

ESTABLISHING THE RATTLESNAKE NATIONAL EDUCATION
AND RECREATION AREA AND WILDERNESS IN THE
STATE OF MONTANA

SEPTEMBER 17, 1980.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. UDALL, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H.R. 5898]

[Including the cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 5891) to establish the Rattlesnake National Education and Recreation Area and Wilderness in the State of Montana, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 3, strike all after the enacting clause and insert the following:

STATEMENT OF FINDINGS AND POLICY

SECTION 1. (a) The Congress finds that—

(1) certain lands on the Lolo National Forest in Montana have high value for watershed, water storage, wildlife habitat, primitive recreation, historical, scientific, ecological, and educational purposes. This national forest area has long been used as a wilderness by Montanans and by people throughout the Nation who value it as a source of solitude, wildlife, clean, freeflowing waters stored and used for municipal purposes for over a century, and primitive recreation, to include such activities as hiking, camping, backpacking, hunting, fishing, horse riding, and bicycling.

(2) certain other lands on the Lolo National Forest, while not predominantly of wilderness quality, have high value for municipal watershed, recreation, wildlife habitat, and ecological and educational purposes.

(b) Therefore, it is hereby declared to be the policy of Congress that, to further the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131) and the National Forest

Management Act of 1976 (16 U.S.C. 1600), the people of the Nation and Montana would best be served by national recreation area designation of the Rattlesnake area to include the permanent preservation of certain of these lands under established statutory designation as wilderness, and to promote the watershed, recreational, wildlife, and educational values of the remainder of these lands.

DESIGNATION AND MANAGEMENT OF RATTLESNAKE WILDERNESS AREA

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131), certain lands within the Rattlesnake National Education and Recreation Area as designated by this Act, which comprise about thirty-three thousand acres as generally depicted as the "Rattle-snake Wilderness" on a map entitled "Rattlesnake National Education and Recreation Area and Wilderness—Proposed," and dated September 1980, are hereby designated as wilderness and shall be known as the Rattlesnake Wilderness.

(b) Subject to valid existing rights, and further subject to section 4(c)(2) of this Act, the Rattlesnake Wilderness as designated by this Act shall be administered by the Secretary of Agriculture, hereafter referred to as the Secretary, in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness: *Provided*, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

DESIGNATION AND MANAGEMENT OF RATTLESNAKE NATIONAL EDUCATION AND RECREATION AREA

SEC. 3. (a) An area of land comprising approximately sixty-one thousand acres as generally depicted as the "Rattlesnake Education and Recreation Area" on a map entitled "Rattlesnake National Education and Recreation Area and Wilderness—Proposed," and dated September 1980, is hereby established as the Rattlesnake National Education and Recreation area.

(b) The Secretary shall administer the Rattlesnake National Education and Recreation Area in accordance with the laws and regulations applicable to the national forests in such a manner as will best provide for—

- (1) promotion, support, encouragement, and increase of public awareness and understanding of the significance of our wildlands as a national resource;
- (2) the protection and management of water quality and supply;
- (3) the preservation, enhancement, and management of wildlife and wildlife habitat values;
- (4) public recreation and enjoyment; and
- (5) the conservation and development of the scenic, natural, historic and pastoral values of the area.

(c) The Secretary shall develop an overall management plan for the Rattlesnake National Education and Recreation Area. This plan shall be developed in consultation with State and local political subdivisions and other interested persons, and shall comply with the intentions of Congress as such intent is expressed in this Act.

(d) The Secretary shall permit hunting, fishing, and trapping on lands and waters under the Secretary's jurisdiction within the Rattlesnake National Education and Recreation Area in accordance with the laws of the United States and the State of Montana.

LAND ACQUISITION AND EXCHANGE

SEC. 4. (a) Within the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness, the Secretary is authorized and directed to acquire with donated or appropriated funds including amounts appropriated from the Land and Water Conservation Fund, by exchange, gift, or purchase, such non-Federal lands, interests, or any other property, in conformance with the provisions of this section. Nothing in this Act shall be construed to limit or diminish the existing authority of the Secretary to acquire lands and interests therein within the Rattlesnake National Recreation Area or Rattlesnake Wilderness.

