

Calendar No. 307118TH CONGRESS
2^D SESSION**S. 2149****[Report No. 118–155]**

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.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2023

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

JANUARY 9, 2024

Reported by Mr. MANCHIN, without amendment

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

4 (b) TABLE OF CONTENTS.—The table of contents for
5 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.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) DISTRICT.—The term “District” means the
9 Seeley Lake Ranger District of the Lolo National
10 Forest.

11 (2) MAP.—The term “Map” means the map en-
12 titled “Bob Marshall, Mission Mountains, Spread
13 Mountain, and Scapegoat Wilderness Additions and
14 Otatsy Recreation Management Area” and dated
15 February 22, 2017.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 (4) STATE.—The term “State” means the State
4 of Montana.

5 **TITLE I—FOREST RESTORATION**

6 **SEC. 101. LANDSCAPE ASSESSMENT.**

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

11 (b) REQUIRED COMPONENTS.—The landscape as-
12 sessment under subsection (a) shall—

13 (1) assess the ecological condition of forests and
14 watersheds within the District; and

15 (2) identify restoration actions needed to facili-
16 tate ecosystem sustainability, resilience, and health
17 by assisting in the recovery of forest ecosystems
18 within the District.

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

24 (d) RESTORATION SCHEDULE.—As soon as prac-
25 ticable after the completion of the landscape assessment

1 under subsection (a), the Secretary, in collaboration with
2 interested parties, shall develop for the District a 10-year
3 schedule of restoration projects.

4 **SEC. 102. ENVIRONMENTAL REVIEW OF COLLABORATIVELY**
5 **DEVELOPED RESTORATION PROJECTS.**

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

13 (b) ENVIRONMENTAL REVIEW.—A collaboratively de-
14 veloped restoration project within the District may be car-
15 ried out in accordance with the provisions applicable to
16 hazardous fuel reduction projects under sections 104, 105,
17 and 106 of the Healthy Forests Restoration Act of 2003
18 (16 U.S.C. 6514–6516).

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

1 **TITLE II—RECREATION**

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

3 (a) ESTABLISHMENT.—Subject to valid existing
4 rights, certain Federal land in the Lolo National Forest
5 comprising approximately 2,013 acres, as generally de-
6 picted on the Map, is designated as the “Otatsy Recre-
7 ation Management Area” (referred to in this section as
8 the “recreation management area”).

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

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

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

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

20 (1) Permanent roads.

21 (2) Timber harvest.

22 (3) Except as necessary to provide for snow-
23 mobile use, to meet the minimum requirements for
24 the administration of the recreation management
25 area, and to protect public health and safety—

1 (A) the use of motorized and mechanized
2 vehicles; and

3 (B) the establishment of temporary roads.

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

6 (1) between December 1 and April 1;

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

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

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

18 (f) WITHDRAWAL.—Subject to valid existing rights,
19 the recreation management area (including any Federal
20 land acquired after the date of enactment of this Act for
21 inclusion in the recreation management area) is with-
22 drawn from all forms of—

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

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

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

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

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

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

14 (1) this section, to conserve, protect, and en-
15 hance the scenic, fish and wildlife, recreational,
16 backcountry heritage, and other natural resource
17 values of the recreation area; and

18 (2) any laws (including regulations) relating to
19 the National Forest System.

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

23 (1) Permanent roads.

24 (2) Timber harvest.

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

4 (A) the use of motorized vehicles; and

5 (B) the establishment of temporary roads.

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

8 (1) the use of mechanized vehicles, access by
9 pedestrians, or horse travel within the recreation
10 area; or

11 (2) the construction of trails for use by mecha-
12 nized vehicles, pedestrians, and horse travel within
13 the recreation area.

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

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

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

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

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

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

8 (a) **DEFINITION OF COLLABORATIVELY DEVELOP-**
9 **ED.**—In this section, the term “collaboratively devel-
10 oped” means a proposal that is developed and imple-
11 mented through a collaborative process that—

12 (1) includes multiple interested persons rep-
13 resenting diverse interests; and

14 (2) is transparent and nonexclusive.

15 (b) **EXPANDED TRAIL RECREATION OPPORTUNI-**
16 **TIES.**—

17 (1) **IN GENERAL.**—If a local collaborative group
18 submits to the Secretary, by not later than 5 years
19 after the date of enactment of this Act, a collabo-
20 ratively developed proposal to improve motorized and
21 nonmotorized recreational trail opportunities within
22 the District, the Secretary—

23 (A) shall analyze the proposal in accord-
24 ance with the National Environmental Policy
25 Act of 1969 (42 U.S.C. 4321 et seq.); and

1 (B) subject to appropriations, and in ac-
2 cordance with subsection (d), may provide for
3 the construction of any of the routes included
4 in the proposal.

5 (2) PRIORITY.—In completing the analysis re-
6 quired by paragraph (1)(A), in accordance with sub-
7 section (d), the Secretary shall give priority to ex-
8 panding motorized and nonmotorized recreational
9 trail opportunities within the District that are in the
10 public interest.

