Public Law 96-476
96th Congress

An Act

To establish the Rattlesnake National Recreation Area and Wilderness in the State of Montana.

Oct. 19, 1980
[S. 3072]

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 "Rattlesnake National Recreation Area and Wilderness Act of 1980".

Rattlesnake National Recreation Area and Wilderness Act of 1980.
16 USC 460*ll* note.

STATEMENT OF FINDINGS AND POLICY

16 USC 460*ll*.

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, free-flowing 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; and

(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

16 USC 460*ll*-1, 1132 note.

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 Recreation Area as designated by this Act, which comprise approximately 33,000 acres as generally depicted as the "Rattlesnake Wilderness" on a map entitled "Rattlesnake National Recreation Area and Wilderness—Proposed", and dated October 1, 1980, are hereby designated as wilderness and shall be known as the Rattlesnake Wilderness.

(b) Subject to valid existing rights, 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

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16 USC 1131 note.

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 RECREATION AREA

16 USC 460*ll*-2.

SEC. 3. An area of land as generally depicted as the "Rattlesnake National Recreation Area" on a map entitled "Rattlesnake National Recreation Area and Wilderness—Proposed", and dated October 1, 1980, is hereby established as the Rattlesnake National Recreation Area.

LAND ACQUISITION AND EXCHANGE

16 USC 460*ll*-3.

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 or contiguous to 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 or contiguous to 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 the Rattlesnake National Recreation Area and Rattlesnake Wilderness. Nothing in this Act shall be construed to require any owner of the lands within or contiguous to the Rattlesnake National Recreation Area or Rattlesnake Wilderness to accept coal lease bidding rights in exchange for title to those private lands.

Coal lease bidding rights.

(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 Coal Production Region as defined in the Federal Register of November 9, 1979 (44 FR 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 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. 30 USC 181 note.

(c) The exchange of lands involving Burlington Northern, Inc. shall be in accordance with the agreement entitled "Statement of Intent" entered into by Burlington Northern, Inc. and the Regional Forester of the United States Forest Service, Region 1, signed September 18, 1980, and it is the intent of Congress that this exchange shall occur within three years of the date of enactment of this Act.

(d)(1) As non-Federal lands and interests in the Rattlesnake National Recreation Area are acquired, the lands shall become part of the Rattlesnake National 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.

Non-Federal lands.

Publication in Federal Register.

(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.

Water rights.

FILING OF MAPS AND DESCRIPTIONS

SEC. 5. As soon as practicable after enactment of this Act, a map and legal description of the Rattlesnake National 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.

Filing with congressional committees. 16 USC 460*ll*-4.

AUTHORIZATION OF APPROPRIATIONS

16 USC 460*ll*-5.

SEC. 6. Effective October 1, 1981, there is hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

Approved October 19, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-996 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Oct. 1, considered and passed Senate.
Oct. 2, considered and passed House.