Public Law 98-140
98th Congress

An Act

To establish the Lee Metcalf Wilderness and Management Area in the State of Montana, and for other purposes.

Oct. 31, 1983
[S. 96]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Lee Metcalf Wilderness and Management Act of 1983".

Lee Metcalf Wilderness and Management Act of 1983.

DESIGNATION AND MANAGEMENT OF LEE METCALF WILDERNESS AND MANAGEMENT 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 Beaverhead and Gallatin National Forests and certain lands in the Dillon Resource Area, Montana, administered by the Bureau of Land Management which comprise approximately two hundred and fifty-nine thousand acres as generally depicted as the "Lee Metcalf Wilderness" on a map entitled "Lee Metcalf Wilderness—Proposed", and dated October 1983 are hereby designated as wilderness and shall be known as the Lee Metcalf Wilderness.

16 USC 1132 note.
16 USC 1131 note.

(b) Subject to valid existing rights, the Lee Metcalf Wilderness as designated by this Act shall be administered by the Secretary of Agriculture, hereafter referred to as "the Secretary", in accordance with 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: *Provided further,* That the Bear Trap Canyon portion of the Lee Metcalf Wilderness shall be administered by the Secretary of the Interior.

Administration of lands.

16 USC 1131 note.

(c) The Congress finds that certain lands within the Gallatin National Forest near Monument Mountain have important recreational and wildlife values, including critical grizzly bear and elk habitat. In order to conserve and protect these values, the area lying adjacent to the Monument Mountain and Taylor-Hilgard units of the Lee Metcalf Wilderness as designated by this Act and comprising approximately thirty-eight thousand acres, as generally depicted on the map entitled "Lee Metcalf Wilderness—Proposed", dated October 1983, shall be managed to protect the wildlife and recreational values of these lands and shall be hereby withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and geothermal leasing, and all amendments thereto. The area shall further be administered by the Secretary of Agriculture to maintain presently existing wilderness character, with no commercial timber harvest nor additional road construction permitted. The Secretary shall permit continued use of the area by motorized equipment only for activities associated with existing levels of livestock grazing, administrative purposes (including snowmobile trail maintenance) and for snowmobiling during periods of adequate snow cover but only where such

Motorized equipment activities.

uses are compatible with the protection and propagation of wildlife within the area: *Provided,* That the Secretary may, in his discretion, also permit limited motor vehicle access by individuals and others within the area where such access is compatible with the protection and propagation of wildlife and where such access was established prior to the date of enactment of this Act. Management direction for the area that recognizes these values shall be included in the forest plan developed for the Gallatin National Forest in accordance with section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976.

Forest plan.

16 USC 1604.
16 USC 1600 note.

DESIGNATION AND MANAGEMENT OF CERTAIN NATIONAL FOREST LANDS IN THE STATE OF MONTANA

Studies and initial plans.

SEC. 3. (a) The Congress hereby determines and directs that—

(1) the areas listed in subsection (b) of this section have been adequately studied for wilderness pursuant to Public Law 95-150 or in the RARE II Final Environmental Statement (dated January 1979);

91 Stat. 1243.

(2) such studies shall constitute an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option for such areas prior to revision of the initial plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 (Public Law 94-588) and in no case prior to the date established by law for completion of the initial planning cycle;

16 USC 1600 note.

(3) such areas need not be managed, unless otherwise specified in this Act, for the purposes of protecting their suitability for wilderness designation pending revision of the initial plans.

Wilderness study areas.

(b) The areas covered by subsection (a) of this section are as follows:

(1) the Mount Henry Wilderness Study Area as designated by Public Law 95-150;

91 Stat. 1243.

(2) those portions of the Taylor-Hilgard Wilderness Study Area as designated by Public Law 95-150 but not designated as wilderness by this Act;

(3) certain lands on the Gallatin National Forest and Beaverhead National Forest identified as area 1549 in the Forest Service Roadless Area Review and Evaluation (II) Final Environmental Statement, Executive Communication Numbered 1504, May 3, 1979, not designated as wilderness by this Act;

(4) certain lands on the Custer National Forest known as the proposed Tongue River Breaks Wilderness, which comprise approximately sixteen thousand five hundred acres, as identified in Executive Communication Numbered 1504, Ninety-sixth Congress (House Document Numbered 96-119).

