

HEARING ON H.R. 1567, THE EASTERN WILDERNESS ACT

HEARING BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS OF THE COMMITTEE ON RESOURCES HOUSE OF REPRESENTATIVES ONE HUNDRED FIFTH CONGRESS FIRST SESSION

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TUESDAY, JUNE 17, 1997

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS, COMMITTEE ON RESOURCES, *Washington, DC.*

Mr. HANSEN. Mr. Radanovich, questions of the panel?

Thank you. You are welcome to join us on the dais if you are so inclined.

Our next panel will be Destry T. Jarvis, Assistant Director of External Affairs, National Park Service; Janice McDougale, Associate Deputy Chief of the National Forest System, U.S. Department of Agriculture; and Peter C. Kirby, Southeast Regional Director of The Wilderness Society.

We appreciate the three of you being with us today. And I guess, can everyone hold your testimony within 5 minutes?

Mr. JARVIS. Yes, sir.

Mr. HANSEN. We appreciate that. You know the rules, same as a traffic light.

Mr. HANSEN. Mr. Kirby, we appreciate you taking the time and effort to be with us. That is kind of you to do that. We will start with you, sir, if you are ready.

STATEMENT OF PETER C. KIRBY, SOUTHEAST REGIONAL DIRECTOR, THE WILDERNESS SOCIETY

Mr. KIRBY. Well, thank you, Mr. Chairman. May I commend you, first of all, for letting citizen witnesses go first before Federal agencies. That—

Mr. HANSEN. I want them to listen to what you have to say.

Mr. KIRBY. That is a pleasant change.

Mr. Chairman, my name is Peter Kirby, the Southeast field representative for The Wilderness Society based in Atlanta. Founded near the Great Smoky Mountains National Park in 1935, The Wilderness Society has long worked to safeguard scarce opportunities for wilderness in the populous eastern United States.

The Wilderness Society also maintains a Boston office where we focus on the conservation of the wildlands of the Northern Forest. The regional director in the Northeast is Bob Perschel, who is also here in the room today.

Mr. Chairman, as you pointed out earlier, only a tiny fraction of all designated wilderness is located in the East. Of the 104 million acres of the National Wilderness Preservation System, less than 5 percent lies east of the Mississippi River. As you also pointed out, given that the population of the East is over four times higher than the West, this works out to over 80 percent of the population shar-

ing less than 5 percent of the wilderness. This makes the eastern wilderness experience limited and crowded, as you said a moment ago. Also, as you mentioned earlier, there are ecosystems in the eastern forests that are found nowhere else, and you counseled that they should be preserved.

In my region only 1 percent of the famed Southern Appalachian mountain region is preserved as designated wilderness. Popular Southern Appalachian wildernesses in each of the region States are already heavily used, and increased population and interest in the outdoors will mean even more visitor pressure. This is also true in the Northeast, Midwest and Central Atlantic States. Hence we do need more eastern wilderness for all of these reasons: recreation, ecology, watershed protection.

For these reasons, The Wilderness Society supports section 4 of H.R. 1567 for a fresh study of eligible Federal lands in the East. There would be a number of benefits from this section. First, it would clarify the national park and refuge units established after 1964 be reviewed for wilderness. It also would help clarify that wilderness tracts as small as 500 acres are to be reviewed, and confirms that areas disturbed by human activity can qualify as wilderness through a natural reclamation. And finally it contains improved guidance that eligible areas should be managed to sustain their wilderness character while under review and after recommendation pending congressional action.

H.R. 1567 also calls for the Federal Government to inventory and study State-owned lands that are eligible for wilderness under the expanded definition. A number of States already have national—wilderness preservation programs quite similar to Federal criteria. According to the work *Wilderness Management* by Hendee, Stankey and Lucas, a total of nine States, including seven in the East, have wilderness systems comparable to the Federal one. New York, for example, has established almost 1.2 million acres within its Adirondack and Catskill preserves. Minnesota has over 100,000 acres of State wilderness.

According to *Wilderness Management*, the last survey of State-level activity in wilderness preservation was conducted in 1983. Mr. Chairman, we urge the committee to commission an updated survey undertaken jointly by Federal and State agencies. With input from the States, the study could also suggest an appropriate role. The most effective Federal role may be to offer planning assistance through these 2 agencies at Interior and USDA toward the goal of enabling all the States ultimately to have a system of wilderness preservation for State-owned lands comparable to the Federal one. We counsel that approach rather than the direct review of State lands by the Federal Government that is contained in this legislation.

Finally, with regard to private lands in the East, H.R. 1567 provides for the Secretary of Interior or Agriculture to directly inventory and study for wilderness private lands in the East.

The Wilderness Society supports the goal of permanent protection through public acquisition for networks of wildernesses across the varied landscapes of the East. Given the limited amount of existing public land in the East, that will require over time that key tracts of private land be identified and conserved as wilderness

through public acquisition. To make the country's actions toward this worthwhile goal as effective as possible, The Wilderness Society urges you and the other cosponsors to consider an approach that sets out more guidance on the priorities for land conservation, that fully engages the States and local governments in the identification and study of these private lands, and that recognizes a variety of conservation tools to accomplish these goals.

Specifically, we urge the subcommittee to examine a prototype that has been developed after years of study and extensive public involvement, namely H.R. 971, the Northern Forest Stewardship Act. A centerpiece of this bill and its Senate counterpart is its section 6 on land conservation. This contains a number of useful features that can be incorporated in a general bill about conservation of wilderness in the East. Most notably it authorizes a public planning process, with technical and financial assistance from Federal agencies for requesting States in order to identify and set priorities for the acquisition of exceptional and important lands. We urge the committee to consider these features from H.R. 971 in drafting a revised section for review and protection of private lands in the East.

Thank you again for your personal interest in the need for more wilderness in the East. And we support, as I said, the fresh review of Federal lands in the East and urge revisions to the sections on State and private lands.

Mr. HANSEN. Thank you very much. We appreciate your well-thought-out testimony.

[The statement of Mr. Kirby may be found at end of hearing.]

Mr. HANSEN. Janice McDougale, we will turn the time to you.

STATEMENT OF JANICE McDOUGLE, ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. DEPARTMENT OF AGRICULTURE

Ms. McDOUGLE. Good morning, Mr. Chairman and Members of the subcommittee. We appreciate the opportunity to provide the views of the Department of Agriculture concerning H.R. 1567, a bill to provide for the study and designation of additional wilderness areas in the eastern United States.

The Department of Agriculture does not support enactment of H.R. 1567.

The Forest Service is extremely proud of its role in the outstanding success story the national eastern forests represent. Much of the land currently being considered for potential wilderness designation was once nothing but cutover forestland and worn-out farmland covered with brush and stumps. The lands nobody wanted have now become the lands everybody wants.

The Forest Service manages 50 national forests and approximately 25 million acres of National Forest System lands east of the 100th meridian. When compared to the western national forests, most eastern forests are small, and ownership patterns are fragmented.

The Forest Service manages 119 wilderness areas totaling nearly 2 million acres east of the 100th meridian as part of the National Wilderness Preservation System. Most units tend to be quite small. Only 37 areas are larger than 10,000 acres. Although geographi-

cally small, these areas loom large in their wilderness significance and due to their proximity to population centers of the East.

