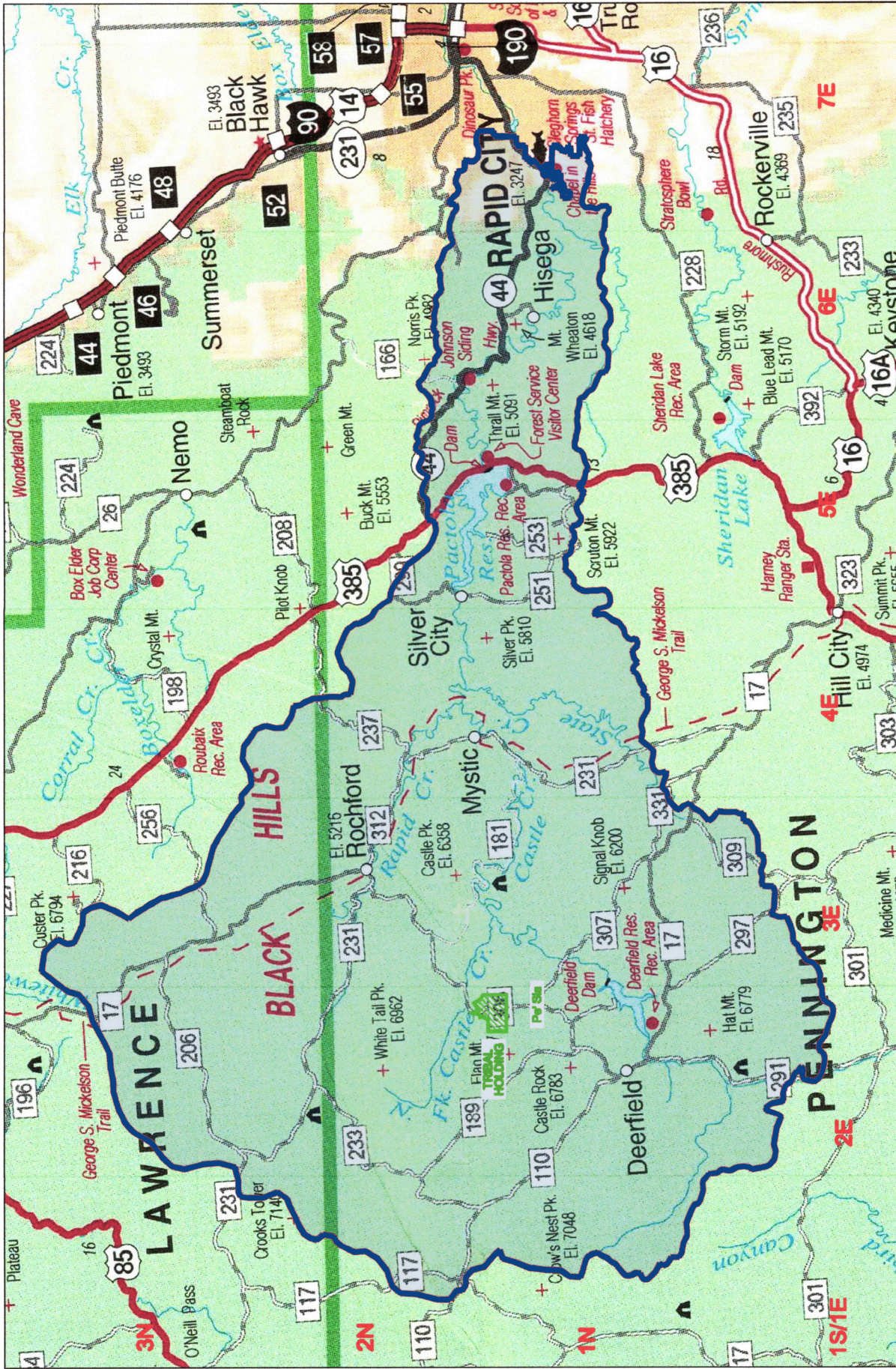


— PROTECT — RAPID CREEK

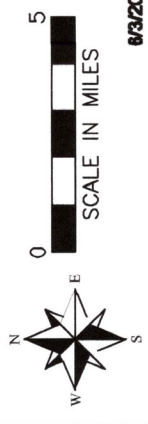


Rapid Creek Watershed Action (RCWA)





