicted on the map entitled "Stony Mountain Wilderness" and dated September 13, 2010, which shall be known as the "Stony Mountain Wilderness".

(18) WEST BIG HOLE WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 44,156 acres, as generally depicted on the map entitled "West Big Hole Wilderness and Recreation Management Area" and dated September 13, 2010, which shall be known as the "West Big Hole Wilderness".

(19) WEST PIONEERS WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 26,560 acres, as generally depicted on the map entitled "West Pioneers Wilderness and Recreation Management Area" and dated September 13, 2010, which shall be known as the "West Pioneers Wilderness".

(b) LAND ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following

areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) BLACKTAIL MOUNTAINS WILDERNESS.—Certain public land administered by the Bureau of Land Management, comprising approximately 10,675 acres, as generally depicted on the map entitled "Blacktail Mountains Wilderness" and dated July 27, 2010, which shall be known as the "Blacktail Mountains Wilderness".

(2) CENTENNIAL MOUNTAINS WILDERNESS.—Certain public land administered by the Bureau of Land Management, comprising approximately 23,700 acres, as generally depicted on the map entitled "Centennial Mountains Wilderness" and dated July 27, 2010, which shall be known as the "Centennial Mountains Wilderness".

(3) RUBY MOUNTAINS WILDERNESS.—Certain public land administered by the Bureau of Land Management, comprising approximately 16,300 acres, as generally depicted on the map entitled "Ruby Mountains Wilderness" and dated July 27, 2010, which shall be known as the "Ruby Mountains Wilderness".

(4) EAST FORK BLACKTAIL WILDERNESS.—Certain public land administered by the Bureau of Land Management, comprising approximately 6,125 acres, as generally depicted on the map entitled "East Fork Blacktail Wilderness" and dated July 27, 2010, which shall be known as the "East Fork Blacktail Wilderness".

(5) HUMBUG SPIRES WILDERNESS.—Certain public land administered by the Bureau of Land Management, comprising approximately 8,900 acres, as generally depicted on the map entitled "Humbug Spires Wilderness" and dated July 27, 2010, which shall be known as the "Humbug Spires Wilderness".

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over certain public land administered by the Bureau of Land Management, comprising approximately 663 acres, as generally known as "Farlin Creek Administrative Transfer" depicted on the map entitled "East Pioneers Wilderness" and dated September 13, 2010, is transferred to the Secretary of Agriculture, and is incorporated in, and shall be considered to be a part of, the East Pioneers Wilderness designated by subsection (a)(4).

SEC. 204. ADMINISTRATION OF WILDERNESS AREAS.

(a) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by section 203 shall be administered by the Secretary concerned in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) with respect to public land administered by the Bureau of Land Management, any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary concerned shall file a map and a legal description of each wilderness area and potential wilderness area designated by this section, with—

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

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

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the

same force and effect as if included in this title, except that the Secretary concerned may correct typographical errors in the maps and legal descriptions.

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

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area designated by section 203 that is acquired by the United States shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) WITHDRAWAL.—Subject to valid existing rights, the Federal land designated as wilderness by section 203 is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(e) FIRE, INSECTS, AND DISEASES.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by section 203, the Secretary concerned may take such measures as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary concerned determines to be appropriate.

(f) ACCESS TO PRIVATE PROPERTY.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary concerned shall provide any owner of private property within the boundary of a wilderness area designated by section 203 adequate access to the property.

(g) FISH AND WILDLIFE.—

(1) IN GENERAL.—Nothing in this title affects the jurisdiction or responsibilities of the State with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping.

(2) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary concerned may carry out management activities to maintain or restore fish and wildlife populations (including ac-

tivities to maintain and restore fish and wildlife habitats to support the populations) in a wilderness area designated by section 203 if the activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(h) SNOW SENSORS AND STREAM GAUGES.—Nothing in this title prevents the installation or maintenance of hydrological, meteorological, or climatological instrumentation in a wilderness area designated by section 203 if the Secretary concerned determines that the installation or maintenance of the instrumentation is necessary to further the scientific, educational, or conservation purposes of the wilderness area.