The Department's primary objection to H.R. 1567 is that existing authorities and processes adequately address this issue as far as the National Forest System lands are concerned. The review and recommendation of areas for wilderness designation is already provided for when land and resource management plans are prepared.

The direction to study all private lands east of the 100th meridian for possible wilderness characteristics is unprecedented and of such enormous scope that it would seriously hamper the ability of the Agency to manage lands currently under its jurisdiction.

Most fundamentally private lands are not subject to designation as wilderness. We deem it highly improbable that private landowners will allow the inspection of their property for wilderness characteristics.

Mr. Chairman, that concludes my summary of my statement. We will submit the full text to the committee, and I will be happy to answer any questions from the committee.

Mr. HANSEN. Thank you very much.

[The statement of Ms. McDougle may be found at end of hearing.]

Mr. HANSEN. Mr. Jarvis.

**STATEMENT OF DESTRY T. JARVIS, ASSISTANT DIRECTOR FOR
EXTERNAL AFFAIRS, NATIONAL PARK SERVICE**

Mr. JARVIS. Thank you, Mr. Chairman. It is a pleasure to be here today.

Before I refer to my formal statement, I wanted to comment that I very much support your sentiments expressed as you began your opening statement about the need for opportunity for experiencing wilderness in the East. As a young Boy Scout in the 1960's, my first 20-mile hike was in what is now the James River Face Wilderness on the George Washington National Forest. As an adult scout master of my son's scout troop, our boys have enjoyed the wilderness of Shenandoah National Park here within several hours' drive of Washington many times, and I truly believe that that opportunity must be available, and, I would suggest, is available. And the process by which additional wilderness in the East can be made available by acts of Congress is also available.

I am happy to express the views of the Department of Interior on H.R. 1567. The Department of the Interior opposes this legislation. It essentially sets up a redundant wilderness study and review process for lands in the East.

In the normal course of park system and refuge system planning, all areas under our respective jurisdictions have already been studied and are reviewed during the normal course of management planning for the management of these areas.

The provision in H.R. 1567 that would suggest study of areas smaller than 500 acres, I believe, is also redundant. The provision of the 1964 Wilderness Act that refers to acreage says that one of the criteria for such an area is that it has to be at least 5,000 acres of land or is of sufficient size as to make it practicable—to make practicable its preservation and use in an unimpaired condition.

As you will see by reviewing the acts of previous Congresses to designate wilderness in the East, there are existing wilderness areas in the East as small as 1 acre. The first statutory wilderness area in the National Wildlife Refuge System enacted in Congress in 1968 is an eastern wilderness area in the Great Swamp National Wildlife Refuge in New Jersey. In fact, if you look over the list of wilderness areas in the East administered by all of the Federal land agencies, you will find there are 2 in Alabama, 12 in Arkansas, 17 in Florida, 14 in Georgia, 8 in Illinois, 2 in Kentucky, 3 in Louisiana, 1 in Massachusetts, 4 in Maine, 14 in Michigan, 3 in Minnesota, 8 in Missouri, 3 in Mississippi, 12 in North Carolina, 4 in New Hampshire, 2 in New Jersey, 1 in New York, 1 in Ohio, 2 in Pennsylvania, 7 in South Carolina, 11 in Tennessee, 16 in Virginia, 6 in Vermont, 7 in Wisconsin, and 5 in West Virginia.

There are, Mr. Chairman, areas that have been studied by both the Park Service and the Fish and Wildlife Service in the East that have not as yet been acted on one way or the other by the Congress. If this committee is interested in pursuing the designation of additional wilderness in the East, I would suggest that that is the place to focus the committee's attention.

Forty-three of the 50 states in the United States have statutory wilderness areas, and we believe that the opportunity to designate additional areas in the East or the West is available to this committee and to the Congress under existing provisions of law. And in the case of the National Park System, there are 43 million acres in the National Park System that are designated wilderness, well more than half of the National Park System, 1.4 million acres of which are in units of the National Park System in the East.

In the case of the National Wildlife Refuge System, there are nearly 21 million acres of statutory wilderness, 38 areas of which are east of the 100th meridian.

I believe that will suffice for my testimony today, Mr. Chairman. I would be happy to answer any questions.

Mr. HANSEN. Thank you very much. I appreciate your comments.

[The statement of Ms. McDougale may be found at end of hearing.]

Mr. HANSEN. Of all four of our witnesses that we have there, I think it is very interesting that both the Park Service and the Forest Service have talked about the redundancy of the act. I think if you will go back and read the 1964 Wilderness Act, it calls for a reinventory every 10 years. So you do have the right to do that under the statute.

I also think it is interesting, when we talk about the areas already studied, as you know, if I may be parochial and talk about my own State of Utah, under BLM we spent 15 years and \$10 million studying the BLM wilderness. That is a lot of money and a lot of time. Yet, Secretary Babbitt, your boss, Mr. Jarvis, came in last year and said it wasn't done right, and he was supposed to do it all over again.

Mr. JARVIS. Well, in the course of doing general management plans for units of the National Park System, which we, by policy, although not always timely in terms of adequacy of funding, do review areas every 10 years. Sometimes it slips to every 15 or 20 years in the course of doing management plans, and in each case

a wilderness review is undertaken. Now, in some areas, obviously small historic sites and such would not have any acreage that qualifies. Other areas are reviewed, and periodically our recommendations change. As new areas are added, developments occur and render a site unqualified, or facilities are removed and render a site available for study.

Mr. HANSEN. I am just pointing out the inconsistency, no disrespect to anybody, but of your argument and with what your boss is doing. He comes into our area and says it is going to be reinventoried. The State of Utah sued Mr. Babbitt, and they won in district court when Judge Benson said he couldn't do that. So basically we go back to the bill.

You also mentioned all of those areas you have, I am sure you have seen that, showing what you all had. Those that you mentioned are minuscule; in fact, east of the 100th meridian, 4,463,077 acres. West it is 98,348,245.

Now, as a past scout master I am sure you can take some kids into some very nice areas. The people in the West have the opportunity of going to the most gorgeous areas in the world within minutes, relatively speaking. In the High Uintas, the biggest piece of wilderness in the lower 48 prior to the California Desert Protection Act, where they can go up to Kings Peak, they have got a huge area, 500,000 acres, that they can go in. Where do you find anything like that west of the Mississippi—east of the Mississippi? I mean, you have got little teeny pockets of it.

You also talked about the idea, both you and Janice McDougale, about the size of 5,000 acres. I don't know how you can say that because half of those—more than half of those you are looking at in the East are under that size restriction, just little teeny pockets of it. That is why we think this bill is important, because it reduces that from 5,000 acres to 500.

Then let's get real around here and also talk about what about the bills that are being proposed? If I again may use the State of Utah or California or Idaho or Montana or Wyoming or Colorado, all of the bills proposed, there are pieces, dozens of pieces, less than 5,000 acres. In fact, in H.R. 1500, which we are having a hearing on on June 24th, there is a piece as small as 47 acres. So maybe we can say these things, but let's be honest about it. That really doesn't occur. Actually, whatever Member of Congress wants to put one in, if he wants to put in a square block, and he can get it through both houses and the President signs it, that becomes a wilderness area. If you can throw a baseball across it, it becomes a wilderness area, so I—

Mr. JARVIS. Mr. Chairman, if I may?

Mr. HANSEN. Surely.

