

# GREATER YELLOWSTONE CONSERVATION AND RECREATION ACT

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## **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Greater Yellowstone Conservation and Recreation Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

### TITLE ONE—CONSERVATION

Sec. 101. Hyalite Watershed Protection Area.

Sec. 102. Wildlife and recreation management areas.

Sec. 103. Designation of wilderness.

### TITLE TWO—RECREATION

Sec. 201. Maps.

Sec. 202. Management.

Sec. 203. Establishment of new trails.

Sec. 204. Recreation and parking study.

### TITLE THREE—MISCELLANEOUS

Sec. 301. Protection of tribal treaty rights.

Sec. 302. Protection for private property rights.

Sec. 303. Fish and wildlife.

Sec. 304. Incorporation of acquired land and interests.

## **SEC. 2. DEFINITIONS.—**In this Act:

(1) Map.—The term “map” means the map entitled “Greater Yellowstone Conservation and Recreation Act” and dated \_\_\_\_.

(2) Watershed protection area.—The term “watershed protection area” means the Hyalite Watershed Protection Area established by section 101(a).

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

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

(5) Wildlife and recreation management areas. The term “wildlife and recreation management areas” means the Porcupine-Buffalo Horn Wildlife and Recreation Management Area and West Pine Wildlife and Recreation Management Area established by section 102(a).

### TITLE ONE—CONSERVATION

## **SEC. 101. HYALITE WATERSHED PROTECTION AREA.**

(a) ESTABLISHMENT.—Subject to valid existing rights, there is established the Hyalite Watershed Protection Area, comprised of approximately \_\_\_\_ acres of Federal land, as generally depicted on the map.

- (b) **PURPOSES.**—The purposes of the watershed protection area are to—
- (1) conserve, protect, and enhance for the benefit of present and future generations the recreational, scenic, fish and wildlife, roadless, and ecological values of the watershed protection area;
  - (2) ensure the protection of the quality of water from the watershed protection area; and
  - (3) allow visitors to enjoy the scenic, natural, cultural, and wildlife values of the watershed protection area.
- (c) **MANAGEMENT.**—
- (1) **IN GENERAL.**—The Secretary shall manage the watershed protection area—
    - (A) in a manner that conserves, protects, and enhances the resources of the watershed protection area; and
    - (B) in accordance with—
      - (i) the laws (including regulations) and rules applicable to the National Forest System;
      - (ii) this section; and
      - (iii) any other applicable law (including regulations).
  - (2) **USES.**—The Secretary shall only allow such uses of the watershed protection area that the Secretary determines would further the purposes described in subsection (b).
- (d) **MANAGEMENT PLAN.**—
- (1) **IN GENERAL.**—Not later than three years after the date of enactment of this Act and in accordance with this subsection, the Secretary shall develop a comprehensive plan for the long-term management of the watershed protection area.
  - (2) **CONSULTATION.**—In developing the management plan required under paragraph (1), the Secretary shall consult with—
    - (A) appropriate tribal, State and local governmental entities; and
    - (B) members of the public.
  - (3) **INCORPORATION OF EXISTING PLANS.**— In developing the management plan required under paragraph (1), to the extent consistent with this section, the Secretary may incorporate any provision of an existing local land management plan (including a travel management plan) applicable to the watershed protection area.
  - (4) **CONTENTS.**—The management plan developed under paragraph (1) shall—
    - (A) to the extent consistent with this section—
      - (i) incorporate the designations for motorized and mechanized vehicles in the local land management plan in effect on the date of enactment of this Act; and
      - (ii) assess opportunities to create connected long-distance trails and loop trails;
    - (B) address non-system routes and trails within the watershed protection area;
    - (C) not designate for use by motorized vehicles any routes or trails that were not open to motorized vehicles as of the date of enactment of this Act;
    - (D) prioritize enforcement and education activities within the watershed protection area to—
      - (i) reduce travel by motorized and mechanized vehicles off designated routes;
      - (ii) prevent degradation of natural resources; and
      - (iii) reduce user conflicts.