**FUTURE DESIGNATED RECREATION AREA
PENNINGTON AND LAWRENCE COUNTIES,
SOUTH DAKOTA**



6/3/20

RAPID CREEK WATERSHED RECREATION AREA ACT

SECTION 1. SHORT TITLE

This Act may be cited as the “Rapid Creek Watershed Recreation Area Act”.

SEC. 2. FINDINGS.

The Congress finds that –

(1) the Rapid Creek watershed in the central Black Hills provides the water for the state’s second-largest municipality, Rapid City, for Ellsworth Air Force Base, and for Native American reservations, smaller communities, and agriculture along the creek as it flows to the Cheyenne and Missouri Rivers;

(2) the Rapid Creek watershed includes significant cultural resources, including Pe’ Sla, a key Lakota cultural site of the Oceti Sakowin, (the Great Sioux Nation);

(3) the Rapid Creek watershed’s scenic beauty, renowned anadromous fisheries, exceptional water quality, and abundant wildlife combine with its ready accessibility to offer exceptional opportunities for a wide range of recreational activities, including hunting, fishing, bicycling, motorcycling, snowmobiling, boating, swimming, hiking, bird-watching, camping, equestrian activities, and off-road vehicle riding. Outdoor recreation brings billions of dollars in economic activity to South Dakota and directly or indirectly accounts for tens of thousands of jobs;

(4) multiple use levels of recreation, range, fisheries, wildlife, and timber resources on public lands will ensure the continuation of the Rapid Creek watershed’s historic role as a significant contributor to the region’s local economy; and

(5) protection of the Rapid Creek watershed’s unique values can be enhanced by a cooperative effort by Federal, State, Tribal, and local governments to coordinate land-use planning, management, and development of Federal and non-Federal lands throughout the watershed.

SECTION 3. DEFINITIONS

As used in this Act --

(1) the term “forest plan” means the land and resource management plan for the Black Hills National Forest prepared pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604);

(2) the term “recreation area” means the Rapid Creek Watershed Recreation Area established by section 4;

(3) the term “Secretary” means the Secretary of Agriculture;

(4) the term “Multiple use” means: The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

SEC. 4. RAPID CREEK WATERSHED RECREATION AREA.

(a) Establishment. -- For the purpose of ensuring the preservation, protection, enhancement, and interpretation for present and future generations of the Rapid Creek watershed’s outstanding recreation opportunities and ecological diversity, while providing for the wise and sustainable use of its natural resources, there is hereby established the Rapid Creek Watershed Recreation Area.

(b) Boundaries. -- (1) The recreation area shall consist of those lands within the area generally depicted on the map entitled “Proposed Rapid Creek Recreation Area” and dated____. The map shall be on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture. The Secretary may, by publication of availability of a revised map and after tribal consultation, public comment, make corrections or minor changes to the boundary of the recreation area.

(2) The exterior boundary of the recreation area, as generally depicted on the map, excluding privately held surface lands, shall encompass the recreation area.

SEC. 5. ADMINISTRATION.

The Secretary shall administer the recreation area in accordance with this Act and the laws, rules, and regulations applicable to the National Forest System in furtherance of the purposes for which the recreation area was established. In administering the recreation area, the Secretary shall undertake the following:

- a) Provide for a broad range of recreational and traditional tribal uses and provide interpretive services and facilities (including trails and campgrounds) for the public.
- (b) Provide and maintain adequate public access, including vehicular roads for general recreational activities such as camping, hiking, hunting, and fishing.
- (c) Improve the anadromous fishery and water quality, including (but not limited to) stabilizing landslides, improving fish spawning and rearing habitat, and placing appropriate restrictions or limitations on soil disturbing activities.
- (d) Permit the use of off-road vehicles on designated routes.
- (e) Provide for public health and safety and for the protection of the recreation area in the event of fire or infestation of insects or disease.
- (f) Permit grazing and grazing allotments where grazing activities are appropriate.
- (g) Permit programmed and other timber harvest in those management areas where timber harvest is appropriate. Timber management in these areas shall incorporate the use of strategies to reduce habitat fragmentation and employ silvicultural prescriptions designed to maintain or enhance biological diversity and wildlife habitats (such as retention of standing green trees, snags, and other coarse woody debris) by providing for a high level of structural and compositional diversity in managed stands.
- (h) Permit removal of trees in areas where timber harvest is not authorized when necessary, to maintain trails or existing roads, for human health and safety reasons, for the protection of the recreation area in the event of fire, for the development of recreation or other facilities, or to improve fish and wildlife habitat.
- (i) Provide for the restoration of landscapes damaged by past human activity consistent with the purposes of this Act.
- (j) Develop and implement a management plan to maintain, protect, and promote habitat for native resident fish species in the recreation area.
- (k) Cooperate with other Federal, State, Tribal, and local government agencies in coordinating planning efforts throughout the Rapid Creek watershed.

SEC. 6. ACQUISITION AND DISPOSAL OF LANDS AND OTHER PROPERTY.

(a) Acquisition. -- The Secretary is authorized to acquire by purchase, donation, exchange, or otherwise solely in a voluntary manner lands, waters, or interests therein (including scenic or other easements), and structures or other improvements thereon, within the boundaries of the recreation area as the Secretary determines appropriate for the purposes of this Act. In exercising this authority, the Secretary is directed to give prompt and careful consideration to any offer to sell, exchange, or otherwise dispose of such property made by an individual, organization, or Tribal government. The Secretary shall not acquire any land or interest in land owned by the State of South Dakota, any of its political subdivisions, or any Tribal government within the recreation area except by donation or exchange. All lands acquired by the Secretary pursuant to this Act shall be subject to the laws and regulations pertaining to the National Forest System and this Act.

(b) Withdrawal. -- Subject to valid existing rights, all public lands within the recreation area are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States. This subsection shall not affect the exchange authorities of the Secretary.

SEC. 7. FISH AND GAME.

Nothing in this Act shall be construed to affect the jurisdiction or responsibilities of the State of South Dakota or Tribal governments where applicable with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping on any lands managed by the Secretary under this Act, except that the Secretary may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of protecting nongame species and their habitats, public safety, administration, or public use and enjoyment. Except in emergencies, any regulation of the Secretary pursuant to this section shall be put into effect only after consultation with the fish and wildlife agency of the State of South Dakota.

SEC. 8. MINERALS.

(a) Withdrawal. -- Federal lands within the exterior boundary of the recreation area are hereby withdrawn from all forms of location, entry, and patent under the United States mining laws and from disposition under the mineral leasing laws, including all laws pertaining to geothermal leasing.

(b) Patents. -- Patents may not be issued under the mining laws of the United States after the date of enactment of this Act for locations and claims made before the date of enactment of this Act on Federal lands located within the exterior boundaries of the recreation area.

c) Administration. -- Except for extraction of common variety minerals such as stone, sand, and gravel aggregate for use in construction and maintenance of roads and other facilities within the recreation area and the excluded areas, all other mineral development on federally owned lands within the recreation area is prohibited.

SEC. 9. MANAGEMENT PLANNING.

The Secretary shall develop or revise, as appropriate, a management plan for the Rapid Creek Watershed Recreation Area to conform to the provisions of this Act, and such new or revised plan shall guide management of the recreation area and shall be incorporated in its entirety into the forest plan for the Black Hills National Forest. This incorporation shall not be deemed a revision or amendment to the forest plan for purposes of the section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974. The Secretary shall make such further revisions to the management plan as are necessary in order to include more specific development and use plans for the recreation area. Such revisions shall be made no later than 5 years after the enactment of this Act. Such revisions and any other modifications of the management plan shall be made only through the processes of revisions or amendment of the forest plan pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, including appropriate consultation with State and local government officials, Tribal government officials, and provisions for full public participation considering the views of all interested parties, organizations, and individuals.