(b)(1) The Secretary of the Interior, in consultation with the Secretary of Agriculture, is authorized to consider and consummate an exchange with the owner of the private lands or interests therein within the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness, as described in sections 2 and 3 of this Act, by which the Secretary of the Interior may accept conveyance of title to these private lands for the United States and in exchange issue bidding rights that may be exercised in competitive coal lease sales, or in coal lease modifications, or both, under sections 2 and 3 of the Mineral Lands Leasing Act of 1920, as amended (30

U.S.C. 201(a), 203). Any lands so acquired shall become national forest lands under the jurisdiction of the Secretary of Agriculture to be managed in accordance with the provisions of this Act and other laws applicable to the management of national forest lands. Nothing in this Act shall be construed to limit or diminish any existing authority of the Secretaries of the Interior and Agriculture to acquire private lands and interests therein in Rattlesnake National Education and Recreation Area and Rattlesnake Wilderness.

(2) The coal lease bidding rights to be issued may be exercised as payment of bonus or other payment required of the successful bidder for a competitive coal lease, or required of an applicant for a coal lease modification. The bidding rights shall equal the fair market value of the private lands or interests therein conveyed in exchange for their issuance. The use and exercise of the bidding rights shall be subject to the provisions of the Secretary of the Interior's regulations governing coal lease bidding rights, to the extent that they are not inconsistent with this Act, that are in effect at the time the bidding rights are issued.

(3) If for any reason, including but not limited to the failure of the Secretary of the Interior to offer for lease lands in the Montana portion of the Powder River region, or the failure of the holder of the bidding rights to submit a successful high bid for any such leases, any bidding rights issued in an exchange under this Act have not been exercised within three years from the date of enactment of this Act, the holder of the bidding rights may, at its election, use the outstanding bidding rights as a credit against any royalty, rental, or advance royalty payments owed to the United States on any Federal coal lease(s) it may then hold.

(4) It is the intent of Congress that the exchange of bidding rights for the private lands or interests therein authorized by this Act shall occur within three years of the date of enactment of this Act.

(5) In order to facilitate the exchange authorized by this Act, the Executive order captioned "Order of Withdrawal", of June 6, 1929, creating "Coal Reserve No. 1, Montana, No. 1", is hereby revoked to the extent that it constitutes a withdrawal of the lands therein from disposal under the Mineral Lands Leasing Act of 1920, as amended.

(c)(1) As non-Federal lands and interests in the Rattlesnake National Education and Recreation Area are acquired, the land shall become part of the Rattlesnake National Education and Recreation Area. As non-Federal lands and interests in the Rattlesnake Wilderness are acquired, the lands shall become part of the Rattlesnake Wilderness. The Secretary shall publish from time to time a notice of such classifications in the Federal Register. It is the intention of Congress that acquisition of the non-Federal lands shall be completed no later than three years after the date of the enactment of this Act.

(2) Nothing in this Act shall be construed to permit the Secretary to affect or diminish any water right which is vested under either State or Federal law at the time of enactment of this Act, nor the rights of the owner of such water right to the customary and usual access, including necessary motorized use over and along existing roads and trails to any facilities used in connection therewith, and the right to operate and maintain such facilities.

ESTABLISHMENT OF AN EDUCATION AND RESEARCH CENTER

SEC. 5. The Secretary shall establish a Rattlesnake Wildland Education and Research Center at an appropriate site within the Rattlesnake National Education and Recreation Area. Such facility shall be established for the purpose of public education about the Rattlesnake Wilderness and Rattlesnake National Education and Recreation Area as well as for the promotion of education pertaining to all aspects of wildlands management.