(E) include a strategy to adequately maintain trails within the watershed protection area; and

(F) monitor the impacts of recreational activities on wildlife within the watershed protection area;

(e) PROHIBITIONS.—The following activities are prohibited within the watershed protection area—

(1) construction of permanent roads; and

(2) commercial timber harvest and construction of permanent or temporary roads (except temporary roads needed for administration of the area or to respond to an emergency) within the area depicted on the map as “timber harvest prohibited”; and

(3) construction of new trails for use by motorized vehicles.

(f) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—In accordance with this section, the Secretary may carry out any measures in the watershed protection area that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines to be appropriate, the coordination of those activities with a State or local agency.

(g) VEGETATION MANAGEMENT.—Vegetation management may be permitted within the watershed protection area—

(1) outside the area depicted on the map as “timber harvest prohibited”;

(2) subject to—

(A) such reasonable regulations, policies, and practices as the Secretary determines appropriate; and

(B) all applicable laws (including regulations); and

(3) in a manner consistent with the purposes described in subsection (b).

(h) GRAZING.—The Secretary shall permit grazing within the watershed protection area, if established on the date of enactment of this Act—

(1) subject to—

(A) such reasonable regulations, policies, and practices as the Secretary determines appropriate; and

(B) all applicable laws (including regulations); and

(2) in a manner consistent with the purposes described in subsection (b).

(i) WITHDRAWAL.—Subject to valid existing rights, all Federal land located in the watershed protection area is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

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

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(j) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—The designation of the watershed protection area shall not create a protective perimeter or buffer zone around the watershed protection area.

(2) EFFECT.—The fact that activities or uses can be seen or heard from within the watershed protection area shall not preclude the conduct of the activities or uses outside the boundary of the watershed protection area.

(k) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with tribal, State, and local governmental entities and private entities to carry out any initiative relating to the conservation, maintenance, or restoration of the watershed protection area.

## **SEC. 102. WILDLIFE AND RECREATION MANAGEMENT AREAS.**

- (a) ESTABLISHMENT.—Subject to valid existing rights, the following areas are designated as wildlife management areas:
- (1) PORCUPINE-BUFFALO HORN WILDLIFE AND RECREATION MANAGEMENT AREA.—Certain Federal land in the State, comprising approximately \_\_\_ acres, as generally depicted on the map, which shall be known as the Porcupine-Buffalo Horn Wildlife and Recreation Management Area.
  - (2) WEST PINE WILDLIFE AND RECREATION MANAGEMENT AREA.— Certain Federal land in the State, comprising approximately \_\_\_ acres, as generally depicted on the map, which shall be known as the West Pine Wildlife and Recreation Management Area.
- (b) PURPOSES.—The purposes of the wildlife and recreation management areas are to—
- (1) conserve, protect, and enhance for the benefit of present and future generations the recreational, scenic, fish and wildlife, roadless, and ecological values of the wildlife management areas;
  - (2) maintain the presently existing wilderness character of the wildlife management areas; and
  - (3) allow visitors to enjoy the scenic, natural, cultural, and wildlife values of the wildlife management areas.
- (c) MANAGEMENT.—
- (1) IN GENERAL.—The Secretary shall manage the wildlife and recreation management areas—
    - (A) in a manner that conserves, protects, and enhances the resources of the wildlife management areas; and
    - (B) in accordance with—
      - (i) the laws (including regulations) and rules applicable to the National Forest System;
      - (ii) this section; and
      - (iii) any other applicable law (including regulations).
  - (2) USES.—The Secretary shall only allow such uses of the wildlife management areas that the Secretary determines would further the purposes described in subsection (b).
- (d) PROHIBITIONS.—The following activities are prohibited within the wildlife and recreation management areas—
- (1) construction of permanent or temporary roads (except temporary roads needed for administration of the area or to respond to an emergency) and
  - (2) construction of trails for use by motorized vehicles.
- (e) GRAZING.—The Secretary shall permit grazing within the wildlife and recreation management areas, if established on the date of enactment of this Act—
- (1) subject to—
    - (A) such reasonable regulations, policies, and practices as the Secretary determines appropriate; and
    - (B) all applicable laws; and
  - (2) in a manner consistent with the purposes described in subsection (b).
- (f) VEGETATION MANAGEMENT.—
- (1) Commercial timber harvest shall be prohibited within the Porcupine-Buffalo Horn Wildlife and Recreation Management Area.