(i) LIVESTOCK.—Within the wilderness areas, the grazing of livestock in which grazing is established before the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary concerned determines to be necessary, in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1131(d)(4));

(2) with respect to wilderness areas administered by the Secretary of Agriculture, the guidelines

described in House Report 96–617 of the 96th Congress; and

(3) with respect to wilderness areas administered by the Secretary of the Interior, the guidelines described in Appendix A of House Report 101–405 of the 101st Congress.

(j) OUTFITTING AND GUIDE ACTIVITIES.—

(1) IN GENERAL.—In accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)), commercial services (including authorized outfitting and guide activities) within the wilderness areas designated by section 203 are authorized to the extent necessary for activities that are proper for realizing the recreational or other wilderness purposes of the wilderness areas.

(2) EFFECT.—Nothing in this title requires the Secretary concerned to modify permits in effect as of the date of enactment of this Act to provide outfitting and guide services within the areas designated as wilderness by section 203, if the Secretary concerned determines that the activities are consistent with administration of the areas as wilderness.

(k) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—The designation of a wilderness area by section 203 shall not create any protec-

tive perimeter or buffer zone around the wilderness area.

(2) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by section 203 shall not preclude the conduct of the activities or uses outside the boundary of the wilderness area.

(l) WATER IMPOUNDMENT STRUCTURES.—

(1) IN GENERAL.—The Secretary concerned may issue a special use authorization to an owner of a water storage, transport, or diversion facility located within the areas designated as wilderness by section 203 for the continued operation, maintenance, and reconstruction of the facility if—

(A) the facility was in existence before the date of the designation of the wilderness area; and

(B) the Secretary concerned determines that—

(i) the facility has been in substantially continuous use to deliver water for the beneficial use on the non-Federal land of the owner since the date of the designation of the wilderness area;

(ii) the owner of the facility holds a valid water right for use of the water under State law, with a priority date that predates the date of the designation of the wilderness area; and

(iii) it is not practicable or feasible to relocate the facility to land outside the boundary of the wilderness and continue the beneficial use of water on the non-Federal land recognized under State law.

(2) USE OF MOTORIZED EQUIPMENT AND MECHANIZED TRANSPORT.—The special use authorization under paragraph (1) may allow for the use of motorized equipment and mechanized transport if the Secretary concerned determines, after conducting a minimum tool analysis, that the use of nonmotorized equipment and nonmechanized transport is impracticable or infeasible.

(3) TERMS AND CONDITIONS.—The Secretary concerned may include such terms and conditions in the special use authorization under paragraph (1) as the Secretary concerned determines appropriate to protect the wilderness values of the area.

(m) SNOWCREST WILDERNESS AREA.—With respect to the Snowcrest Wilderness Area—

(1) the continuation of reasonable motorized access to maintain water infrastructure for cattle that was constructed to protect fluvial Arctic Grayling and other aquatic species in the Ruby River may continue—

(A) subject to a permit; and

(B) in accordance with—

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

(ii) the guidelines described in House Report 96–617 of the 96th Congress; and

(2) the trailing of sheep across the Snowcrest Wilderness area to reach existing grazing allotments in the Gravelly Mountains may be continued for the tenure of the allotments—

(A) subject to—

(i) a permit; and

(ii) a determination by the Secretary of Agriculture (acting through the Forest Supervisor) that the use of nonmechanized transport is impracticable or infeasible; and

(B) to the maximum extent practicable, in accordance with the guidelines described in House Report 96–617 of the 96th Congress.

SEC. 205. RELEASE OF BUREAU OF LAND MANAGEMENT STUDY AREAS.

(a) FINDING.—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area by section 203 or any other Act enacted before the date of enactment of this Act has been adequately studied for wilderness.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

(1) the Axolotl Lakes Wilderness Study Area;

(2) the Bell and Limekiln Canyons Wilderness Study Area;

(3) the Blacktail Mountains Wilderness Study Area;

(4) the Centennial Mountains Wilderness Study Area;

(5) the Farlin Creek Wilderness Study Area;

(6) the Henneberry Ridge Wilderness Study Area;

(7) the Hidden Pasture Wilderness Study Area;

(8) the Humbug Spires Wilderness Study Area; and

(9) the Ruby Mountains Wilderness Study Area.

