

116TH CONGRESS  
1ST SESSION

# S. 1765

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

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IN THE SENATE OF THE UNITED STATES

JUNE 10, 2019

Mr. TESTER 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 economic development and recreational use of National Forest System land in the State of Montana, to add certain land to the National Wilderness Preservation System, to designate new areas for recreation, 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; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Blackfoot Clearwater Stewardship Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

#### TITLE I—FOREST RESTORATION

Sec. 101. Landscape assessment.

Sec. 102. Environmental review of collaboratively developed restoration projects.

#### TITLE II—RECREATION

Sec. 201. Otatsy Recreation Management Area.

Sec. 202. Spread Mountain Recreation Area.

Sec. 203. Trail-based recreation.

#### TITLE III—CONSERVATION

Sec. 301. Designation of wilderness areas.

Sec. 302. Administration of wilderness areas.

Sec. 303. Maps and legal descriptions.

#### TITLE IV—EFFECT

Sec. 401. Protection of Tribal treaty rights.

### 1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **DISTRICT.**—The term “District” means the  
4 Seeley Lake Ranger District of the Lolo National  
5 Forest.

6 (2) **MAP.**—The term “Map” means the map en-  
7 titled “Bob Marshall, Mission Mountains, Spread  
8 Mountain, and Scapegoat Wilderness Additions and  
9 Otatsy Recreation Management Area” and dated  
10 February 22, 2017.

11 (3) **SECRETARY.**—The term “Secretary” means  
12 the Secretary of Agriculture.

13 (4) **STATE.**—The term “State” means the State  
14 of Montana.

# 1 **TITLE I—FOREST RESTORATION**

## 2 **SEC. 101. LANDSCAPE ASSESSMENT.**

3 (a) **LANDSCAPE ASSESSMENT.**—Not later than 3  
4 years after the date of enactment of this Act, the Sec-  
5 retary, in collaboration with interested parties, shall com-  
6 plete a landscape assessment of the District.

7 (b) **REQUIRED COMPONENTS.**—The landscape as-  
8 sessment under subsection (a) shall—

9 (1) assess the ecological condition of forests and  
10 watersheds within the District; and

11 (2) identify restoration actions needed to facili-  
12 tate ecosystem sustainability, resilience, and health  
13 by assisting in the recovery of forest ecosystems  
14 within the District.

15 (c) **USE OF EXISTING ASSESSMENTS.**—The Sec-  
16 retary may fulfill the requirement under subsection (a)  
17 through the use of any landscape assessment being carried  
18 out as of the date of enactment of this Act that contains  
19 the components required under subsection (b).

20 (d) **RESTORATION SCHEDULE.**—As soon as prac-  
21 ticable after the completion of the landscape assessment  
22 under subsection (a), the Secretary, in collaboration with  
23 interested parties, shall develop for the District a 10-year  
24 schedule of restoration projects.

1 **SEC. 102. ENVIRONMENTAL REVIEW OF COLLABORATIVELY**  
 2 **DEVELOPED RESTORATION PROJECTS.**

3 (a) DEFINITION OF COLLABORATIVELY DEVELOPED  
 4 RESTORATION PROJECT.—In this section, the term “col-  
 5 laboratively developed restoration project” means an activ-  
 6 ity or set of activities that fulfills the eligibility require-  
 7 ments of the Collaborative Forest Landscape Restoration  
 8 Program under section 4003(b) of Public Law 111–11 (16  
 9 U.S.C. 7303(b)).

10 (b) ENVIRONMENTAL REVIEW.—A collaboratively de-  
 11 veloped restoration project within the District may be car-  
 12 ried out in accordance with the provisions applicable to  
 13 hazardous fuel reduction projects under sections 104, 105,  
 14 and 106 of the Healthy Forests Restoration Act of 2003  
 15 (16 U.S.C. 6514–6516).

16 (c) OBJECTOR MEETING.—In accordance with sec-  
 17 tion 218.11 of title 36, Code of Federal Regulations (as  
 18 in effect on the date of enactment of this Act), the Sec-  
 19 retary may request a meeting with an objector to any col-  
 20 laboratively developed restoration project within the Dis-  
 21 trict.

22 **TITLE II—RECREATION**

23 **SEC. 201. OTATSY RECREATION MANAGEMENT AREA.**

24 (a) ESTABLISHMENT.—Subject to valid existing  
 25 rights, certain Federal land in the Lolo National Forest  
 26 comprising approximately 2,013 acres, as generally de-

1 picted on the Map, is designated as the “Otatsy Recre-  
2 ation Management Area” (referred to in this section as  
3 the “recreation management area”).