- (2) Nothing in this section prevents the Secretary from conducting vegetation management projects within the Wildlife and Recreation Management Area—
- (A) subject to—
    - (i) such reasonable regulations, policies, and practices as the Secretary determines appropriate; and
    - (ii) all applicable laws (including regulations); and
  - (B) in a manner consistent with the purposes described in paragraph (2).
- (g) WITHDRAWAL.—Subject to valid existing rights, all Federal land located in the wildlife and recreation management areas is withdrawn from—
- (1) all forms of entry, appropriation, and disposal under the public land laws;
  - (2) location, entry, and patenting under the mining laws; and
  - (3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.
- (h) ADJACENT MANAGEMENT.
- (1) IN GENERAL.—The designation of the wildlife and recreation management areas shall not create a protective perimeter or buffer zone around each wildlife and recreation management area.
  - (2) EFFECT.—The fact that activities or uses can be seen or heard from within the wildlife and recreation management areas shall not preclude the conduct of the activities or uses outside the boundary of the wildlife and recreation management areas.
- (i) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with Tribal, State, and local governmental entities and private entities to carry out any initiative relating to the conservation, maintenance, or restoration of the wildlife and recreation management areas.

### **SEC. 103. DESIGNATION OF WILDERNESS.**

- (a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas are designated as wilderness areas and as components of the National Wilderness Preservation System:
- (1) GALLATIN RANGE WILDERNESS.—Certain Federal land administered by the Forest Service in the State, comprising approximately \_\_\_ acres, as generally depicted on the map, which shall be known as the Gallatin Range Wilderness.
  - (2) LEE METCALF WILDERNESS ADDITIONS.—Certain Federal land administered by the Forest Service in the State, comprising approximately \_\_\_ acres, as generally depicted on the map, which shall be added to and administered as part of the Lee Metcalf Wilderness designated by of Public Law 98-140 (97 Stat. 901; 16 U.S.C. 1132 note).
- (b) ADMINISTRATION.—Subject to valid existing rights, the land designated as wilderness or wilderness additions by subsection (a) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.
- (c) GRAZING.—The grazing of livestock and the maintenance of existing facilities relating to grazing in the wilderness and wilderness additions designated by subsection (a), if established before the date of enactment of this Act, shall be permitted to continue in accordance with—
- (1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and
  - (2) the guidelines set forth in the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 5487 of the 96th Congress (H. Rept. 96-617).

(d) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness and wilderness additions designated by subsection (a), the Secretary may take any measures that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines appropriate, the coordination of those activities with a State or local agency.

(e) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—The designation of a wilderness area or wilderness addition by subsection (a) shall not create any protective perimeter or buffer zone around the wilderness area or wilderness addition.

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

(f) RELEASE OF HYALITE-PORCUPINE-BUFFALO HORN WILDERNESS STUDY AREA.

(1) FINDINGS.—Congress finds that—

(A) the studies conducted under section 2 of the Montana Wilderness Study Act of 1977 (Public Law 95–150; 91 Stat. 1243) regarding the study area described in paragraph (2) is adequate for the consideration of the suitability of the study area for inclusion as a component of the National Wilderness Preservation System; and  
(B) the Secretary of Agriculture is not required—

(i) to review the wilderness option for the study area described in paragraph (2) prior to the revision of the forest plan in accordance with the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

(ii) to manage the portion of the study area described in paragraph (2) that is not designated as wilderness by subsection (a) to ensure the suitability of the area for designation as a component of the National Wilderness Preservation System pending revision of the forest plan.