Mr. JARVIS. The provision of the Wilderness Act of 1964 that I quoted, I intended to imply we do, in fact, intend to study, and Congress has, in fact, designated areas much smaller than 5,000 acres, but the criteria is that they be of sufficient size to make its preservation as wilderness and its use in providing wilderness experience possible. In Fire Island National Seashore, there are about 1500 acres of wilderness in the so-called 8-mile natural zone, which I have hiked. And in view of the Manhattan skyline, one can, in fact, have a wilderness experience. In that hike I pulled more than

100 ticks off me after that hike. And I can say that even with the Manhattan skyline in view down behind the Holly Forest, behind the dunes and so forth, you can have an experience of solitude that close to millions of people.

I would not suggest by any means that these areas of small size should not be studied, and often are studied, found qualified, recommended and designated by Congress as a——

Mr. HANSEN. I am glad to see you come to our way of thinking, Mr. Jarvis. I appreciate it, and I agree with that. Excuse me. Go ahead.

Ms. McDOUGLE. Mr. Hansen, we also have criteria for areas smaller than 5,000 acres.

Mr. HANSEN. Dozens of them, I may point out.

Ms. McDOUGLE. Yes.

Mr. HANSEN. And all through the West.

Mr. Kirby, a comment?

Mr. KIRBY. Can I followup, Mr. Chairman, on your observation about the Federal Land Policy and Management Act.

Mr. HANSEN. Surely.

Mr. KIRBY. Because there is a feature of that bill which would be very helpful to add to the legislation affecting the national forests. There is no protection for areas on national forestland in the East even after they have been identified as roadless and are being studied for wilderness.

In the BLM Organic Act, there is such interim protection for areas while they are being studied for wilderness. This is necessary in order to give some integrity for the study process, not only for the public that is participating, but also for Congress while you are looking at these recommendations for or against.

So that is one feature of the law dealing with national forests that would be very worthwhile, to have some interim protection required by legislation for areas while they are being studied for wilderness until Congress has had a chance to review them.

Mr. HANSEN. Thank you. It is a good observation.

I normally don't come on first, but I have another meeting, so that is why I am going first. I hope I have your permission, Mr. Faleomavaega.

Let me just add one other thing. Two of you have talked about the idea of State and private land. Let me remind you and refresh you that, Mr. Jarvis, your organization that you worked for, I have spent 17 years trying to get inholdings out of areas where parks have been put that have got private land, where right over the top of private ground we now have a national park. So that is kind of a two-way street here.

Let me also point out that State land—take, for example, your President—our President, excuse me, who stood safely in Arizona last September 18th, never having been on the ground before, and put 1.17 million acres in a national monument, which, in the opinion of me and most Members of this committee, took away most of the protection it had; 200,000 acres of that, State ground, plus hundreds of acres of private ground.

So to say that, oh, gee, this is private and public ground, we can't do anything with it, you do it all the time. It is done constantly.

Furthermore, I may point out, he waived NEPA, FLPMA and the Wilderness Act and gave—took away all the protection that was there before for a monument, which did have three beautiful pieces of WSAs in it, that should be preserved, should be put in wilderness, which will probably now have four-wheelers booming all over it, and it will be a tragedy, and there will probably be airports and hotels and all of those things, because of the misunderstanding of this administration of the laws of the land.

With that said, I will turn to my good friend Mr. Faleomavaega, who whispered to me that maybe all of the Federal lands should be turned to the States. Interesting idea you have come up with.

Mr. FALEOMAVAEGA. Mr. Chairman, though, what I was suggesting, because of the fact that so many of the western States and the Federal lands are—a great percentage of the State is owned by the Federal Government, basically, in my reference to the public lands, like the States of Utah, Nevada, Colorado, why don't we condemn the State owned lands on the eastern border and make them Federal lands and see how the eastern States feel about it?

Mr. HANSEN. Go ahead. It is all right with me. If you introduce your bill, it will probably have some great administration in it.

Mr. FALEOMAVAEGA. Yeah, right. Thank you, Mr. Chairman.

I wanted to ask Mr. Kirby, is it your feeling that, despite the fact that there is current law in the statutes to provide studies for wilderness and all of that in the eastern States, that the Federal Government is not doing enough; is that basically your position?

Mr. KIRBY. My position is that there are some useful clarifications that could and should be made with regard to the Federal studies. As I mentioned a moment ago with regard to national forests, there is an urgent need to have some interim protection for the areas while they are being studied. In my region of the Southern Appalachians, 1 percent of the region is designated wilderness, and yet the Forest Service is doing timber sales and building roads into the few scarce areas that are being studied for additions to that as we speak.

In addition, there is no clear requirement that national parks and refuges added after 1964 should be reviewed for wilderness, so that would be a useful requirement. So those are two examples, sir.

Mr. FALEOMAVAEGA. I would like to ask our two agency friends from the USDA as well as the Department of Interior and Park Service, have your agencies literally studied the suitability of designating Federal lands as wilderness in the eastern United States since the enactment of legislation in 1964? Have there been studies made, in fact?

Mr. JARVIS. Yes, sir. As a matter of fact, I intended to convey to the committee that the Park Service, I believe, and the Fish and Wildlife Service routinely study areas for potential designation as wilderness in the course of management planning for parks and refuges.

Mr. FALEOMAVAEGA. How many of those studies?

Mr. JARVIS. In the case of national parks, Presidents Nixon, Ford and Carter had formerly recommended wilderness designation in units of the park system in 17 areas over the years that have not been acted on one way or the other by the Congress.

Mr. FALEOMAVAEGA. Ms. McDougle.

Ms. McDOUGLE. With the Forest Service what we have done, and this is rather timely, most of our forest plans in the East are either scheduled or in some stage of revision. An inventory of roadless areas was already done, has already been done, for the Southern—under the Southern Appalachian assessment. No recommendations were made. The information was provided. And as these forest plans are being revised, land suitable for wilderness will be crafted as part of that document.

So I guess what I am saying is because so many of the plans are now under revision, this is our opportunity to take a look at that and at the local level and at the forest level and decide what should come forward.

Mr. FALEOMAVAEGA. I am a little confused here. Maybe you could clarify it. As we passed an Eastern Wilderness Act since 1975, this is 22 years now, would you say that these studies that were made—as authorized by law in 1975 have been comprehensive enough to satisfy my good friend from Utah and good Members of this committee, or do you think—I guess the impression—the reason for the proposal of the 1567 is that the agencies responsible for this just have not been doing their job.

Mr. JARVIS. Well, I—sir, I would certainly disagree with that. I think we have done our job. I think we have studied these areas. It is a routine core of management planning. We have made—we have recommended those areas found to be qualified for wilderness, and while there are a few recently designated units of the National Park System that have not to date had wilderness studies, they will have in the course of their management planning, and, if found to be qualified, so recommended.

Mr. FALEOMAVAEGA. Go ahead. I am sorry, Ms. McDougle.

Mr. JARVIS. That is all. I was just going to say it then becomes a subject of the possibility of action by the Congress as to whether to designate wilderness or not. In the case of, I believe, all of our agencies, once an area has been recommended, it is managed as if it were wilderness until such time as Congress acts, so that once studied and recommended, the management practices of any of our agencies would not compromise its potential for designation as wilderness by a later Congress.