4 (b) MANAGEMENT.—The Secretary shall manage the  
5 recreation management area in accordance with—

6 (1) this section, to conserve, protect, and en-  
7 hance the scenic, fish and wildlife, recreational,  
8 backcountry heritage, and other natural resource  
9 values of the recreation management area; and

10 (2) any laws (including regulations) relating to  
11 the National Forest System.

12 (c) PROHIBITIONS.—Except as provided in sub-  
13 sections (d) and (e), the following shall be prohibited on  
14 Federal land within the recreation management area:

15 (1) Permanent roads.

16 (2) Timber harvest.

17 (3) Except as necessary to provide for snow-  
18 mobile use, to meet the minimum requirements for  
19 the administration of the recreation management  
20 area, and to protect public health and safety—

21 (A) the use of motorized and mechanized  
22 vehicles; and

23 (B) the establishment of temporary roads.

24 (d) USE OF SNOWMOBILES.—The use of snowmobiles  
25 shall be allowed within the recreation management area—

1           (1) between December 1 and April 1;

2           (2) during periods of adequate snow cover, as  
3           determined by the Secretary; and

4           (3) subject to such terms and conditions as the  
5           Secretary determines to be necessary.

6           (e) WILDFIRE, INSECT, AND DISEASE MANAGE-  
7           MENT.—In accordance with this section, the Secretary  
8           may carry out any measures in the recreation manage-  
9           ment area that the Secretary determines to be necessary  
10          to control fire, insects, and diseases, including, as the Sec-  
11          retary determines to be appropriate, the coordination of  
12          those activities with a State or local agency.

13          (f) WITHDRAWAL.—Subject to valid existing rights,  
14          the recreation management area (including any Federal  
15          land acquired after the date of enactment of this Act for  
16          inclusion in the recreation management area) is with-  
17          drawn from all forms of—

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

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

22                 (3) disposition under all laws pertaining to min-  
23                 eral and geothermal leasing or mineral materials.

1 **SEC. 202. SPREAD MOUNTAIN RECREATION AREA.**

2 (a) ESTABLISHMENT.—Subject to valid existing  
3 rights, certain Federal land in the Lolo National Forest,  
4 comprising approximately 3,835 acres, as generally de-  
5 picted on the Map, is designated as the “Spread Mountain  
6 Recreation Area” (referred to in this section as the “recre-  
7 ation area”).

8 (b) MANAGEMENT.—The Secretary shall manage the  
9 recreation area in accordance with—

10 (1) this section, to conserve, protect, and en-  
11 hance the scenic, fish and wildlife, recreational,  
12 backcountry heritage, and other natural resource  
13 values of the recreation area; and

14 (2) any laws (including regulations) relating to  
15 the National Forest System.

16 (c) PROHIBITIONS.—Except as provided in subsection  
17 (e), the following shall be prohibited on the Federal land  
18 within the recreation area:

19 (1) Permanent roads.

20 (2) Timber harvest.

21 (3) Except as necessary to meet the minimum  
22 requirements for the administration of the recreation  
23 area and to protect public health and safety—

24 (A) the use of motorized vehicles; and

25 (B) the establishment of temporary roads.

1 (d) MECHANIZED VEHICLES, PEDESTRIANS, AND  
2 HORSE TRAVEL.—Nothing in this section prohibits—

3 (1) the use of mechanized vehicles, access by  
4 pedestrians, or horse travel within the recreation  
5 area; or

6 (2) the construction of trails for use by mecha-  
7 nized vehicles, pedestrians, and horse travel within  
8 the recreation area.

9 (e) WILDFIRE, INSECT, AND DISEASE MANAGE-  
10 MENT.—In accordance with this section, the Secretary  
11 may take any measures in the recreation area that the  
12 Secretary determines to be necessary to control fire, in-  
13 sects, and diseases, including, as the Secretary determines  
14 to be appropriate, the coordination of those activities with  
15 a State or local agency.

16 (f) WITHDRAWAL.—Subject to valid existing rights,  
17 the recreation area (including any Federal land acquired  
18 after the date of enactment of this Act for inclusion in  
19 the recreation area) is withdrawn from all forms of—

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

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

24 (3) disposition under all laws pertaining to min-  
25 eral and geothermal leasing or mineral materials.



1 **SEC. 203. TRAIL-BASED RECREATION.**

2 (a) DEFINITION OF COLLABORATIVELY DEVELOPED.—In this section, the term “collaboratively developed” means a proposal that is developed and implemented through a collaborative process that—

6 (1) includes multiple interested persons representing diverse interests; and

8 (2) is transparent and nonexclusive.