(c)(1) The lands described in subsection (c)(2) of this section have been adequately studied for wilderness pursuant to section 603 of the Federal Land Policy and Management Act (Public Law 94-579) and are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act pertaining to management in a manner that does not impair suitability for preservation as wilderness.

43 USC 1782.

(2) The lands covered by subsection (c)(1) of this section are as follows: Wilderness study areas.

(A) certain lands administered by the Bureau of Land Management in the Powder River Resource Area, Montana, identified as area numbered 736, Tongue River Breaks Contiguity, comprising approximately two thousand acres as described in the "Final Decision Montana Wilderness Inventory" published November 1980 by the Bureau of Land Management;

(B) certain lands administered by the Bureau of Land Management in the Dillon Resource Area, Montana, identified as area numbered MT-076-079 "Madison Tack-Ons" comprising approximately one thousand five hundred acres, as described in the "Final Decision Montana Overthrust Belt Wilderness Inventory" published by the Bureau of Land Management, not otherwise designated as wilderness by this Act; and

(C) certain lands administered by the Bureau of Land Management known as "Bear Trap Canyon Study Area", Madison County, Montana, as described in "Draft Suitability and Environmental Impact Statement for Wilderness Designation of Bear Trap Canyon Instant Study Area" published April 1980 by the Bureau of Land Management, not otherwise designated as wilderness by this Act.

(d) The boundary of the Absaroka-Beartooth Wilderness, Montana, as designated by Public Law 95-249, is hereby modified to exclude from the wilderness approximately forty acres in the West Fork of Mill Creek and approximately twenty-seven acres in the Passage Creek drainage as depicted on a map entitled "Absaroka-Beartooth Wilderness-West Fork Mill Creek and Passage Creek Deletions", dated August 1983. 16 USC 1132 note.

(e) The boundary of the UL Bend Wilderness, Montana, as designated by Public Law 94-557 is hereby modified to exclude from the wilderness approximately twenty-eight acres as depicted on a map entitled "UL Bend Wilderness Deletion", dated July 1983. 16 USC 1132 note.

(f) To provide for more efficient administration of lands designated by this Act as wilderness: Administration of designated lands.

(1) the exterior boundaries of the Beaverhead and Gallatin National Forests in the State of Montana are hereby modified to exclude all lands within the Bear Trap Canyon portion of the Lee Metcalf Wilderness and the said national forest boundaries shall hereafter be the same as the wilderness boundaries depicted on the maps referred to in section 2(a) of this Act. All national forest lands within the Bear Trap Canyon portion of the Lee Metcalf Wilderness are transferred to the administration of the Secretary of the Interior to be managed as public lands in accordance with this Act, the Wilderness Act and the Federal Land Policy and Management Act of 1976, as amended (90 Stat. 2743); 16 USC 1131 note. 43 USC 1701 note.

(2) the public lands in section 12, township 10 south, range 1 east, Montana principal meridian, administered by the Secretary of the Interior are hereby transferred to the Secretary of Agriculture to be hereafter administered in accordance with this Act the laws, rules, and regulations applicable to the national forest system;

(3) for purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903, as amended), the boundaries of the Beaverhead and Gallatin National Forests, as modified by 16 USC 460*l*-9.

this subsection, shall be treated as if they were the boundaries of those forests on January 1, 1965;

Land use authorizations.

(4) nothing in this Act shall affect valid existing rights or interests in existing land use authorizations, except that any such right or authorization shall hereafter be administered by the agency having jurisdiction of the land after the enactment of this Act, in accordance with this Act and applicable law. Reissuance of any such authorization shall be in accordance with applicable law and the regulations of the agency having jurisdiction.