SEC. 10. STATE, LOCAL, AND TRIBAL JURISDICTION AND ASSISTANCE.

(a) State, Local, and Tribal Jurisdiction. -- Nothing in this Act shall diminish, enlarge, or modify any right of the State of South Dakota, any political subdivision thereof, or any federally recognized Indian Tribe, to exercise civil and criminal jurisdiction or to carry out State fish and game laws, rules, and regulations within the recreation area, or to tax persons, franchise, or private property on the lands and waters included in the recreation area, or to regulate the private lands within the recreation area.

(b) Cooperative Agreements. -- The Secretary is authorized and encouraged to enter into cooperative agreements with the State of South Dakota or its political subdivisions for –

(1) the rendering on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire prevention agencies; and

(2) the planning for use, management, and development of non Federal lands within the recreation area and elsewhere in the Rapid Creek watershed in the furtherance of the purposes of this Act.

(c) Technical Assistance. -- To enable the State of South Dakota, its political subdivisions, and Tribal governments to develop and implement programs compatible with the purposes of this Act, the Secretary, in consultation with the Secretaries of the Interior, Commerce, and Housing and Urban Development, shall consider upon request such technical assistance to the State and its political subdivisions as is necessary to fulfill the purposes of this section. Such assistance may include payments or grants, within existing programs, for technical aid and program development.

(d) Land Information System. -- The Secretary of Agriculture shall assist the State and local governments in developing a land information system that will be compatible with the Forest Service system for the Federal lands with the Rapid Creek Watershed Recreation Area and such non-Federal systems as may be appropriate and that will be made available to Federal and non Federal entities for use in coordinating planning for the recreation area and other lands in the Rapid Creek watershed.

SEC. 11. SAVING PROVISIONS.

(a) Activities on Lands Outside of the Recreation Area. -- Nothing in this Act shall limit, restrict, or require specific management practices on lands outside the recreation area boundary. The fact that activities or uses outside the recreation area can be seen, heard, or otherwise perceived within the recreation area shall not, of itself, limit, restrict, or preclude such activities or uses up to the boundary of the recreation area.

(b) Prior Rights. -- (1) Nothing in this Act shall limit, restrict, or preclude the implementation of valid timber sale contracts or other contracts or agreements executed by the Secretary before the date of enactment of this Act.

(2) Nothing in this Act shall be construed as diminishing or restricting any water rights held privately or by any State, local, or Tribal government entity.

(3) Except as specifically provided herein nothing in this Act shall be construed as diminishing or relinquishing any right, title, or interest of the United States in any lands, waters, or interests therein within the boundaries of the recreation area designated by this Act or impeding or restricting management or designation of any Research Natural Area or Botanical Area.

(c) Road Easements. -- Nothing in this Act shall be construed as affecting the responsibilities of the State of South Dakota, any of its political subdivisions, or any Tribal government with respect to road easements.

(d) Rights of Access. -- Existing rights provided by Federal law for access by private landowners across National Forest System lands shall not be affected by this Act.

(e) Entitlement Moneys. -- Annually for the first five full fiscal years beginning after the date of enactment of this Act, the Secretary shall pay for use by units of local government within the recreation area an amount equal to the difference between the amounts payable for such purposes pursuant to the Act of May 23, 1908 (chapter 193; 35 Stat. 251; 16 U.S.C. 500) and the average amount paid for such purpose under such Act during the five fiscal years preceding the date of enactment of this Act. The amount payable under this subsection shall be reduced by 10 percent annually commencing the sixth fiscal year and 10 percent annually thereafter for each succeeding fiscal year until the amount payable shall be reduced 100 percent by the end of the fifteenth fiscal year after the date of enactment. subsection shall expire 14 years after the first payment pursuant to this subsection.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this Act and the amendments made by this Act.



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