Mr. FALEOMAVAEGA. Mr. Jarvis, can you submit for the record exactly the number of studies that your Department or Agency have taken since the enactment of this law in 1975?

Mr. JARVIS. Yes, sir.

Mr. FALEOMAVAEGA. And then where are we exactly by way of status of each of those studies?

Mr. JARVIS. Indeed.

Mr. FALEOMAVAEGA. Could you please provide it, if that is all right with the Chairman?

Mr. JARVIS. Sure.

Mr. FALEOMAVAEGA. Or do we already have that by record?

Mr. KIRBY. Could I recommend an addition to that question, which is to ask the National Park Service what units have not been studied in the East for wilderness?

Mr. FALEOMAVAEGA. Yes, sure.

Mr. KIRBY. Because I believe there are some units where we think there are eligible lands that have not been studied, like the

Blue Ridge Parkway and the Big South Fork of the Cumberland River, to name two in my region.

Mr. FALEOMAVAEGA. Mr. Jarvis, can you help us with that?

Mr. JARVIS. Yes, sir. I'll be happy to provide that information.

Mr. FALEOMAVAEGA. Ms. McDougle.

Ms. MCDUGLE. The only thing I was going to say was that I think instead of viewing us as not having done our jobs, I think what we have done is institutionalized the need to do that in existing processes.

Our forest plans are revived every 10 to 15 years, and as I mentioned earlier, most of the national forests in the East are either scheduled for revision in the next year or two or already under revision. And in completing that process, this is 1 piece of the information that is—that is crafted as part of a forest plan, but we can provide you what actions we have taken as well as a schedule of those forest plans and where they are in revision and what areas are being looked at that have been inventoried in the Southern assessment.

Mr. FALEOMAVAEGA. Ms. McDougle, let me—I am trying to get the gist of your statement, Ms. McDougle. You say that usually it will take about 10 to 15 years for a policy change—

Ms. MCDUGLE. No, no, no.

Mr. FALEOMAVAEGA. [continuing] or to do a study.

Ms. MCDUGLE. We are required to revise our forest plans no later than 10 to 15 years.

Mr. FALEOMAVAEGA. But it takes 10 to 15 years to do the change?

Ms. MCDUGLE. No, it takes—it takes usually 3 to 5 because of all the process and the public input that we have to follow.

Mr. FALEOMAVAEGA. You mentioned something about 119 wilderness areas east of the—

Ms. MCDUGLE. East of the meridian, 100th meridian, yes.

Mr. FALEOMAVAEGA. And what does that mean? You—these are 19 wilderness areas that have been declared by USDA in the eastern United States.

Ms. MCDUGLE. No, they have been declared by Congress.

Mr. FALEOMAVAEGA. You are just doing the studies for them.

Ms. MCDUGLE. No, they are designated wilderness areas declared by Congress.

Mr. FALEOMAVAEGA. Mr. Kirby.

Mr. KIRBY. Let me add a point on this, on this very issue. We applaud the efforts of the Forest Service to recommend these areas for wilderness, and we have supported congressional efforts to designate them. As you just noted, there are a number of areas in the East. They tend to be very small. The national forest wilderness in the Southern region, for example, average less than 10,000 acres as opposed to the national average for wilderness, Mr. Hansen, of about 40,000 acres. So there is not only the need for more wilderness areas in the East and Southeast, for example, but also larger areas for reasons of recreation, like to have extended backpacks like you mentioned, but also for reasons of ecology to accommodate the needs of wildlife that have large ranging habitats, like black bear.

Let me also say that we do have to disagree with Ms. McDougale about the adequacy of the inventory of roadless areas in the Southern region. The Forest Service has left out many deserving areas for reasons that we think are invalid and reasons that, in fact, have been corrected by Congress. Areas are being left out in the Southern Appalachians, for example, because they are close to cities and towns.

Mr. FALEOMAVAEGA. I think this is exactly the gist of what the gentleman from Utah in his proposed bill is trying to do. Where exactly are we falling into the cracks here, Ms. McDougale?

Mr. KIRBY. For the committee's benefit, sir, could I followup with a list of examples of these?

Mr. FALEOMAVAEGA. Please.

Mr. KIRBY. Because the Forest Service is actually acting in clear contravention of past congressional guidance not to qualify areas because of sites and sounds. For example, Mr. Hansen, the Lone Peak area wilderness right outside Salt Lake City would not have been designated if the Forest Service had used these criteria, but Congress stepped in and designated it as, you know, in the American Endangered Wilderness Act of 1978. So we would like to submit some examples for the record of this.

Mr. FALEOMAVAEGA. Could you please, Mr. Kirby, because I noticed here of the acres of wilderness by States, that New York has only 1,363 acres; Indiana, 12,953 acres; Utah 801,150 acres. Some of these populous States, Ohio has only 77 acres.

There is a disparity, no doubt, in the record here, and I just want to note that for the record, and I thank the Chairman.

Mr. HANSEN. And I thank the gentleman.

The gentleman from California, Mr. Radanovich.

Mr. RADANOVICH. Thank you, Mr. Chairman.

As you mentioned, I am from California where 50 percent of the State is owned by the Federal Government, and I do—I am hearing some numbers, and I hope somebody can clarify it for me. I guess in the original wilderness legislation, 5,000 acres or more was the—was the mark where—through the Chairman's bill proposing to bring it down to 500. Yet I am hearing there is a wilderness area somewhere in the East that was included the size of 1 acre. Mr. Jarvis, can you clarify what gave you the authority to do the 1 acre? And does that recommend that, perhaps, we should lower the 500 minimum down to perhaps 1 acre, if that is what you are doing already?

Mr. JARVIS. Well, the provision of the 1964 Wilderness Act that I quoted earlier provides the authority to study the Federal lands of any size essentially for possible designation by Congress as wilderness. It says an area that has at least 5,000 acres or is of sufficient size as to make it—as to make practicable its preservation and use in an unimpaired condition.

So in the case of these smaller areas, they tend to be islands so that, surrounded by water, the water not being designated by wilderness nevertheless buffers the land and creates the opportunity for a wilderness experience and for it to be managed as wilderness. There are many areas in the East smaller than 5,000 acres that have been designated as wilderness by Congress and we would routinely study in the course of management planning and parks and

refuges, areas of any size, to see if they are qualified. Oftentimes, even in Shenandoah National Park, which has 79,000 of its 193,000 acres would——

Mr. RADANOVICH. But that would include private land as well?

Mr. JARVIS. No, no. The Wilderness Act specifically precludes the designation of private land or any non-Federal land as wilderness, and we don't study those lands. Now, often the Federal land, as the Chairman pointed out, is checker-boarded or mixed ownerships of Federal, State, or private land. When we do a wilderness study, we are not studying the State land or the private land, and we are not recommending that it be designated as wilderness.

Mr. RADANOVICH. OK, excuse me.

Mr. JARVIS. When wilderness is designated, though——

Mr. RADANOVICH. Thank you.

Mr. JARVIS. [continuing] it sometimes affects the private or State lands in terms of access, although access to those lands is guaranteed.

Mr. RADANOVICH. OK. Mr. Jarvis, thanks. OK. Thanks. Thanks.

Since the Wilderness Act was enacted, 98 million acres have been brought into its designations west of the meridian, 4 million acres east of the meridian. Is that because of the disproportionate share of Federal land ownership between those two regions in the first place? And if so—I would appreciate an answer to that one.