(2) DESCRIPTION OF STUDY AREA.—The study area referred to in paragraph (1) is the portion of the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area, as described in section 2(8) of the Montana Wilderness Study Act of 1977 (Public Law 95–150; 91 Stat. 1243) that is not designated as wilderness by subsection (a).

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## TITLE TWO—RECREATION

### SEC. 201. MAPS.

(a) USE MAPS.— Not later than four years after the date of enactment of this Act and in accordance with this subsection, the Secretary shall issue updated Motor Vehicle Use Maps (MVUM), Over Snow Vehicle Use Maps (OSVUM), and visitor use maps, as applicable, for the watershed protection area, wildlife and recreation management areas, and wilderness areas and wilderness additions that incorporate and are in alignment with relevant provisions in this Act and all existing and updated Forest Plans, Use Maps, and Orders pertaining to the respective landscapes.

(b) REQUIREMENTS.—The maps prepared under paragraph (a) shall depict designated roads, trails, recreation sites, wilderness areas, wild and scenic rivers, and any other relevant attractions,

facilities, and services for the watershed protection area, wildlife and recreation management areas, and wilderness areas and wilderness additions, in addition to and conjunction with any Motor Vehicle Use Maps and Over-Snow Vehicle Use Maps.

(c) PUBLIC AVAILABILITY.—The maps and legal descriptions prepared under paragraph (a) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

## **SEC. 202. MANAGEMENT.**

(a) IN GENERAL.—Except as provided by paragraph (c), the use of motorized and mechanized vehicles shall be permitted only on roads, trails, and areas designated for use by motorized and mechanized vehicles by the MVUM, OSVUM, and visitor use maps developed under Section 201(a) and the management plan developed under Section 101(d).

(b) INTERIM MANAGEMENT.—Until the development of the MVUM, OSVUM, and visitor use maps required by Section 201 and the management plan required by Section 101(d), the use of motorized and mechanized vehicles in the watershed protection area and wildlife and recreation management areas shall be permitted on roads, trails, and areas designated for use by motorized and mechanized vehicles as of the date of enactment of this Act.

(c) EXCEPTIONS.—Nothing in this section prevents the Secretary from—

- (1) rerouting or closing an existing road or trail to protect natural resources from degradation, as determined to be appropriate by the Secretary;
- (2) authorizing the use of motorized vehicles for administrative purposes; or
- (3) responding to an emergency.

(d) PEDESTRIANS AND HORSE TRAVEL.—Nothing in this section prohibits access by pedestrians or horse travel within the watershed protection area or wildlife and recreation management areas.

(e) OUTFITTING AND GUIDE ACTIVITIES.—Commercial services, including authorized outfitting and guide activities, are authorized in the watershed protection area, wildlife and recreation management area, wilderness areas and wilderness additions —

- (1) subject to—
  - (A) such reasonable regulations, policies, and practices as the Secretary determines appropriate; and
  - (B) all applicable laws; and
- (2) in a manner consistent with the purposes described in Section 102(b).

## **SEC. 203. ESTABLISHMENT OF NEW TRAILS.**

(a) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, in accordance with paragraphs (2), the Secretary shall study the feasibility of constructing a trail connecting the West Pine trail to the North Dry Creek trailhead

(2) CONSULTATION.—In developing the feasibility study required under paragraph (1), the Secretary shall consult with—

- (A) appropriate tribal, State, and local governmental entities; and
- (B) members of the public.

(b) CONSTRUCTION.—

(1) CONSTRUCTION AUTHORIZED.—Subject to appropriations, and in accordance with subsection (c), if the Secretary determines under subsection (a) that the construction

of the trail described in such subsection is feasible and in the public interest, the Secretary may provide for the construction of the trail.