(c) RELEASE.—Any study area described in subsection (b) that is not designated as a wilderness area by section 203—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 206. RELEASE OF SAPPHIRE AND WEST PIONEER WILDERNESS STUDY AREAS.

(a) FINDINGS.—Congress finds that—

(1) the studies conducted under section 2 of the Montana Wilderness Study Act of 1977 (Public Law 95–150; 91 Stat. 1243) regarding each study area described in subsection (b) are adequate for the consideration of the suitability of each study area for inclusion as a component of the National Wilderness Preservation System; and

(2) the Secretary of Agriculture is not required—

(A) to review the wilderness option for each study area described in subsection (b) prior to the revision of the forest plan required for each land that comprises each study area in

accordance with the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

(B) to manage the portion of each study area described in subsection (b) that is not designated as wilderness by section 203 to ensure the suitability of the area for designation as a component of the National Wilderness Preservation System pending revision of the applicable forest plan.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are those portions of the following wilderness study areas which are not designated as wilderness by section 203:

(1) The portion of the Sapphire Wilderness Study Area that is located on the Beaverhead-Deerlodge National Forest, as described in section 2(4) of the Montana Wilderness Study Act of 1977 (Public Law 95–150; 91 Stat. 1243).

(2) The West Pioneer Wilderness Study Area, as described in section 2(1) of the Montana Wilderness Study Act of 1977 (Public Law 95–150; 91 Stat. 1243).

SEC. 207. SPECIAL MANAGEMENT AND RECREATION MANAGEMENT AREAS.

(a) DESIGNATION.—To conserve, protect, and enhance the scenic, fish and wildlife, recreational, backcountry heritage, and other natural resource values of the areas, the following areas in the State are designated for special management by the Secretary concerned in accordance with this section:

(1) HIGHLANDS SPECIAL MANAGEMENT AREA.—Certain Federal land in the Beaverhead-Deerlodge National Forest, comprising approximately 5,011 acres, as generally depicted on the map entitled "Highlands Wilderness Area and Special Management Area" and dated September 13, 2010, which is designated as the "Highlands Special Management Area".

(2) LOST CREEK RECREATION MANAGEMENT AREA.—Certain Federal land in the Beaverhead-Deerlodge National Forest, comprising approximately 14,589 acres, as generally depicted on the map entitled "Lost Creek Recreation Management Area" and dated September 13, 2010, which is designated as the "Lost Creek Recreation Management Area".

(3) OTATSY RECREATION MANAGEMENT AREA.—Certain Federal land in the Lolo National

Forest, comprising approximately 1,859 acres, as generally depicted on the map entitled "Bob Marshall, Mission Mountains and Scapegoat Wilderness Additions and Otatsy Recreation Management Area" and dated September 13, 2010, which is designated as the "Otatsy Recreation Management Area".

(4) RODERICK SPECIAL MANAGEMENT AREA.—Certain Federal land in the Kootenai National Forest, comprising approximately 3,715 acres, as generally depicted on the map entitled "Roderick Wilderness and Special Management Area and Three Rivers Special Management Area" and dated September 13, 2010, which is designated as the "Roderick Special Management Area".

(5) THREE RIVERS SPECIAL MANAGEMENT AREA.—Certain Federal land in the Kootenai National Forest, comprising approximately 71,994 acres, as generally depicted on the map entitled "Roderick Wilderness and Special Management Area and Three Rivers Special Management Area" and dated September 13, 2010, which is designated as the "Three Rivers Special Management Area".

(6) THUNDERBOLT CREEK RECREATION MANAGEMENT AREA.—Certain Federal land in the Beaverhead-Deerlodge National Forest, comprising ap-

proximately 19,641 acres, as generally depicted on the map entitled "Electric Peak Wilderness and Thunderbolt Creek Recreation Management Area" and dated September 13, 2010, which is designated as the "Thunderbolt Recreation Management Area".

(7) TOBACCO ROOTS RECREATION MANAGEMENT AREA.—Certain Federal land in the Beaverhead-Deerlodge National Forest, comprising approximately 29,186 acres, as generally depicted on the map entitled "Tobacco Roots Recreation Management Area" and dated September 13, 2010, which is designated as the "Tobacco Roots Recreation Management Area".