Mr. JARVIS. Yes. I believe the answer is yes.

Mr. RADANOVICH. And also can you honestly tell me there is only 4 million acres of wilderness that would qualify—Mr. Jarvis I asked the first question. Mr. Kirby, I will have a question for you next. Is that the reason why? Is it mainly because of the disproportionate share of ownership, Federal land ownership, between the East and the West?

Mr. JARVIS. Yes, sir.

Ms. McDOUGLE. And that is true for the Forest Service as well.

Mr. RADANOVICH. Then can you give me a number that would say that all of the Federal lands east of the Mississippi were brought into wilderness—what would that—how would that number, the 4 million acres, 4.4 it looks like currently in wilderness, how would that number—what would it go up by? What would the total acreage——

Ms. McDOUGLE. I can't answer that question. I am not sure I understand it.

Mr. RADANOVICH. OK, because it concerns me that, when we are out to protect the resources of this country and also to provide for human population the ability to enjoy wilderness, I would think that it should be the mission of the Forest Service and National Park Service to designate absolutely just as much land is available for a wilderness designation and certainly closer to the populations that can enjoy it. And that is why I—a real concern of the administration's objection to this bill to also study private and other lands as well.

But here is the bottom line. You were tasked in 1975 with designating wilderness across the United States. So far you have been able to designate 98 million acres in the West and only 4 million in the East. Mr. Kirby, my question is if we could study Federal

and private land, State land, east of the 100th meridian for wilderness, how many acres do you think we can come up with?

Mr. KIRBY. Well, maybe we can take those in order if you would like. First of all, we would be happy to venture a guess about the additional Federal lands that could be added as wilderness—

Mr. RADANOVICH. Please.

Mr. KIRBY.—let's say in the next 5 years for this committee.

Mr. RADANOVICH. Please.

Mr. KIRBY. Would you like us to submit a list and some rough guess of what those might be?

Mr. RADANOVICH. Please. Yes, and some acreages as well. Sure.

Mr. KIRBY. Sure.

Mr. KIRBY. For example, there are substantial national forest lands that could contribute to this. There are some additional national park units that could be designated, for example. So that total would go up.

And then with regard to State lands, and also in response to your question, sir, there are some State wilderness systems that have substantial areas. Like in New York, which you referred to earlier, there is a State wilderness system that contains about 1.2 million acres in the Catskills and Adirondack reserves. Those are virtually comparable to Federal lands.

Mr. RADANOVICH. And they are not in wilderness already?

Mr. KIRBY. They are in State wilderness, sir.

Mr. RADANOVICH. Oh.

Mr. KIRBY. And what I am suggesting in my testimony is this committee set up some sort of a survey to see what sort of State wildernesses there are, because a number of the eastern States have these wilderness systems. Actually, the closest designated wilderness to where we are sitting right now is a State wilderness area in Maryland. It is even closer than Shenandoah National Park, which is the closest Federal area.

So that is a useful item of information for this committee to have, because those lands contribute to meeting the needs for wilderness that Mr. Hansen spoke about at the outset. And there could be a very valuable Federal law in assisting other States that might be interested in how they would set up State systems in States like Pennsylvania, for example, that have substantial State land; or New Jersey, for example, in the pine lands.

Mr. RADANOVICH. So—

Mr. KIRBY. We could come up with some kind of a rough total for how those lands might contribute to wilderness. We would urge, however, that they stay with the administration of the States.

Mr. RADANOVICH. You mean State and Federal land, and not go to private; is that what you are saying?

Mr. KIRBY. In other words, State areas established by wilderness, let's say New York or Maryland, continue to be administered by the States. That is what we recommend. Given the fiscal constraints you all have, let's not have to spend money needlessly buying those under Federal—

Mr. RADANOVICH. Well, I think the objective of the act, though, is to provide wilderness designations for the enjoyment of people. And my concern is for children in New York City and all the children along the eastern seaboard who, you know, were poor and

can't get to the West to enjoy all this land that has been put into wilderness designation. My concern is for those children. And I think if the Federal Government has a concern, it should be that as well.

And I think we ought to begin looking at some of those lands along there that are closer to urban populations, be it down to 1 acre, because it is closer, understanding that those lands in the East may never be at parity by acreage to those in the West, but the numbers should be just as disproportionate as the land is between the East and the West, therefore meaning that there should be thousands of wilderness areas in the East, be it 1 acre, 5 acres, 500 acres, I don't care, but that is where the population of the United States is more focused. And so therefore, in even small wildernesses, should be located closer to those population centers.

Mr. KIRBY. We fully agree. And what I am proposing is that a very cost-effective role for the government might be to work with the States to help them set up state wilderness preservation systems for lands that are already owned by States.

Mr. RADANOVICH. Thank you.

Mr. KIRBY. And as a first step toward that maybe the committee could just survey what is the existing status of State wilderness systems.

Mr. RADANOVICH. Is the State wilderness land, is it, in your opinion, protected well? Do they do a good example or—

Mr. KIRBY. Well, in the work wilderness management, which I cited earlier, there was a survey done to see what State systems were essentially equivalent to Federal systems as they would be managed by these agencies here. And the book identified nine States, including seven in the East, that have programs comparable to the Federal one, such as Minnesota and New York.

Mr. RADANOVICH. So that, in your opinion, if the State set up a good wilderness protection program, then it may not—then they maybe should bail out of the wilderness program if there is one active in their State already, a Federal wilderness program—

Mr. KIRBY. What I am saying—

Mr. RADANOVICH. If that were to happen in the West, I guess that is my question.

Mr. KIRBY. No, what I am saying, sir, is that we should encourage other States to do likewise through technical and planning assistance. Many of them may wish to do so, but just have never focused on it. Some States in my region, like Alabama, are setting up State wilderness systems as we speak. There's legislation moving through their assembly to do so. I think that is all to the good.

Mr. RADANOVICH. Well, in my opinion, it is what is good for the goose is good for the gander. And if New York is doing a good job managing wildernesses within their State system, then so should California be able to do the same.

Mr. KIRBY. And California does have a State wilderness system, as does Alaska, to mention two of the western States.

Ms. McDOUGLE. I would like to make a statement. I would request and would hope that should you proceed in reviewing lists of additional proposed sites for wildernesses, that you work closely with the agencies especially, and I am thinking about the multiple use mandate and all of our publics that we serve, and so that I

hope that as you proceed with—with any decisions on specific areas that—that you will work with the agencies on this.

Mr. RADANOVICH. Thank you.

Mr. HANSEN. Thank you.

Ms. McDougale, your own documents, Forest Service documents, acknowledge that most of the Forest Service lands were acquired from private ownership and that the lands east of the 100th meridian are quick to themselves from man's influence.

Ms. McDOUGLE. Uh-huh.

Mr. HANSEN. If this is the case, why does the Forest Service oppose looking at acquiring public lands to supplement our current wilderness areas in the East.

Ms. McDOUGLE. I didn't say that the Forest Service was opposed to acquiring wilderness areas in the East. What I said was that we felt that the processes that we have are pretty rigorous, and that, as we look at other things, we do look at that. It is a bottom up process. But I never said I was opposed to acquiring wilderness areas in the East.