FILING OF MAPS AND DESCRIPTIONS

SEC. 6. As soon as practicable after enactment of this Act, a map and legal description of the Rattlesnake National Education and Recreation Area and a map and legal description of the Rattlesnake Wilderness shall be filed with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such maps and legal descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. Effective October 1, 1981, there is hereby authorized to be appropriated funds necessary for the acquisition of lands and interests to carry out the purposes of this Act. Such funds shall remain available under expended without fiscal year limitation. There is further authorized to be appropriated for the construction of the Rattlesnake Wildland Education and Research Center facility, as provided for in section 5, not more than \$250,000 in fiscal year 1982, and not more than \$275,000 annually in succeeding years for facility administrative and program costs. Amounts appropriated to carry out this Act shall be expended in accordance with the Budget Reform and Impoundment Control Act of 1974 (88 Stat. 297).

PURPOSES

H.R. 5898, introduced by Mr. Williams of Montana, would create an approximate 61,000-acre Rattlesnake National Education and Recreation Area in the Lolo National Forest, Montana. The bill also designates a 33,000-acre Rattlesnake Wilderness within the National Education and Recreation Area.

BACKGROUND AND NEED

The proposed 61,000-acre Rattlesnake National Education and Recreation area is located in the Lolo National Forest, and lies on the outskirts of Missoula, Montana's third largest city. The Rattlesnake Creek basin is the urban watershed for the city of Missoula. Since 1972, when the first waterworks were developed in the Rattlesnake watershed, the area has provided Missoula with high quality and quantity water which requires minimal treatment. This water supply is virtually cost free, because the gravity flow pristine water can be utilized without the construction of major impoundments, conduits or other expensive developments. Protection of the watershed in its present largely natural and undeveloped condition is the major goal of H.R. 5898. Due to its high watershed values, the proposed National Education and Recreation Area (NERA) and Wilderness is unsuited for livestock grazing, timber harvest, mining, or other resource development. As such, the Committee believes that the NERA and wilderness designations will have minimal conflicts with other potential uses.

In addition to its paramount watershed values, the proposed National Education and Recreation Area also possesses outstanding wildlife habitat, opportunities for primitive recreation, and scientific and educational resources. Some 41 lakes lie within the area as well as numerous streams. The lakes and streams are popular for primitive recreation such as fishing, and add to the area's overall appeal for those seeking a non-motorized wilderness type experience. (According to a study by the University of Montana, approximately 85 percent of the current use of the area is non-motorized.) In recent years, non-motorized use of the area has increased dramatically (87 percent between 1975 and 1978).

The area encompassed by the designations of the bill also contains habitat for 14 wilderness-associated wildlife species including resident grizzly bear, elk, the endangered Northern Rocky Mountain wolf and bald eagle. There are plans to re-introduce mountain goats to the area.

Due to its close proximity to Missoula and the University of Montana (the southern boundary of the proposed NERA lies only five miles from the University of Montana), all the above men-

tioned values enhance the area's significance as an extremely accessible recreational research and educational resource. Indeed, no other existing or potential wilderness area in the western United States lies in such close proximity to a major educational institution. In recognition of these values, H.R. 5898 stresses the educational and research as well as the recreational attributes of the area, and provides (in section 5 of the bill) for the establishment of a modest education and research center within the Rattlesnake NERA. The Committee anticipates that such a facility will complement research and educational facilities at the University of Montana, and will afford the general public an opportunity to study and experience first hand the various aspects of wildlands management and protection. In particular, the Committee believes that the combination of a specially designated National Education and Recreation Area and a wilderness area will provide exceptional opportunities to study comparative ecosystems under differing levels of management intensity. This should prove to be of great value in furthering understanding of the consequences of alternative land management designations and classifications.

Special management concerns

In designating the Rattlesnake National Education and Recreation Area the Committee is mindful that the portion of the area not designated as wilderness contains lands that are sensitive from the standpoint of watershed values and wildlife utilization and that are in need of special management attention by the Forest Service in developing a plan for management of the NERA pursuant to section 3(c) of the bill.