11 (3) DEADLINE.—The Secretary shall complete
12 the analysis required by paragraph (1)(A) by not
13 later than 3 years after the date on which the Sec-
14 retary receives the applicable collaboratively devel-
15 oped proposal.

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

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

22 (1) each provision of law (including regulations)
23 that is generally applicable to the National Forest
24 System; and

25 (2) this Act.

1 (e) EFFECT OF SECTION.—Nothing in this section
2 affects the ownership or management of, or any other
3 right relating to, any non-Federal land (including any in-
4 terest in non-Federal land).

5 **TITLE III—CONSERVATION**

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

7 In furtherance of the purposes of the Wilderness Act
8 (16 U.S.C. 1131 et seq.), and subject to valid existing
9 rights, the following areas in the State are designated as
10 wilderness areas and as components of the National Wil-
11 derness Preservation System:

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

21 (2) MISSION MOUNTAINS WILDERNESS ADDI-
22 TION.—Certain land in the Lolo National Forest,
23 comprising approximately 4,462 acres generally de-
24 picted as the “West Fork Clearwater Addition” on
25 the Map, is incorporated in, and shall be considered

1 to be a part of, the Mission Mountains Wilderness
2 designated by Public Law 93–632 (88 Stat. 2153).

3 (3) SCAPEGOAT WILDERNESS ADDITIONS.—Cer-
4 tain land in the Lolo National Forest, comprising
5 approximately 27,392 acres generally depicted as the
6 “North Fork Blackfoot-Monture Creek Addition
7 (Scapegoat Addition)” on the Map, is incorporated
8 in, and shall be considered to be a part of, the
9 Scapegoat Wilderness designated by Public Law 92–
10 395 (86 Stat. 578).

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

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

19 (b) INCORPORATION OF ACQUIRED LAND AND IN-
20 TERESTS.—Any land within the boundary of a wilderness
21 area designated by section 301 that is acquired by the
22 United States shall—

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

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

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

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

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

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

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

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

23 (e) ACCESS TO PRIVATE LAND.—In accordance with
24 section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)),
25 the Secretary shall provide to any owner of private land

1 within the boundary of a wilderness addition designated
2 by section 301 access to the private land.

3 (f) FISH AND WILDLIFE.—Nothing in this title af-
4 fects the jurisdiction or responsibilities of the State with
5 respect to fish and wildlife, including the regulation of
6 hunting, fishing, and trapping.

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

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

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

23 (2) the guidelines described in House Report
24 96–617 to accompany H.R. 5487 of the 96th Con-
25 gress.

1 (i) OUTFITTING AND GUIDE ACTIVITIES.—

2 (1) IN GENERAL.—In accordance with section
3 4(d)(5) of the Wilderness Act (16 U.S.C.
4 1133(d)(5)), commercial services (including author-
5 ized outfitting and guide activities) within the wil-
6 derness additions designated by section 301 may be
7 authorized to the extent necessary for activities that
8 fulfill the recreational or other wilderness purposes
9 of the wilderness areas, in accordance with section
10 1503(b)(6) of Public Law 111–11 (123 Stat. 1035).

11 (2) EFFECT.—Nothing in this title requires the
12 Secretary to modify any permit in effect as of the
13 date of enactment of this Act to provide outfitting
14 and guide services within the wilderness additions
15 designated by section 301 on a determination by the
16 Secretary that the activities are in compliance with
17 section 4(d)(5) of the Wilderness Act (16 U.S.C.
18 1133(d)(5)).

19 (j) ADJACENT MANAGEMENT.—

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

24 (2) NONWILDERNESS ACTIVITIES.—The fact
25 that a nonwilderness activity or use can be seen or

1 heard from an area within a wilderness addition des-
2 igned by section 301 shall not preclude the con-
3 duct of the activity or use outside the boundary of
4 the wilderness area.

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

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

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

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

13 (3) each wilderness addition designated by sec-
14 tion 301.

15 (b) SUBMISSION.—The Secretary shall submit the
16 maps and legal descriptions prepared under subsection (a)
17 to—

18 (1) the Committee on Energy and Natural Re-
19 sources of the Senate; and

20 (2) the Committee on Natural Resources of the
21 House of Representatives.

22 (c) FORCE OF LAW.—The maps and legal descrip-
23 tions filed under subsection (b) shall have the same force
24 and effect as if included in this title, except that the Sec-

1 retrary may correct any typographical errors in the maps
2 or legal descriptions.

3 (d) PUBLIC AVAILABILITY.—Each map and legal de-
4 scription filed under subsection (b) shall be on file and
5 available for public inspection in the appropriate offices
6 of the Forest Service and the Bureau of Land Manage-
7 ment.

8 **TITLE IV—EFFECT**

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

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

Calendar No. 307

118TH CONGRESS
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[Report No. 118-1551]

A BILL

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