

**Calendar No. 581**114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 1577****[Report No. 114-309]**

To amend the Wild and Scenic Rivers Act to designate certain segments of East Rosebud Creek in Carbon County, Montana, as components of the Wild and Scenic Rivers System.

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**IN THE SENATE OF THE UNITED STATES**

JUNE 15, 2015

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

AUGUST 30, 2016

Reported under authority of the order of the Senate of July 14, 2016, by Ms. MURKOWSKI, with amendments

[Omit the part struck through and insert the part printed in italic]

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**A BILL**

To amend the Wild and Scenic Rivers Act to designate certain segments of East Rosebud Creek in Carbon County, Montana, as components of the Wild and Scenic Rivers System.

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.**

2 This Act may be cited as the “East Rosebud Wild  
3 and Scenic Rivers Act”.

4 **SEC. 2. FINDINGS; PURPOSE.**

5 (a) FINDINGS.—Congress finds that—

6 (1) East Rosebud Creek is cherished by the  
7 people of Montana and visitors from across the  
8 United States for its clean water, spectacular nat-  
9 ural setting, and outstanding recreational opportuni-  
10 ties;

11 (2) recreational activities, including fishing,  
12 hunting, camping, paddling, hiking, rock climbing,  
13 and wildlife watching, on East Rosebud Creek and  
14 the surrounding land generate millions of dollars an-  
15 nually for the local economy;

16 (3) East Rosebud Creek—

17 (A) is a national treasure;

18 (B) possesses outstandingly remarkable  
19 values; and

20 (C) merits the high level of protection af-  
21 farded by the Wild and Scenic Rivers Act (16  
22 U.S.C. 1271 et seq.) in order to maintain the  
23 benefits provided by the Creek, as described in  
24 paragraphs (1) and (2), for future generations  
25 to enjoy; and

1 (4) designation of select public land segments of  
 2 East Rosebud Creek under the Wild and Scenic Riv-  
 3 ers Act (16 U.S.C. 1271 et seq.) would recognize the  
 4 importance of maintaining the values of the Creek  
 5 while preserving public access, respecting private  
 6 property rights, allowing appropriate maintenance of  
 7 existing infrastructure, and allowing historical uses  
 8 of the Creek to continue.

9 (b) PURPOSE.—The purpose of this Act is to des-  
 10 ignate East Rosebud Creek in the State of Montana as  
 11 a component of the National Wild and Scenic Rivers Sys-  
 12 tem to preserve and protect for present and future genera-  
 13 tions the outstandingly remarkable scenic, recreational,  
 14 and geologic values of the Creek.

15 **SEC. 3. DESIGNATION OF WILD AND SCENIC RIVER SEG-**  
 16 **MENTS.**

17 ~~Section~~

18 (a) *DESIGNATION*.—*Section* 3(a) of the Wild and Sce-  
 19 nic Rivers Act (16 U.S.C. 1274(a)) is amended by adding  
 20 at the end the following:

21 “(213) EAST ROSEBUD CREEK, MONTANA.—  
 22 The portions of East Rosebud Creek in the State of  
 23 Montana, consisting of—

24 “(A) the 13-mile segment exclusively on  
 25 public land within the Custer National Forest

1 from the source in the Absaroka-Beartooth Wil-  
 2 derness downstream to the point at which the  
 3 Creek enters East Rosebud Lake, including the  
 4 stream reach between Twin Outlets Lake and  
 5 Fossil Lake, to be administered by the Sec-  
 6 retary of Agriculture as a wild river; and

7 “(B) the 7-mile segment exclusively on  
 8 public land within the Custer National Forest  
 9 from immediately below, but not including, the  
 10 outlet of East Rosebud Lake downstream to the  
 11 point at which the Creek enters private prop-  
 12 erty for the first time, to be administered by  
 13 the Secretary of Agriculture as a recreational  
 14 river.”.

15 *(b) ADJACENT MANAGEMENT.—*

16 *(1) IN GENERAL.—Nothing in paragraph (213)*  
 17 *of section 3(a) of the Wild and Scenic Rivers Act (16*  
 18 *U.S.C. 1274(a)) (as added by subsection (a)) creates*  
 19 *a protective perimeter or buffer zone outside the des-*  
 20 *ignated boundary of the river segment designated by*  
 21 *that paragraph.*

22 *(2) OUTSIDE ACTIVITIES.—The fact that an oth-*  
 23 *erwise authorized activity or use can be seen or heard*  
 24 *within the boundary of the river segment designated*  
 25 *by paragraph (213) of section 3(a) of the Wild and*

1       *Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by*  
2       *subsection (a)) shall not preclude the activity or use*  
3       *outside the boundary of the river segment.*

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August 30, 2016

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