(2) **USE OF VOLUNTEER SERVICES AND CONTRIBUTIONS.**—Trails may be constructed under this section through the acceptance of volunteer services and contributions from non-Federal sources to reduce or eliminate the need for Federal expenditures to construct the trails.

(c) **COMPLIANCE.**—In carrying out this section, the Secretary shall comply with—

(1) the laws (including regulations) generally applicable to the National Forest System; and

(2) this Act.

(d) **PROHIBITIONS.**—

(1) **IN GENERAL.**—Except as provided in subparagraph (2),--

(A) Construction of non-motorized trails is prohibited within the wildlife and recreation management areas,

(B) Construction of trails for use by motorized vehicles shall be prohibited within the watershed protection area, and

(C) The construction of trails shall be prohibited within the area depicted on the map as “new trails prohibited.”

(2) **EXCEPTION.**—Nothing in subparagraph (1) prevents the Secretary from constructing non-motorized trails within the corridors generally depicted on the map as “Dry Divide to Bear Lakes” and “North Dry Creek Road to West Pine.”

#### **Sec. 204. RECREATION AND PARKING STUDY.**

(a) **STUDY REQUIRED.**—Within three years of the date of enactment of this Act, with regard to the watershed protection area and in accordance with Section 101 of this Act, the Secretary shall study—

(1) opportunities to improve non-motorized trail-based recreation opportunities within the watershed protection area; and

(2) the feasibility and desirability of establishing a fee, in accordance with existing law (including regulations), for parking at designated parking areas within the watershed protection area.

(b) **CONTENTS.**—The study required by subsection (a) shall assess—

(1) opportunities to develop long-distance and loop trails within and adjacent to the watershed protection area outside the area depicted on the map as “new trails prohibited”;

(2) the feasibility and desirability of utilizing time-share agreements for additional trails within the watershed protection area;

(3) opportunities to expand access through the establishment of shared use trails for non-motorized recreation within the watershed protection area;

(4) the feasibility and administrative costs of establishing a parking fee for parking at designated parking areas within the watershed protection area;

(5) the expected public benefits of a parking fee within the watershed protection area; and

(6) the impacts of a parking fee on low-income visitors to the watershed protection area.

(c) **SUBMISSION TO CONGRESS.**—The Secretary shall submit a copy of the study required by subsection (a) to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.



(d) Nothing in this Act prohibits the Secretary from utilizing funds associated with the Federal Lands Recreation Enhancement Act (16 U.S.C. §§6801-6814) to fund the Recreation and Parking Study.

### **TITLE THREE—MISCELLANEOUS**

**SEC. 301. PROTECTION OF TRIBAL TREATY RIGHTS.**—Nothing in this Act alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian Tribe.

**SEC. 302. PROTECTION FOR PRIVATE PROPERTY RIGHTS.**—Nothing in this Act—

- (a) affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land);
- (b) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or
- (c) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

**SEC. 303. FISH AND WILDLIFE.**—Nothing in this Act affects the jurisdiction or responsibilities of the State with respect to fish and wildlife.

**SEC. 304. INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—

(a) INTERIOR LANDS.--Any land or interest in land that is located in the watershed protection area, wildlife and recreation management area, or wilderness and is acquired by the United States from a willing seller shall—

(1) become part of the respective watershed protection area, wildlife and recreation management area, or wilderness; and

(2) be managed in accordance with—

(A) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 552 et seq.); and

(B) any laws (including regulations) applicable to the National Forest System;

(C) this Act; and

(D) any other applicable law (including regulations).

(b) ADJACENT LANDS.--Any land or interest in land that is located adjacent to the watershed protection area, wildlife and recreation management area, or wilderness and is acquired by the United States from a willing seller may become part of the respective watershed protection area, wildlife and recreation management area, or wilderness area.