9 (b) EXPANDED TRAIL RECREATION OPPORTUNITIES.—

11 (1) IN GENERAL.—If a local collaborative group submits to the Secretary, by not later than 5 years after the date of enactment of this Act, a collaboratively developed proposal to improve motorized and nonmotorized recreational trail opportunities within the District, the Secretary—

17 (A) shall analyze the proposal in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

20 (B) subject to appropriations, and in accordance with subsection (d), may provide for the construction of any of the routes included in the proposal.

24 (2) PRIORITY.—In completing the analysis required by paragraph (1)(A), in accordance with subsection (d), the Secretary shall give priority to ex-

1       panding motorized and nonmotorized recreational  
2       trail opportunities within the District that are in the  
3       public interest.

4           (3) DEADLINE.—The Secretary shall complete  
5       the analysis required by paragraph (1)(A) by not  
6       later than 3 years after the date on which the Sec-  
7       retary receives the applicable collaboratively devel-  
8       oped proposal.

9           (c) USE OF VOLUNTEER SERVICES AND CONTRIBU-  
10       TIONS.—The Secretary may accept volunteer services and  
11       contributions from non-Federal sources to construct and  
12       maintain recreational trails under this section.

13          (d) COMPLIANCE.—In carrying out this section, the  
14       Secretary shall comply with—

15           (1) each provision of law (including regulations)  
16       that is generally applicable to the National Forest  
17       System; and

18           (2) this Act.

19          (e) EFFECT OF SECTION.—Nothing in this section  
20       affects the ownership or management of, or any other  
21       right relating to, any non-Federal land (including any in-  
22       terest in non-Federal land).

1           **TITLE III—CONSERVATION**

2   **SEC. 301. DESIGNATION OF WILDERNESS AREAS.**

3           In furtherance of the purposes of the Wilderness Act  
4 (16 U.S.C. 1131 et seq.), and subject to valid existing  
5 rights, the following areas in the State are designated as  
6 wilderness areas and as components of the National Wil-  
7 derness Preservation System:

8           (1) **BOB MARSHALL WILDERNESS ADDITIONS.**—

9           Certain land in the Lolo National Forest, comprising  
10 approximately 39,422 acres generally depicted as the  
11 “North Fork Blackfoot-Monture Creek Addition  
12 (Bob Marshall Addition)” and approximately 7,784  
13 acres generally depicted as the “Grizzly Basin of the  
14 Swan Range Addition” on the Map, is incorporated  
15 in, and shall be considered to be a part of, the Bob  
16 Marshall Wilderness.

17           (2) **MISSION MOUNTAINS WILDERNESS ADDI-**  
18 **TION.**—Certain land in the Lolo National Forest,  
19 comprising approximately 4,462 acres generally de-  
20 picted as the “West Fork Clearwater Addition” on  
21 the Map, is incorporated in, and shall be considered  
22 to be a part of, the Mission Mountains Wilderness  
23 designated by Public Law 93–632 (88 Stat. 2153).

24           (3) **SCAPEGOAT WILDERNESS ADDITIONS.**—Cer-  
25 tain land in the Lolo National Forest, comprising

1 approximately 27,392 acres generally depicted as the  
2 “North Fork Blackfoot-Monture Creek Addition  
3 (Scapegoat Addition)” on the Map, is incorporated  
4 in, and shall be considered to be a part of, the  
5 Scapegoat Wilderness designated by Public Law 92–  
6 395 (86 Stat. 578).

7 **SEC. 302. ADMINISTRATION OF WILDERNESS AREAS.**

8 (a) **MANAGEMENT.**—Subject to valid existing rights,  
9 each wilderness addition designated by section 301 shall  
10 be administered by the Secretary in accordance with the  
11 Wilderness Act (16 U.S.C. 1131 et seq.), except that any  
12 reference in that Act to the effective date of the Act shall  
13 be considered to be a reference to the date of enactment  
14 of this Act.

15 (b) **INCORPORATION OF ACQUIRED LAND AND IN-**  
16 **TERESTS.**—Any land within the boundary of a wilderness  
17 area designated by section 301 that is acquired by the  
18 United States shall—

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

21 (2) be withdrawn in accordance with subsection  
22 (c); and

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

1 (c) WITHDRAWAL.—Subject to valid existing rights,  
2 the Federal land designated as wilderness by section 301  
3 is withdrawn from all forms of—

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

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

8 (3) disposition under all laws pertaining to min-  
9 eral and geothermal leasing or mineral materials.