(8) WEST BIG HOLE RECREATION MANAGEMENT AREA.—Certain Federal land in the Beaverhead-Deerlodge National Forest comprising approximately 95,144 acres, as generally depicted on the map entitled "West Big Hole Wilderness and Recreation Management Area" and dated September 13, 2010, which is designated as the "West Big Hole Recreation Management Area".

(9) WEST PIONEERS RECREATION MANAGEMENT AREA.—Certain Federal land in the Beaverhead-Deerlodge National Forest, comprising approximately 128,361 acres, as generally depicted on the

map entitled "West Pioneers Wilderness and Recreation Management Area" and dated September 13, 2010, which is designated as the "West Pioneers Recreation Management Area".

(b) ADMINISTRATION.—

(1) APPLICABLE LAW.—

(A) IN GENERAL.—The Secretary concerned shall administer each area designated by subsection (a)—

(i) in furtherance of the purposes for which the area is established; and

(ii) in accordance with—

(I) this section; and

(II) any laws (including regulations) relating to the National Forest System.

(B) CLOSURE OF TRAILS.—Nothing in this title precludes the Secretary concerned from closing any trail or area located in the areas designated by subsection (a)—

(i) to protect a natural resource; or

(ii) to help ensure public safety.

(2) WITHDRAWAL.—Subject to valid existing rights, any Federal land within an area designated by subsection (a) (including any Federal land ac-

quired after the date of enactment of this Act for inclusion in an area designated by subsection (a)) is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(3) TIMBER HARVESTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B) or as authorized under subsection (c), timber harvesting shall not be permitted within an area designated by subsection (a).

(B) FIRE, INSECTS, AND DISEASES.—Timber harvesting may be permitted in an area designated by subsection (a) to the extent allowed under section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) for purposes relating to the necessary control of fire, insects, and diseases.

(4) USE OF MOTORIZED OR MECHANIZED VEHICLES.—

(A) IN GENERAL.—Nothing in this section affects the use of motorized or mechanized vehicles that the Secretary concerned determines is necessary for administrative use or to respond to an emergency.

(B) MECHANIZED VEHICLES, PEDESTRIANS, AND HORSE TRAVEL.—Except as authorized under subsection (c), nothing in this section prohibits—

(i) the use of mechanized vehicles, access by pedestrians, or horse travel within the areas designated by subsection (a); or

(ii) the construction of trails for use by mechanized vehicles, pedestrians, and horse travel within the areas designated by subsection (a).

(5) FIREWOOD.—The Secretary concerned may allow for the collection of firewood for noncommercial personal use within the areas designated by subsection (a)—

(A) in accordance with any applicable laws; and

(B) subject to such terms and conditions as the Secretary concerned determines to be appropriate.

(c) AREA SPECIFIC MANAGEMENT REQUIREMENTS.—

(1) HIGHLANDS SPECIAL MANAGEMENT AREA.—

(A) CAMPGROUND DEVELOPMENT.—No permanent campground may be constructed within the Highlands Special Management Area.

(B) MOTORIZED AND MECHANIZED RECREATION.—Except as provided in subparagraph (C), and as necessary for administrative use or to respond to an emergency, the use of motorized or mechanized vehicles within the Highlands Special Management Area shall be prohibited.

(C) TRANSMISSION TOWERS AND MUNICIPAL WATER PIPELINES.—Nothing in this section affects—

(i) the reasonable access of the government of the applicable county to operate and maintain the communication site located on Table Mountain under a special use permit issued by the Forest Service; and

(ii) the reasonable access of the city of Butte, Montana, to operate, maintain, and if necessary, upgrade or replace the water supply pipeline within the Highlands Special Management Area in existence as of the date of enactment of this Act for the city of Butte (including the surrounding community of the city of Butte).

(D) HELICOPTER LANDINGS.—Nothing in this section precludes or restricts the authority of the Secretary concerned to enter into agreements with the Secretary of Defense or the Montana National Guard to authorize limited and scheduled landings of aircraft in the Highlands Special Management Area.

