

# Committee on Natural Resources

Rob Bishop Chairman  
Mark-Up Memorandum

April 13, 2018

To: All Natural Resources Committee Members

From: Majority Committee Staff – Steven Parr  
Subcommittee on Federal Lands (x6-7736)

Mark-Up: **H.R. 4645 (Rep. Greg Gianforte)**, 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.  
**April 18, 2018, at 10:15 a.m.; 1324 Longworth House Office Building**

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## **H.R. 4645 “East Rosebud Wild and Scenic Rivers Act”**

### **Summary of the Bill**

H.R. 4645, introduced by Representative Greg Gianforte (R-MT), would amend the Wild and Scenic Rivers Act to designate certain segments of East Rosebud Creek in Carbon County, Montana, as part of the Wild and Scenic Rivers System.

### **Cosponsors**

None.

### **Background**

The East Rosebud Creek is located in Carbon County, Montana, just north of the Absaroka-Beartooth Wilderness in the Custer National Forest, Montana. The Creek has been used and enjoyed by Montanans and visitors of the area for various recreational purposes, and has been widely recognized for its aesthetic natural beauty.

In December of 1989, the U.S. Forest Service concluded a feasibility study of East Rosebud Creek, and other waterways within the region, and determined that portions of East Rosebud Creek were eligible for inclusion in the Wild and Scenic Rivers System.<sup>1</sup> The study found that two areas of East Rosebud Creek held remarkable values in the geologic, recreational, and scenic categories.<sup>2</sup>

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<sup>1</sup> Decision Notice and Finding of No Significant Impact, Wild and Scenic Rivers Study, Custer National Forest, U.S. Forest Service [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5352279.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5352279.pdf).

<sup>2</sup> Custer Gallatin National Forest Proposed Action, Revised Plan, Appendix E, Page 34-35, U.S. Forest Service [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd567793.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd567793.pdf).

H.R. 4645 would designate a 13-mile segment of East Rosebud Creek beginning at its source to East Rosebud Lake as a Wild river. A second 7-mile segment from the outlet of East Rosebud Lake to the point where the waterway enters private property would be designated as a recreational river. Both segments are located primarily within the Custer National Forest, and the legislation specifically applies only to segments of the rivers that lie within public lands.

The bill includes language to protect historical uses outside of the wild and scenic river boundary and prevents the designation from creating a buffer zone which could otherwise restrict land use outside the designation area.

H.R. 4645 is supported by the entire Montana Congressional delegation, Carbon County, Montana, Friends of East Rosebud, American Rivers, Greater Yellowstone Coalition, and the Theodore Roosevelt Conservation Partnership (TRCP).

A Senate companion, S. 501, introduced by Senator Jon Tester (R-MT) and cosponsored by Sen. Steve Daines (R-MT), passed the Senate by unanimous consent on December 20, 2017.

### **Cost**

A Congressional Budget Office cost estimate has not yet been completed for H.R. 4645. However, for the Senate companion, S. 501, the Congressional Budget Office estimated the bill would cost less than \$500,000, subject to appropriation.<sup>3</sup>

### **Administration Position**

The Administration's position is currently unknown.

### **[Effect on Current Law \(Ramseyer\)](#)**

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<sup>3</sup> Congressional Budget Office Cost Estimate for S. 501 <https://www.cbo.gov/system/files/115th-congress-2017-2018/costestimate/s501.pdf>