LAND ACQUISITION AND EXCHANGE

SEC. 4. (a) The Congress finds that the wilderness area within the Gallatin and Beaverhead National Forests in Montana established by this Act contains significant amounts of intermingled lands owned by Burlington Northern Railroad Company and that in order to manage the wilderness in an efficient and effective manner these lands should be owned by the Federal Government. Notwithstanding any other provision of law, this section hereby authorizes and directs the exchange of lands and interests in lands between Burlington Northern Railroad Company and the United States through the Secretary and the revocation of existing withdrawals on the Federal lands. Accordingly, the Congress directs the Secretary to accept from Burlington Northern Railroad Company the following described lands and interests therein, consisting of twenty-four thousand and seven and twenty-three one-hundredths acres of land, more or less, subject to valid existing rights of record acceptable to the Secretary.

Township 6 South, Range 1 East, Montana Principal Meridian

Section 13: All,

Township 6 South, Range 2 East

Section 1:
Lots 13, 14,
North half,
West half southeast quarter,
Section 19: All fractional,
Section 27: All,
Section 29: All,
Section 31: All fractional,
Section 33: All,

Township 7 South, Range 1 East

Section 1: All fractional,
Section 3:
Lots 1 and 2,
South half northeast quarter,
Section 11: North half northeast quarter,

Township 7 South, Range 2 East

Section 5: All fractional,
Section 15: All,

Section 17: All,
Section 21: All,
Section 25: All,
Section 27: North half,
Southeast quarter,
East half southwest quarter,
Section 35: North half,

Township 7 South, Range 3 East

Section 31: All fractional,

Township 8 South, Range 1 East

Section 25: North half,

Township 8 South, Range 2 East

Section 1: All fractional,
Section 3: All fractional,
Section 9: All,
Section 11: All,
Section 13: All,
Section 15: All,
Section 17: All,
Section 19: All fractional,
Section 21: All,
Section 23: All,
Section 25: All,
Section 27: All,
Section 33: East half,
Section 35: All,

Township 8 South, Range 3 East

Section 5: All fractional,
Section 7: All fractional,
Section 17: All,
Section 19: All fractional,
Section 21: West half,
Section 29: All,
Section 31: Lots 1 and 2,
Northeast quarter,
East half northwest quarter,

Township 9 South, Range 2 East

Section 1: All fractional,
Section 11: All.

The lands acquired by the United States under the provisions of this section shall become parts of the Gallatin and Beaverhead National Forests subject to the laws, rules, and regulations applicable to the national forest system.

Conveyance.

(b) Upon acceptance of title by the United States to the lands described in subsection (a) of this section, the United States through the Secretary shall convey to Burlington Northern Railroad Company all right, title, and interests to the following described national forest system lands and interests therein, consisting of eleven thou-

sand eight hundred and ten and forty-seven one-hundredths acres of land more or less, which are of substantially equal value to the lands and interests conveyed to the United States and described as follows:

Township 5 South, Range 1 East, Montana Principal Meridian

Section 24: South half,
Section 26: All,
Section 34:
Lots 1, 2, 3, 4,
Southeast quarter,
Section 36: All, less HES 187 and 190,

Township 5 South, Range 2 East

Section 30: All fractional,
Section 32: All,
Section 34: South half,

Township 6 South, Range 1 East

Section 2: All fractional,
Section 12: All,

Township 6 South, Range 2 East

Section 2: All fractional,
Section 4: All fractional,
Section 6: All fractional,
Section 8: All,
Section 10: All,
Section 12: All fractional,
Section 14: All,
Section 16: All,
Section 22: All,
Section 24: All,

Township 6 South, Range 3 East

Section 18: All fractional.

