

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.**

**S. 3346**

To amend the Wild and Scenic Rivers Act to designate certain streams in the greater Yellowstone ecosystem and Smith River system in the State of Montana as components of the Wild and Scenic Rivers System, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Montana Headwaters  
5 Legacy Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to designate certain seg-  
8 ments and tributaries of the Missouri River and Yellow-  
9 stone River Headwaters in the State of Montana as com-  
10 ponents of the National Wild and Scenic Rivers System

1 to preserve and protect for present and future generations  
2 the outstandingly remarkable values of each stream and  
3 tributary.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) COVERED SEGMENT.—The term “covered  
7 segment” means a river segment designated by para-  
8 graphs (233) through (251) of section 3(a) of the  
9 Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as  
10 added by section 4(a)).

11 (2) SECRETARY CONCERNED.—The term “Sec-  
12 retary concerned” means—

13 (A) the Secretary of the Interior, with re-  
14 spect to a covered segment under the jurisdic-  
15 tion of the Secretary of the Interior; and

16 (B) the Secretary of Agriculture, with re-  
17 spect to a covered segment under the jurisdic-  
18 tion of the Secretary of Agriculture.

19 (3) STATE.—The term “State” means the State  
20 of Montana.

21 **SEC. 4. DESIGNATION OF WILD AND SCENIC RIVER SEG-**  
22 **MENTS.**

23 (a) IN GENERAL.—Section 3(a) of the Wild and Sce-  
24 nic Rivers Act (16 U.S.C. 1274(a)) is amended by adding  
25 at the end the following:

1           “(233) SMITH RIVER, MONTANA.—The portion  
2 of the Smith River consisting of the approximately  
3 24-mile segment from the confluence of Tenderfoot  
4 Creek downstream to the confluence of Deep Creek,  
5 to be administered by the Secretary of Agriculture  
6 as a scenic river.

7           “(234) TENDERFOOT CREEK, MONTANA.—The  
8 portion of Tenderfoot Creek consisting of the ap-  
9 proximately 21-mile segment from the confluence  
10 with Iron Mines Creek downstream to the confluence  
11 with the Smith River, to be administered by the Sec-  
12 retary of Agriculture as a scenic river.

13           “(235) GALLATIN RIVER, MONTANA.—The por-  
14 tion of the Gallatin River in the State of Montana  
15 consisting of the approximately 39-mile segment  
16 from the Yellowstone National Park boundary down-  
17 stream to the confluence of Spanish Creek, to be ad-  
18 ministered by the Secretary of Agriculture as a rec-  
19 reational river.

20           “(236) HYALITE CREEK, MONTANA.—The por-  
21 tion of Hyalite Creek consisting of the approximately  
22 5.5-mile segment from the source in the Gallatin  
23 Range downstream to the bridge over Hyalite Creek  
24 leading to the Window Rock Cabin, to be adminis-

1       tered by the Secretary of Agriculture as a scenic  
2       river.

3           “(237) TAYLOR CREEK, MONTANA.—The por-  
4       tion of Taylor Creek consisting of—

5           “(A) the approximately 3-mile segment  
6       from the source in the Madison Range down-  
7       stream to the Lee Metcalf Wilderness boundary,  
8       to be administered by the Secretary of Agri-  
9       culture as a wild river; and

10          “(B) the approximately 15-mile segment  
11       from the Lee Metcalf Wilderness boundary  
12       downstream to the Gallatin River, to be admin-  
13       istered by the Secretary of Agriculture as a rec-  
14       reational river, with the boundary of the cor-  
15       ridor flowing through the private land of Nine  
16       Quarter Circle Ranch being the ordinary high  
17       water mark.

18          “(238) BEAR CREEK, MONTANA.—The portions  
19       of Bear Creek consisting of—

20          “(A) the approximately 2-mile segment  
21       from the source downstream to the Absaroka-  
22       Beartooth Wilderness boundary, to be adminis-  
23       tered by the Secretary of Agriculture as a wild  
24       river; and

1           “(B) the approximately 7-mile segment  
2           from the Absaroka-Beartooth Wilderness  
3           boundary to the confluence with the Yellow-  
4           stone River, to be administered by the Sec-  
5           retary of Agriculture as a recreational river.

6           “(239) BOULDER RIVER, MONTANA.—The por-  
7           tions of the Boulder River consisting of—

8           “(A) the approximately 3-mile segment  
9           from the source in the Absaroka-Beartooth Wil-  
10          derness downstream to the Absaroka-Beartooth  
11          Wilderness boundary, to be administered by the  
12          Secretary of Agriculture as a wild river; and

13          “(B) the approximately 30-mile segment  
14          from the Absaroka-Beartooth Wilderness  
15          boundary downstream to the Custer Gallatin  
16          National Forest boundary downstream of Nat-  
17          ural Bridge Falls, to be administered by the  
18          Secretary of Agriculture as a recreational river.

19          “(240) HELLROARING CREEK, MONTANA.—The  
20          portion of Hellroaring Creek consisting of the ap-  
21          proximately 19-mile segment from the source in the  
22          Absaroka-Beartooth Wilderness downstream to the  
23          Custer Gallatin National Forest boundary, to be ad-  
24          ministered by the Secretary of Agriculture as a wild  
25          river.

1           “(241) LAKE FORK ROCK CREEK, MONTANA.—  
2           The portions of Lake Fork Rock Creek consisting  
3           of—

4                   “(A) the approximately 11-mile segment  
5                   from the source in the Absaroka-Beartooth Wil-  
6                   derness downstream to the Absaroka-Beartooth  
7                   Wilderness boundary, to be administered by the  
8                   Secretary of Agriculture as a wild river; and

9                   “(B) the approximately 2-mile segment  
10                  from the Absaroka-Beartooth Wilderness  
11                  boundary to the confluence with Rock Creek, to  
12                  be administered by the Secretary of Agriculture  
13                  as a recreational river.