Mr. HANSEN. Not to get into a semantic game, "acquiring," I would agree with your statement. How about studying the areas? If I read you right, you said you opposed studying those areas.

Ms. McDOUGLE. I oppose any new, different studies. What I said was that what we do as part of our planning process, we take a look, we do inventory roadless areas, and we make some determinations as to the suitability of these roadless areas as potential recommendations for wilderness.

Mr. HANSEN. I understand——

Ms. McDOUGLE. We have processes in place to do that.

Mr. HANSEN. I understand that the Forest Service is continually attempting to update its roadless area inventory; is that correct?

Ms. McDOUGLE. Yes, we do it on a forest-by-forest basis.

Mr. HANSEN. What is the status of those areas east of the 100th meridian?

Ms. McDOUGLE. It varies by forest. Most of those forests are either scheduled or in the middle of plan revision, which includes a review of areas suitable for wilderness.

Mr. HANSEN. Could you tell this committee how many acres are pending for inclusion——

Ms. McDOUGLE. I can.

Mr. HANSEN.—east of the 100th meridian? Would you mind getting us that information?

Ms. McDOUGLE. I would be happy to.

Mr. HANSEN. What criteria are being used to conduct these re-inventories in Forest Service land?

Ms. McDOUGLE. We have considerable criteria, which I will be happy to provide to this committee.

Mr. HANSEN. Well, wouldn't it be a true statement to say that criteria spelled out in H.R. 1567, which reduces the acreage size to 500 acres and considers areas for natural reclamation, give the Agency more flexibility in these roadless inventories?

Ms. McDOUGLE. Yes. We do consider smaller acreages, 5,000 acres and above—and below 5,000 acres. I don't think we are any more specific than below 5,000 acres.

Mr. HANSEN. As Mr. Jarvis pointed out, which was correct, he said in the 1964 wilderness bill that acres are 5,000 acres, and then there is a caveat to that. They can be smaller—

Ms. McDOUGLE. Right.

Mr. HANSEN. [continuing] predicated on different criteria.

Ms. McDOUGLE. Right.

Mr. HANSEN. This is the one that is probably the most unfair interpretation, though, is that it is like beauty, the eye of the beholder. Anybody goes in, and it can be next to an oil well on one side and a uranium mine on the other, and somebody put it in. And a good example of that is in Millard County in Utah, where there are mines and all types of things.

We do not want to give the impression we are against wilderness, we just want to give the impression that it should be done correctly. There are a lot of small areas could come in that area, but I would hope that in fairness to this committee, that when you folks from the administration come up here, you can't come up here and argue strongly for the huge amounts in some of the western areas and overlook the idea that a lot of it is State, and a lot of it is private, and a lot of it has roads and then come in here and say, but we can't accept that criteria in the East. I mean, it has got to be kind of an equal deal, if I may say so.

I could take you back for year after year when the Park Service, the BLM, and the Forest Service has come up here and made big arguments for huge amounts, and especially Secretary Babbitt, who came before this committee and said, I will not even look at anything less than 5,000 acres of BLM in the State of Utah. And yet when we asked him where it was, he couldn't do it. And we asked him again where it was, and he couldn't do it. And a third time he came up, he couldn't do it again.

And so then, so he doesn't look foolish, he says, oh, well, we are reinventorying it. Well, come on. The first time around it is 5 million acres or nothing. But he didn't know where it was. But I think somebody had gotten to him and convinced him that way.

And so those things bother us just a little bit. If we are going to use the criteria for the West, that same criteria should be used for the East. If we are going to talk roads, and others, Mr. Hinchey, our good friend from New York, we put a piece of wilderness in called Sterling Forest last year, later became the law and a bill signed by the President. We put that in wilderness. We took it out again.

I will till the day I die enjoy Mr. Hinchey's comments when he said, oh, this doesn't qualify as wilderness. Yet, his own bill qualified as wilderness with roads, with structures, with mines, with ditches, with cities, even cities in it. Even cities qualified as wilderness in a western State. So if we are going to play this criteria fair, let's go honest on both sides of it, if I may respectfully say so.

Mr. Kirby, I wanted to ask you and welcome any specific drafting changes that The Wilderness Society may be willing to provide on 1567. Please don't be hesitant. And I would give that same offer, if there is any interest, to the Park Service and the Forest Service who are with us, if they would like to perfect parts of it.

If they just have bound over and say no, regardless of what you put, it is no, no, no, hey, well, don't waste your time. But if you

are willing to open your minds and say maybe there is something for this, then we would be more than happy to do it.

We don't make any claim of perfection. If anybody in Congress makes that claim, there is something wrong with them, because if we gave a gold medal to Queen Beatrice, somebody would argue about the language of how it was said. I mean, it doesn't happen that way.

Mr. Kirby, do you want to comment?

Mr. KIRBY. Yes, Mr. Chairman. We just again want to reiterate the prototype that is available for this committee in H.R. 971, the Northern Forest Stewardship Act, to deal with this thorny question of private lands, because we do not support the review as it is currently provided for directly by the Federal Government of the private lands. We would like to engage the States and localities in the very careful way that is set out in that legislation, which, as you know, enjoys strong bipartisan support in the region.

Mr. HANSEN. I appreciate that. Keep us posted on whatever comments you may have.

Do either of my colleagues have further comments for this panel?

Mr. RADANOVICH. Just one question.

Mr. HANSEN. Gentleman from California.

Mr. RADANOVICH. That would be that I be allowed to submit a couple questions for the record for the followup.

Mr. HANSEN. Without objection.

The gentleman from—well, I want to thank the Park Service, Forest Service, Mr. Kirby for taking your time to be here. It is very kind of you. It has been very interesting. Too bad more Members of the committee weren't here. I am sure this would be a very lively discussion as we meet with you again. Thank you. We appreciate you all three being with us. This hearing is closed.

[Whereupon, at 11:20 a.m., the Subcommittee was adjourned.]

105TH CONGRESS
1ST SESSION

H. R. 1567

To provide for the designation of additional wilderness lands in the eastern United States.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 1997

Mr. HANSEN (for himself, Mr. SMITH of Oregon, Ms. DUNN, Mr. CRAPO, Mr. MCKEON, Mr. SKEEN, Mr. HILL, Mr. HASTINGS of Washington, Mr. HAYWORTH, and Mrs. CHENOWETH) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for the designation of additional wilderness lands in the eastern United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Eastern Wilderness
5 Act".

6 SEC. 2. INCLUSION OF AREAS IN WILDERNESS SYSTEM.

7 (a) PURPOSE AND INTENT.—In order to assure that
8 an increasing population, accompanied by expanding set-
9 tlement and growing mechanization, does not occupy and

1 modify all areas within the United States and its posses-
2 sions, leaving no lands designated for preservation and
3 protection in their natural condition, it is necessary to in-
4 crease and expand the existing wilderness areas in the
5 eastern United States. These wilderness areas shall be ad-
6 ministered for the use and enjoyment of the American peo-
7 ple in such manner as will leave them unimpaired for fu-
8 ture use and enjoyment as wilderness, and so as to provide
9 for the protection of these areas, the preservation of their
10 wilderness character, and for the gathering and dissemina-
11 tion of information regarding their use and enjoyment as
12 wilderness. As the bulk of wilderness lands exist in the
13 western United States, the purpose and intent of this Act
14 is to provide the means to designate additional qualifying
15 lands as wilderness in the eastern United States.