The lands described in this subsection are conveyed subject to the following reservations:

(1) ditches and canals as provided for in the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945); and

(2) for so long as the Secretary deems necessary, Burlington Northern Railroad Company accepts the responsibility accruing from this exchange to provide and manage three (3) public recreational accesses, including trail head facilities, in the Jack Creek drainage over routes approximately as illustrated on Exhibit C of the Memorandum of Understanding dated November 20, 1981, between the United States Forest Service and Burlington Northern Railroad Company to utilize national forest lands.

Conveyances.

(c) The transactions necessary to effect the conveyances of title to lands authorized by this section shall be completed within ninety days of enactment of this Act: *Provided,* That the rights and respon-

sibilities of the respective owners shall remain with such owners until such time as the conveyances are executed.

(d) The following orders of withdrawal, as they apply to the lands conveyed by the United States and involved in the transactions authorized by this section, are hereby revoked:

Orders of withdrawal.

Executive Order Numbered 30—Montana 7—Phosphate Reserve—October 9, 1917 (one hundred and eighty-five acres).

Executive Order Numbered 30—Montana 8—Coal Reserve—December 27, 1911 (two thousand two hundred and eighty acres).

Montana 1—Coal Reserve—July 9, 1910 (seven thousand three hundred and sixteen and seventy-three one-hundredths acres).

Public Land Order Numbered 1370—Hammond Administrative Site—November 28, 1956.

Public Land Order Numbered 909—Jack Creek Administrative Site—July 13, 1953.

FILING OF MAPS AND DESCRIPTIONS

SEC. 5. As soon as practicable after enactment of this Act, maps and legal descriptions of the Lee Metcalf 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.

Submittal to congressional committees.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There is hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

SEC. 7. (a) Subsection (b)(3) of section 4 of the Rattlesnake National Recreation Area and Wilderness Act of 1980 (Public Law 96-476) is amended to read as follows:

Land leases and bidding rights.
16 USC 460*ll*-3.

"(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 Coal Production Region as defined in the Federal Register of November 9, 1979 (44 F.R. 65196), 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 two years from the date of enactment of this Act, the bidding rights may be used as a monetary credit, which shall be considered 'money' within the meaning of section 35 of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 191), against that portion of bonus payments, rental or royalty payments paid into the Treasury of the United States and retained by the Federal Government on any Federal coal lease won or otherwise held by the applicant, its successors or assigns. The holder of the bidding rights shall pay the balance due on such bonus payments, rental or royalty payments in cash for transmittal to the States in the same manner and in the same amounts as though the entire payment were made in cash under the provisions of the Mineral Leasing Act of 1920 as amended. The bidding rights may be transferred or sold at any time by the owner to any

"Money."

30 USC 181 note.

other party with all the rights of the owner to the credit, and after such transfer, the owner shall notify the Secretary.".

Lands exchange and bidding rights.
16 USC 460*ll*-3.
"Cash Equivalency Rate."

(b) Section 4 of the Rattlesnake National Recreation Area and Wilderness Act of 1980 (Public Law 96-476) is further amended by adding a new subsection to read as follows:

"(e) The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall consummate the exchange of the lands owned by the Montana Power Company within the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness by issuing bidding rights to the Montana Power Company which shall equal the negotiated cash equivalent of the fair market value of such Montana Power Company lands, as provided in the agreement of April 4, 1983, signed by the authorized representatives of the Secretary of Agriculture, the Secretary of the Interior and the Montana Power Company, except that adjustments in the 'Cash Equivalency Rate' referred to in said agreement shall not exceed a rate determined by the Secretary of the Interior taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the remaining period during which the bidding rights may be used.".

Approved October 31, 1983.

LEGISLATIVE HISTORY—S. 96:

HOUSE REPORT No. 98-405, Pt. 1 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-16 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 129 (1983):
Apr. 13, considered and passed Senate.
Oct. 6, considered and passed House, amended.
Oct. 19, Senate concurred in House amendment.