

Calendar No. 56115TH CONGRESS
1ST SESSION**S. 501****[Report No. 115–42]**

To amend the Wild and Scenic Rivers Act to designate certain segments of East Rosebud Creek in Carbon County, Montana, as components of the Wild and Scenic Rivers System.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 2017

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

MAY 3, 2017

Reported by Ms. MURKOWSKI, without amendment

A BILL

To amend the Wild and Scenic Rivers Act to designate certain segments of East Rosebud Creek in Carbon County, Montana, as components of the Wild and Scenic Rivers System.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “East Rosebud Wild
3 and Scenic Rivers Act”.

4 **SEC. 2. FINDINGS; PURPOSE.**

5 (a) FINDINGS.—Congress finds that—

6 (1) East Rosebud Creek is cherished by the
7 people of Montana and visitors from across the
8 United States for its clean water, spectacular nat-
9 ural setting, and outstanding recreational opportuni-
10 ties;

11 (2) recreational activities, including fishing,
12 hunting, camping, paddling, hiking, rock climbing,
13 and wildlife watching, on East Rosebud Creek and
14 the surrounding land generate millions of dollars an-
15 nually for the local economy;

16 (3) East Rosebud Creek—

17 (A) is a national treasure;

18 (B) possesses outstandingly remarkable
19 values; and

20 (C) merits the high level of protection af-
21 forded by the Wild and Scenic Rivers Act (16
22 U.S.C. 1271 et seq.) in order to maintain the
23 benefits provided by the Creek, as described in
24 paragraphs (1) and (2), for future generations
25 to enjoy; and

1 (4) designation of select public land segments of
 2 East Rosebud Creek under the Wild and Scenic Riv-
 3 ers Act (16 U.S.C. 1271 et seq.) would recognize the
 4 importance of maintaining the values of the Creek
 5 while preserving public access, respecting private
 6 property rights, allowing appropriate maintenance of
 7 existing infrastructure, and allowing historical uses
 8 of the Creek to continue.

9 (b) PURPOSE.—The purpose of this Act is to des-
 10 ignate East Rosebud Creek in the State of Montana as
 11 a component of the National Wild and Scenic Rivers Sys-
 12 tem to preserve and protect for present and future genera-
 13 tions the outstandingly remarkable scenic, recreational,
 14 and geologic values of the Creek.

15 **SEC. 3. DESIGNATION OF WILD AND SCENIC RIVER SEG-**
 16 **MENTS.**

17 (a) DESIGNATION.—Section 3(a) of the Wild and
 18 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-
 19 ing at the end the following:

20 “(213) EAST ROSEBUD CREEK, MONTANA.—

21 The portions of East Rosebud Creek in the State of
 22 Montana, consisting of—

23 “(A) the 13-mile segment exclusively on
 24 public land within the Custer National Forest
 25 from the source in the Absaroka-Beartooth Wil-

1 derness downstream to the point at which the
 2 Creek enters East Rosebud Lake, including the
 3 stream reach between Twin Outlets Lake and
 4 Fossil Lake, to be administered by the Sec-
 5 retary of Agriculture as a wild river; and

6 “(B) the 7-mile segment exclusively on
 7 public land within the Custer National Forest
 8 from immediately below, but not including, the
 9 outlet of East Rosebud Lake downstream to the
 10 point at which the Creek enters private prop-
 11 erty for the first time, to be administered by
 12 the Secretary of Agriculture as a recreational
 13 river.”.

14 (b) ADJACENT MANAGEMENT.—

15 (1) IN GENERAL.—Nothing in paragraph (213)
 16 of section 3(a) of the Wild and Scenic Rivers Act
 17 (16 U.S.C. 1274(a)) (as added by subsection (a))
 18 creates a protective perimeter or buffer zone outside
 19 the designated boundary of the river segment des-
 20 ignated by that paragraph.

21 (2) OUTSIDE ACTIVITIES.—The fact that an
 22 otherwise authorized activity or use can be seen or
 23 heard within the boundary of the river segment des-
 24 ignated by paragraph (213) of section 3(a) of the
 25 Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as

- 1 added by subsection (a)) shall not preclude the activ-
- 2 ity or use outside the boundary of the river segment.

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