16 (b) MANAGEMENT.—The inclusion of an area of Fed-
17 eral lands in the National Wilderness Preservation System
18 pursuant to this Act notwithstanding, the area shall con-
19 tinue to be managed by the department or agency having
20 administrative jurisdiction thereover immediately before
21 its inclusion in the National Wilderness Preservation Sys-
22 tem unless otherwise provided by Act of Congress. If the
23 area was previously private or State land, the area shall
24 be managed by the department or agency with the largest
25 presence in the area.

1 (c) WILDERNESS.—For purposes of this Act, a wil-
2 derness, in contrast with those areas where man and his
3 own works dominate the landscape, is recognized as an
4 area where the earth and its community of life are
5 untrammelled by man, where man himself is a visitor who
6 does not remain. An area of wilderness is further defined
7 as an area of undeveloped Federal, State, or private land
8 retaining its primeval character and influence, without
9 permanent improvements or human habitation, which is
10 protected and managed so as to preserve its natural condi-
11 tions and which—

12 (1) generally appears to have been affected pri-
13 marily by the forces of nature, with the imprint of
14 man's work substantially unnoticeable;

15 (2) has outstanding opportunities for solitude
16 or a primitive and unconfined type of recreation;

17 (3) is east of the 100th meridian and has at
18 least 500 acres of land or is of sufficient size as to
19 make practicable its preservation and use in an
20 unimpaired condition;

21 (4) may also contain ecological, geological, or
22 other features of scientific, educational, scenic, or
23 historical value; and

1 (5) if significantly trammled by man, could
2 otherwise qualify as wilderness through natural rec-
3 lamation.

4 (d) SCOPE OF ACT AND RELATIONSHIP TO OTHER
5 LAW.—This Act shall apply only to lands east of the
6 100th meridian and nothing in this Act shall apply to any
7 lands designated as components of the national wilderness
8 preservation system before the enactment of this Act.

9 **SEC. 3. STUDY.**

10 The Secretary of Agriculture and the Secretary of the
11 Interior are hereby directed to study and inventory all
12 Federal, State, and private lands of 500 acres or greater
13 which are east of the 100th meridian and which could or
14 do qualify as wilderness according to the definition of wil-
15 derness in section 2(c) above.

16 **SEC. 4. REVIEW.**

17 (a) STUDY.—Within 15 years after the date of ap-
18 proval of this Act, the Secretary of Agriculture and the
19 Secretary of the Interior shall review those areas identified
20 as having wilderness characteristics during the inventory
21 required in section 3 and shall from time to time report
22 to the President their recommendation as to the suitability
23 or nonsuitability of each such area for preservation as wil-
24 derness.

25 (b) PROCEDURE.—

1 (1) The Secretary of Agriculture and the Sec-
2 retary of the Interior shall, prior to submitting any
3 recommendations to the President with respect to
4 the suitability of any area for preservation as wilder-
5 ness—

6 (A) give such public notice of the proposed
7 action as they deem appropriate, including pub-
8 lication in the Federal Register and in a news-
9 paper having general circulation in the area or
10 areas in the vicinity of the affected land;

11 (B) hold a public hearing or hearings at a
12 location or locations convenient to the area af-
13 fected. The hearings shall be announced
14 through such means as the respective Secretar-
15 ies involved deem appropriate, including notices
16 in the Federal Register and in newspapers of
17 general circulation in the area: *Provided*, That
18 if the lands involved are located in more than
19 one State, at least one hearing shall be held in
20 each State in which a portion of the land lies;
21 and

22 (C) at least 30 days before the date of a
23 hearing, advise the Governor of each State and
24 the governing board of each county in which the
25 lands are located, and Federal departments and

1 agencies concerned, and invite such officials and
2 Federal agencies to submit their views on the
3 proposed action at the hearing or by no later
4 than 30 days following the date of the hearing.

5 (2) Any views submitted to the appropriate Sec-
6 retary under the provisions of paragraph (1) of this
7 subsection with respect to any area shall be included
8 with any recommendations to the President and to
9 Congress with respect to such area.

10 (c) RECOMMENDATION.—The President shall advise
11 the President of the Senate and the Speaker of the House
12 of Representatives of his recommendations with respect to
13 designation as wilderness of each such area, together with
14 a map thereof and a definition of its boundaries. Such ad-
15 vice by the President shall be given within 2 years of the
16 receipt of each report from the Secretaries. A rec-
17 ommendation of the President for designation as wilder-
18 ness shall become effective only if so provided by an Act
19 of Congress.

20 (d) MANAGEMENT OF STUDY AREAS.—During the
21 period of review of such areas and until Congress has de-
22 termined otherwise, the appropriate Secretary shall con-
23 tinue to manage such public lands under his authority
24 under this Act and other applicable law in a manner so
25 as not to impair the suitability of such areas for preserva-

1 tion as wilderness: *Provided*, That, in managing the public
2 lands the Secretary shall by regulation or otherwise take
3 any action required to prevent unnecessary or undue deg-
4 radation of the lands and their resources or to afford envi-
5 ronmental protection. Such lands shall continue to be sub-
6 ject to such appropriation during the period of review un-
7 less withdrawn by the Secretary under the procedures of
8 section 204 of the Federal Land Policy and Management
9 Act of 1976 for reasons other than preservation of their
10 wilderness character. Once an area has been designated
11 for preservation as wilderness under this Act, the provi-
12 sions of this Act shall apply with respect to the adminis-
13 tration and use of such designated area.

14 **SEC. 5. MANAGEMENT OF WILDERNESS AREAS.**

15 (a) IN GENERAL.—Except as otherwise provided in
16 this Act, each agency administering any area designated
17 as wilderness under this Act shall be responsible for pre-
18 serving the wilderness character of the area and shall so
19 administer such area for such other purposes for which
20 it may have been established as also to preserve its wilder-
21 ness character. Except as otherwise provided in this Act,
22 wilderness areas shall be devoted to the public purposes
23 of recreational, scenic, scientific, educational, conserva-
24 tion, and historical use.

1 (b) COMMERCIAL ENTERPRISES, ROADS, STRUC-
2 TURES, ETC.—Except as specifically provided for in this
3 Act, and subject to existing private rights, there shall be
4 no commercial enterprise and no permanent road within
5 any wilderness area designated by this Act and, except as
6 necessary to meet minimum requirements for the adminis-
7 tration of the area for the purpose of this Act (including
8 measures required in emergencies involving the health and
9 safety of persons within the area), there shall be no tem-
10 porary road, no use of motor vehicles, motorized equip-
11 ment or motorboats, no landing of aircraft, no other form
12 of mechanical transport, and no structure or installation
13 within such area.

14 (c) SPECIAL PROVISIONS.—The following special pro-
15 visions are hereby made:

16 (1) Within wilderness areas designated by this
17 Act, the use of aircraft or motorboats, where these
18 uses have already become established, may be per-
19 mitted to continue subject to such restrictions as the
20 appropriate Secretary deems desirable. In addition,
21 such measures may be taken as may be necessary in
22 the control of fire, insects, and diseases, subject to
23 such conditions as the Secretary deems desirable.