10 (d) WILDFIRE, INSECT, AND DISEASE MANAGE-  
11 MENT.—In accordance with section 4(d)(1) of the Wilder-  
12 ness Act (16 U.S.C. 1133(d)(1)), the Secretary may carry  
13 out any measures in the wilderness additions designated  
14 by section 301 that the Secretary determines to be nec-  
15 essary to control fire, insects, and diseases, including, as  
16 the Secretary determines to be appropriate, the coordina-  
17 tion of those activities with a State or local agency.

18 (e) ACCESS TO PRIVATE LAND.—In accordance with  
19 section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)),  
20 the Secretary shall provide to any owner of private land  
21 within the boundary of a wilderness addition designated  
22 by section 301 access to the private land.

23 (f) FISH AND WILDLIFE.—Nothing in this title af-  
24 fects the jurisdiction or responsibilities of the State with

1 respect to fish and wildlife, including the regulation of  
2 hunting, fishing, and trapping.

3 (g) SNOW SENSORS AND STREAM GAUGES.—Nothing  
4 in this title prevents the installation or maintenance of  
5 hydrological, meteorological, or climatological instrumen-  
6 tation in a wilderness addition designated by section 301,  
7 if the Secretary determines that the installation or mainte-  
8 nance of the instrumentation is necessary to advance the  
9 scientific, educational, or conservation purposes of the wil-  
10 derness area.

11 (h) LIVESTOCK.—The grazing of livestock in the wil-  
12 derness additions established by section 301, if established  
13 before the date of enactment of this Act, shall be allowed  
14 to continue, subject to such reasonable regulations, poli-  
15 cies, and practices as the Secretary determines to be nec-  
16 essary, in accordance with—

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

19 (2) the guidelines described in House Report  
20 96–617 to accompany H.R. 5487 of the 96th Con-  
21 gress.

22 (i) OUTFITTING AND GUIDE ACTIVITIES.—

23 (1) IN GENERAL.—In accordance with section  
24 4(d)(5) of the Wilderness Act (16 U.S.C.  
25 1133(d)(5)), commercial services (including author-

1 ized outfitting and guide activities) within the wil-  
2 derness additions designated by section 301 may be  
3 authorized to the extent necessary for activities that  
4 fulfill the recreational or other wilderness purposes  
5 of the wilderness areas, in accordance with section  
6 1503(b)(6) of Public Law 111–11 (123 Stat. 1035).

7 (2) EFFECT.—Nothing in this title requires the  
8 Secretary to modify any permit in effect as of the  
9 date of enactment of this Act to provide outfitting  
10 and guide services within the wilderness additions  
11 designated by section 301 on a determination by the  
12 Secretary that the activities are in compliance with  
13 section 4(d)(5) of the Wilderness Act (16 U.S.C.  
14 1133(d)(5)).

15 (j) ADJACENT MANAGEMENT.—

16 (1) IN GENERAL.—The designation of a wilder-  
17 ness addition by section 301 shall not create any  
18 protective perimeter or buffer zone around the wil-  
19 derness area.

20 (2) NONWILDERNESS ACTIVITIES.—The fact  
21 that a nonwilderness activity or use can be seen or  
22 heard from an area within a wilderness addition des-  
23 igned by section 301 shall not preclude the con-  
24 duct of the activity or use outside the boundary of  
25 the wilderness area.

1 **SEC. 303. MAPS AND LEGAL DESCRIPTIONS.**

2 (a) IN GENERAL.—As soon as practicable after the  
3 date of enactment of this Act, the Secretary shall file a  
4 map and a legal description of—

5 (1) the Otatsy Recreation Management Area es-  
6 tablished by section 201(a);

7 (2) the Spread Mountain Recreation Area es-  
8 tablished by section 202(a); and

9 (3) each wilderness addition designated by sec-  
10 tion 301.

11 (b) SUBMISSION.—The Secretary shall submit the  
12 maps and legal descriptions prepared under subsection (a)  
13 to—

14 (1) the Committee on Energy and Natural Re-  
15 sources of the Senate; and

16 (2) the Committee on Natural Resources of the  
17 House of Representatives.

18 (c) FORCE OF LAW.—The maps and legal descrip-  
19 tions filed under subsection (b) shall have the same force  
20 and effect as if included in this title, except that the Sec-  
21 retary may correct any typographical errors in the maps  
22 or legal descriptions.

23 (d) PUBLIC AVAILABILITY.—Each map and legal de-  
24 scription filed under subsection (b) shall be on file and  
25 available for public inspection in the appropriate offices



1 of the Forest Service and the Bureau of Land Manage-  
2 ment.

3 **TITLE IV—EFFECT**

4 **SEC. 401. PROTECTION OF TRIBAL TREATY RIGHTS.**

5 Nothing in this Act alters, modifies, enlarges, dimin-  
6 ishes, or abrogates the treaty rights of any Indian Tribe.

○