(2) LOST CREEK, THUNDERBOLT, AND WEST PIONEERS RECREATION MANAGEMENT AREAS.—

(A) MOTORIZED RECREATION.—Subject to any terms and conditions the Secretary concerned determines to be necessary, the use of motorized vehicles within the Lost Creek, Thunderbolt, and West Pioneers Recreation Management Areas shall be limited to—

(i) the routes and trails designated for such use as of the date of enactment of this Act; and

(ii) during periods of adequate snow cover, the areas designated for snowmobile use as of the date of enactment of this Act.

(B) CAMPGROUND DEVELOPMENT.—No permanent campground may be constructed within the Lost Creek Recreation Area.

(3) OTATSY RECREATION MANAGEMENT AREA.—

(A) MOTORIZED AND MECHANIZED RECREATION.—

(i) IN GENERAL.—The use of motorized and mechanized vehicles in the Otatsy Recreation Management Area shall be permitted only on the roads, trails, and areas designated for use by motorized and mechanized vehicles by the management plan required under subparagraph (B).

(ii) INTERIM MANAGEMENT.—Until the date on which the management plan required under subparagraph (B) is approved, and subject to any terms and conditions that the Secretary concerned deter-

mines to be necessary, the use of motorized or mechanized vehicles in the Otatsy Recreation Management Area shall be limited to the routes and trails designated for such use as of the date of enactment of this Act, except that during periods of adequate snow cover, the use of snowmobiles shall be allowed within the Otatsy Recreation Management Area.

(B) MANAGEMENT PLAN.—The Secretary concerned shall prepare a management plan for the Otatsy Recreation Management Area as part of the first revision of the applicable forest plan that is carried out after the date of enactment of this Act.

(4) THREE RIVERS AND RODERICK SPECIAL MANAGEMENT AREAS.—

(A) MOTORIZED AND MECHANIZED RECREATION.—Except as provided in subparagraphs (B) and (C), the use of motorized or mechanized vehicles within the Three Rivers Special Management Area and the Roderick Special Management Area shall be limited to the roads on which use by highway legal vehicles is permitted as of the date of enactment of this Act.

(B) SNOWMOBILE AREA.—Subject to any terms and conditions the Secretary concerned determines to be necessary, during periods of adequate snow cover, the use of snowmobiles shall be allowed in the areas designated as "motorized" in the map entitled "Roderick Wilderness and Special Management Area and Three Rivers Special Management Area" and dated September 13, 2010.

(C) GAME CARTS.—The Secretary concerned may authorize the use of nonmotorized game carts in the area identified as "Roderick Special Management Area" on the map described in subparagraph (B).

(D) CAMPGROUND DEVELOPMENT.—No permanent campground may be constructed in the Three Rivers Special Management Area or the Roderick Special Management Area.

(5) TOBACCO ROOTS RECREATION MANAGEMENT AREA.—Subject to any terms and conditions that the Secretary concerned determines to be necessary, the use of motorized vehicles shall be limited to the roads, routes, and trails in the Tobacco Roots Recreation Management Area designated for such use as of the date of enactment of this Act.

(6) WEST BIG HOLE RECREATION MANAGEMENT AREA.—

(A) MOTORIZED RECREATION.—Subject to any terms and conditions that the Secretary concerned determines to be necessary, motorized use shall be permitted on approved designated, routes, trails, and areas in the West Big Hole Recreation Management Area, including the use of snowmobiles during periods of adequate snow cover.

(B) TIMBER HARVEST.—The Secretary concerned may authorize post and pole, firewood, and fuel reduction timber projects in the West Big Hole Recreation Management Area, subject to such terms and conditions that the Secretary concerned determines to be appropriate.

SEC. 208. ALL-TERRAIN-VEHICLE STUDY AND REPORT.

Not later than 1 year after the date of enactment of this Act, the Secretary concerned shall study and report on—

(1) the opportunities for expanded all-terrain vehicles routes and trails across the Three Rivers District and adjacent areas on the Kootenai National Forest;

(2) the interconnectedness of routes on private or State land; and

(3) the opportunities for expanded access points to existing trails.

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