The first of the Committee's concerns relates to the approximate 2½ mile non-wilderness corridor which extends from the Franklin Bridge to the north along the bottom of Rattlesnake Creek. Although this corridor is excluded from the wilderness, it is the Committee's intention that the primitive road be permanently closed to motorized use north of the Franklin Bridge, except in the case where motorized use is deemed appropriate to provide access for groups of senior citizens, the handicapped, or others in conjunction with educational activities and programs.

The Committee further observes that the rugged non-wilderness portions of the area lying north of Rattlesnake Creek (Beeskove Creek, Pitcher Creek, Fraser Creek, Spring Gulch drainages), the Marshall Ridge area, and the area between Sheep Mountain and Shoofly Meadows are of critical importance to many wildlife species. These lands should be managed with special attention to the protection and enhancement of wildlife, and the Forest Service should give special consideration to wildlife in their decisions regarding the construction of improved recreation facilities or new trails, and the use of motorized equipment. If the Forest Service determines that such construction or activity would jeopardize the wildlife habitat within these areas, then such construction or activity should be curtailed. (The Committee would have no objection to the continued use by snowmobiles of the Mineral Peal jeep trail area.) Thus, in developing an overall management plan for the Rattlesnake National Education and Recreation Area the Committee expects that the Forest Service will take steps to insure that intensive recreation developments and use and off-road vehicle ac-

ivities are channeled away from the above mentioned areas. The Committee notes that this direction essentially conforms to the current use pattern in the area.

SECTION 4—LAND EXCHANGES

The bulk of the lands incorporated in H.R. 5898 are covered by a "checkerboard" land ownership pattern with many alternate sections owned either by the Montana Power Company or Burlington Northern. The Montana Power Company is the largest such owner, having in excess of 20,000 acres within the proposed National Education and Recreation Area. The Company recognizes the paramount watershed, fish and wildlife and recreation values of these lands and has expressed a desire to exchange its lands for other Federal lands outside the boundaries of H.R. 5898. Pursuant to intensive negotiations between the company and the U.S. government, it was determined that an exchange beneficial to both parties could best be achieved through a specific provision which would enable the Company to surrender its land in exchange for bidding rights for coal leases in the Powder River region or elsewhere. The lands owned by Burlington Northern are not part of the Montana Power proposal, however, and will presumably be covered by a future land for land exchange (as opposed to a land for coal bidding rights exchange).

SECTION-BY-SECTION ANALYSIS

Section 1 sets out certain findings on policies.

Section 2(a) designates a Rattlesnake Wilderness of 33,000 acres.

Section 2(b) contains standard language of all wilderness bills pertaining to the management of wilderness areas.

Section 3 designates a 61,000 acre Rattlesnake National Education and Recreation Area and provides for administration of the area to protect watershed, recreational, wildlife, and educational values and provides for the development of a management plan for the area and insures that the designation of the area will not impair or otherwise modify the State of Montana's jurisdiction and responsibilities with respect to hunting, fishing and trapping within the area.

Section 4(a) authorizes and directs the Secretary of Agriculture to acquire non-Federal lands within the National Education and Recreation Area.

Section 4(b) authorizes the surrender of non-Federal lands in exchange for bidding rights to coal leases and expresses Congress' intention that such exchanges be accomplished within three years.

Section 4(c) provides for the incorporation of acquired non-Federal lands into the National Education and Recreation Area and Wilderness and protects existing vested water rights.

Section 5 authorizes the establishment of a Rattlesnake Wildland Education and Research within the Rattlesnake National Education and Recreation Area.

Section 6 contains the standard language of all wilderness bills pertaining to the filing of maps and descriptions.

Section 7 authorizes \$250,000 in fiscal year 1982 for construction of a Rattlesnake Wildland Education and Research Center and

\$275,000 annually in succeeding years for facility administration, maintenance and program costs.