14           “(242) ROCK CREEK, MONTANA.—The portion  
15           of Rock Creek in the State of Montana consisting of  
16           the approximately 14-mile segment from the border  
17           between the States of Montana and Wyoming to the  
18           Custer Gallatin National Forest boundary, to be ad-  
19           ministered by the Secretary of Agriculture as a rec-  
20           reational river.

21           “(243) SLOUGH CREEK, MONTANA.—The por-  
22           tion of Slough Creek consisting of the approximately  
23           19-mile segment from the source in the Absaroka-  
24           Beartooth Wilderness downstream to the Custer

1 Gallatin National Forest boundary, to be adminis-  
2 tered by the Secretary of Agriculture as a wild river.

3 “(244) STILLWATER RIVER, MONTANA.—The  
4 portions of the Stillwater River consisting of—

5 “(A) the approximately 26-mile segment  
6 from the source in the Absaroka-Beartooth Wil-  
7 derness downstream to the Wilderness bound-  
8 ary, to be administered by the Secretary of Ag-  
9 riculture as a wild river; and

10 “(B) the approximately 3-mile segment  
11 from the Absaroka-Beartooth Wilderness  
12 boundary downstream to Flume Creek, to be  
13 administered by the Secretary of Agriculture as  
14 a recreational river.

15 “(245) WEST BOULDER RIVER, MONTANA.—  
16 The portion of the West Boulder River consisting of  
17 the approximately 15-mile segment from the source  
18 in the Absaroka-Beartooth Wilderness downstream  
19 to the Wilderness boundary, to be administered by  
20 the Secretary of Agriculture as a wild river.

21 “(246) WEST FORK STILLWATER RIVER, MON-  
22 TANA.—The portion of the West Fork Stillwater  
23 River consisting of the approximately 14-mile seg-  
24 ment from the source in the Absaroka-Beartooth  
25 Wilderness downstream to the Absaroka-Beartooth

1 Wilderness boundary, to be administered by the Sec-  
2 retary of Agriculture as a wild river.

3 “(247) WEST FORK OF ROCK CREEK, MON-  
4 TANA.—The portions of West Fork of Rock Creek  
5 consisting of—

6 “(A) the approximately 9-mile segment  
7 from the source in the Absaroka-Beartooth Wil-  
8 derness downstream to the Absaroka-Beartooth  
9 Wilderness boundary, to be administered by the  
10 Secretary of Agriculture as a wild river; and

11 “(B) the approximately 11-mile segment  
12 from the Absaroka-Beartooth Wilderness  
13 boundary downstream to the Custer Gallatin  
14 National Forest boundary, to be administered  
15 by the Secretary of Agriculture as a rec-  
16 reational river.

17 “(248) YELLOWSTONE RIVER, MONTANA.—The  
18 portion of the Yellowstone River in the State of  
19 Montana consisting of the approximately 19-mile  
20 segment from the Yellowstone National Park bound-  
21 ary in Gardiner, Montana, downstream to the con-  
22 fluence with Rock Creek at the Carbella Fishing Ac-  
23 cess Site, to be administered by the Secretary of Ag-  
24 riculture and the Secretary of the Interior as a rec-  
25 reational river.



1           “(249) CABIN CREEK, MONTANA.—The portion  
2 of Cabin Creek in the State of Montana consisting  
3 of the approximately 7-mile segment from the source  
4 in the Madison Range downstream to 100 feet up-  
5 stream of the fish barrier, to be administered by the  
6 Secretary of Agriculture as a wild river.

7           “(250) MIDDLE FORK OF CABIN CREEK, MON-  
8 TANA.—The portion of the Middle Fork of Cabin  
9 Creek in the State of Montana consisting of the ap-  
10 proximately 5-mile segment from the source in the  
11 Madison Range downstream to the confluence with  
12 Cabin Creek, to be administered by the Secretary of  
13 Agriculture as a wild river.

14           “(251) CLARKS FORK OF THE YELLOWSTONE  
15 RIVER, MONTANA.—The portions of the Clarks Fork  
16 of the Yellowstone River in the State of Montana  
17 consisting of—

18           “(A) the approximately 1-mile segment  
19 from Broadwater River downstream to the Ab-  
20 saroka-Beartooth Wilderness boundary, to be  
21 administered by the Secretary of Agriculture as  
22 a scenic river; and

23           “(B) the approximately 2-mile segment  
24 from Absaroka-Beartooth Wilderness boundary  
25 downstream to the Montana-Wyoming State

1 line, to be administered by the Secretary of Ag-  
2 riculture as a wild river.”.

3 (b) CONSENT OF OWNER OF LAND REQUIRED.—No  
4 land or interest in land located within the boundary of  
5 a covered segment may be acquired by the Secretary con-  
6 cerned without the consent of the owner of the land or  
7 interest in land.

8 (c) EFFECT OF DESIGNATIONS ON WATER  
9 RIGHTS.—Nothing in this Act or an amendment made by  
10 this Act affects valid existing rights, including—

11 (1) Federal, Tribal, and interstate water com-  
12 pacts in existence on the date of enactment of this  
13 Act (including full development of any apportion-  
14 ment made in accordance with the compacts);

15 (2) water rights in the State; and

16 (3) water rights held by the United States.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated such sums as are nec-  
19 essary to carry out this Act (including the amendments  
20 made by this Act).