COST AND BUDGET COMPLIANCE

The analysis of the Congressional Budget Office which the Committee adopts as its own follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, SEPTEMBER 17, 1980

1. Bill number: H.R. 5898.
2. Bill title: A bill to establish the Rattlesnake National Education and Recreation Area and Wilderness in the State of Montana.
3. Bill status: As ordered reported by the House Committee on Interior and Insular Affairs, September 10, 1980.
4. Bill purpose: The bill establishes the Rattlesnake National Education and Recreation Area on approximately 61,000 acres of land in the Lolo National Forest and designates approximately 33,000 acres of land in this area as wilderness. In addition it authorizes land acquisition and exchange within the education and recreation area boundaries and directs the Secretary of Agriculture to establish a Rattlesnake Wildland Education and Research Center. The bill authorizes the appropriation of such sums as may be necessary for land acquisition beginning in fiscal year 1982; of not more than \$250,000 in fiscal year 1982 for the construction of the education and research center; and of not more than \$275,000 annually beginning in fiscal year 1983 for facility administration and program costs at the center.
5. Cost estimate:

[By fiscal years, in millions of dollars]

	1981	1982	1983	1984	1985
Estimated authorization level.....		1.0	0.9	0.1	0.1
Estimated outlays.....		0.8	0.9	0.1	0.3

In addition to the above costs for activities mandated by the bill, it is estimated that the exchange of bidding rights in exchange for land is likely to reduce net receipts of the government by \$1 million to \$2 million per year between 1982 and 1986.

The costs of this bill fall within budget function 300.

6. Basis of estimate: For the purpose of this estimate it is assumed that this bill will be enacted in 1980, and that all funds authorized will be appropriated.

Based on information from the Forest Service, it is estimated that additional administrative costs associated with the new area designations in this bill will be approximately \$60,000 per year beginning in fiscal year 1982, and that the preparation of maps and legal descriptions associated with the designations will cost approximately \$30,000 in fiscal year 1982.

The bill directs the Secretary of Agriculture to develop an overall management plan for the national education and recreation area and to establish the Rattlesnake Wildland Education and Research Center at an appropriate site within the area. Based on information from the Forest Service, it is expected that construction

of the center will cost approximately \$75,000 in fiscal year 1984 and \$175,000 in fiscal year 1985 and that operations and maintenance costs of the facility will be approximately \$275,000 per year beginning in fiscal year 1986.

This bill authorizes the Secretary of Agriculture to acquire private lands within the national education and recreation and by purchase, land exchange or exchange of land for coal lease bidding rights. Based on information from the Forest Service it is expected that 93 percent of the land involved will be acquired by exchange of land and leasing rights for the land within the boundaries of the newly designated area. The value of the land and coal lease bidding rights involved is between \$10 and \$20 million. It is expected that most of that amount would be acquired in return for bidding rights, which would otherwise have resulted in receipts to the federal government, most likely over a five-year period beginning in 1982. (Half of those receipts would, in turn, be paid to the states.) The remaining land is expected to be purchased with funds from the Land and Water Conservation fund at a cost of \$0.7 million in fiscal year 1982 and \$0.8 million in fiscal year 1983, based on information from the Forest Service.

- 7. Estimate comparison: None.
- 8. Previous CBO estimate: None.
- 9. Estimate prepared by: Debbie Goldberg.
- 10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

INFLATIONARY IMPACT

Pursuant to Rule XI, clause 2(1)(4) of the Rules of the House of Representatives, the Committee believes the enactment of H.R. 5898 would have virtually no inflationary impact on the national economy.

LEGISLATIVE HISTORY AND OVERSIGHT STATEMENT

The Subcommittee on Public Lands held a hearing on H.R. 5898 on December 3, 1979. As a general matter, the Subcommittee will have responsibility for exercising oversight responsibilities with respect to this, as well as other, wilderness areas. No recommendations were received by the Committee pursuant to Rule X, clause 2(b)(2).

COMMITTEE RECOMMENDATION

On September 10, 1980, the Committee on Interior and Insular Affairs ordered HR 5898, as amended, favorably reported by a voice vote and recommends the enactment of the legislation.