24 (2) Nothing in this Act shall prevent, within
25 wilderness areas designated by this Act, any activity,

1 including prospecting, for the purpose of gathering
2 information about mineral or other resources, if such
3 activity is carried on in a manner compatible with
4 the preservation of the wilderness environment. Fur-
5 thermore, in accordance with such program as the
6 Secretary of the Interior shall develop and conduct
7 in consultation with the Secretary of Agriculture,
8 such areas shall be surveyed on a planned, recurring
9 basis consistent with the concept of wilderness pres-
10 ervation by the Geological Survey and the Bureau
11 of Mines to determine the mineral values, if any,
12 that may be present; and the results of such surveys
13 shall be made available to the public and submitted
14 to the President and Congress.

15 (3) Within wilderness areas designated by this
16 Act—

17 (A) the President may, within a specific
18 area and in accordance with such regulations as
19 he may deem desirable, authorize prospecting
20 for water resources, the establishment and
21 maintenance of reservoirs, water conservation
22 works, power projects, transmission lines, and
23 other facilities needed in the public interest, in-
24 cluding the road construction and maintenance
25 essential to development and use thereof, upon

1 his determination that such use or uses in the
2 specific area will better serve the interest of the
3 United States and the people thereof than will
4 its denial; and

5 (B) the grazing of livestock, where estab-
6 lished prior to the effective date of this Act,
7 shall be permitted to continue subject to such
8 reasonable regulations as are deemed necessary
9 by the Secretary of Agriculture.

10 (4) Commercial services may be performed
11 within the wilderness areas designated by this Act to
12 the extent necessary for activities which are proper
13 for realizing the recreational or other wilderness
14 purposes of the areas.

15 (5) Nothing in this Act shall constitute an ex-
16 press or implied claim or denial on the part of the
17 Federal Government as to exemption from State
18 water laws.

19 (6) Nothing in this Act shall be construed as
20 affecting the jurisdiction or responsibilities of the
21 several States with respect to wildlife and fish on
22 public lands.

23 **SEC. 6. PRIVATE PROPERTY.**

24 (a) PRIVATE PROPERTY.—In any case where State
25 owned or privately owned land is completely surrounded

1 by public lands within areas designated by this Act as wil-
2 derness, such State or private owner shall be given such
3 rights as may be necessary to assure adequate access to
4 such State owned or privately owned land by such State
5 or private owner and their successors in interest, or the
6 State owned or privately owned land shall be exchanged
7 for federally owned land in the same State of approxi-
8 mately equal value under authorities available to the ap-
9 propriate Secretary: *Provided, however,* That the United
10 States shall not transfer to a State or private owner any
11 mineral interests unless the State or private owner relin-
12 quishes or causes to be relinquished to the United States
13 the mineral interest in the surrounded land.

14 (b) ACCESS TO VALID OCCUPANCIES.—In any case
15 where valid mining claims or other valid occupancies are
16 wholly within a designated wilderness area, the appro-
17 priate Secretary shall, by reasonable regulations consistent
18 with the preservation of the area as wilderness, permit in-
19 gress and egress to such surrounded areas by means which
20 have been or are being customarily enjoyed with respect
21 to other such areas similarly situated.

22 (c) ACQUISITION.—Subject to the appropriation of
23 funds by Congress, the appropriate Secretary is author-
24 ized to acquire State owned or privately owned land in
25 order to establish the wilderness area or lands within the

1 boundaries of any area designated by this Act as wilder-
2 ness if—

3 (1) the owner consents to such acquisition; or

4 (2) the acquisition is specifically authorized by
5 Congress.

6 **SEC. 7. ACCEPTANCE OF GIFTS.**

7 (a) LAND.—The appropriate Secretary may accept
8 gifts or bequests of land within wilderness areas des-
9 ignated by this Act for preservation as wilderness. The
10 Secretary may also accept gifts or bequests of land adja-
11 cent to wilderness areas designated by the Act for preser-
12 vation as wilderness if he has given 60 days advance notice
13 thereof to the President of the Senate and the Speaker
14 of the House of Representatives. Land accepted by the
15 Secretary under this section shall become part of the wil-
16 derness area involved. Regulations with regard to any such
17 land may be in accordance with such agreements, consist-
18 ent with the policy of this Act, as are made at the time
19 of such gift, or such conditions, consistent with such pol-
20 icy, as may be included in, and accepted with, such
21 bequest.

22 (b) PRIVATE CONTRIBUTIONS.—The Secretary of Ag-
23 riculture or the Secretary of the Interior is authorized to
24 accept private contributions and gifts to be used to further
25 the purposes of this Act.

1 SEC. 8. REPORT.

2 At the opening of each session of Congress, the Sec-
3 retaries of Agriculture and the Interior shall jointly report
4 to the President for transmission to Congress on the sta-
5 tus of the wilderness system, including a list and descrip-
6 tions of the areas in the system, regulations in effect, and
7 other pertinent information, together with any rec-
8 ommendations they may care to make.

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THE WILDERNESS SOCIETY

SOUTHEAST REGION

TESTIMONY OF PETER C. KIRBY, SOUTHEAST REGIONAL DIRECTOR, THE WILDERNESS SOCIETY, ON H.R. 1567, "EASTERN WILDERNESS ACT," BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS OF THE U.S. HOUSE OF REPRESENTATIVES' COMMITTEE ON RESOURCES, JUNE 17, 1997

Mr. Chairman, my name is Peter C. Kirby, the southeast field representative for The Wilderness Society, based in Atlanta. With over 315,000 members, The Wilderness Society is a non-profit organization devoted to preserving wilderness and protecting America's prime forests, parks, rivers and shorelands.

Founded near the Great Smoky Mountains National Park in 1935, The Wilderness Society has long worked to safeguard scarce opportunities for wilderness in the populous eastern United States. In addition to our Atlanta office, where we have pursued these issues in the southeast continuously since 1977, The Wilderness Society also maintains a Boston office, where we focus on the conservation of the wildlands of the Northern Forest. The Regional Director in the northeast is Robert Perschel.

As Subcommittee Chairman James Hansen points out in his letter of April 22, 1997 to his House colleagues, only a tiny fraction of all designated wilderness is located in the east. Of the 103.6 million acres in the National Wilderness Preservation System, less than 4.5% lies east of the Mississippi River. Moreover, nearly half of that is found in a single area - Everglades National Park in south Florida.

As Mr. Hansen's letter observes, "Given that the population of the East is over 4 times higher than the West, this works out to over 80% of the population sharing less than 5% of the Wilderness.... This makes the eastern wilderness experience limited and crowded." His letter points as well to the unique natural values of areas in the region: "There are eco-systems in the Eastern forests that are found nowhere else. They must be preserved."

There are many, many benefits from the protection of potential wilderness lands in the East:

- * these areas safeguard watersheds upon which many cities and rural communities depend for drinking water;
- * they help meet America's increasing demand for outdoor recreation - hiking, hunting, fishing, bird watching, canoeing, camping and many other activities;
- * they serve as critical habitat for populations of declining migratory songbirds, sensitive fisheries, wildlife threatened with extinction and rare plants,
- * and they contain places of special beauty and naturalness that will grow in value as the population and the economy expand.

In the southeast, only 1% of the famed Southern Appalachian mountain region is preserved as designated wilderness, according to the recent Southern Appalachian Assessment, a government study of the private and public lands in the region. Popular Southern Appalachian wildernesses in each of the

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region's states - Georgia, Alabama, Tennessee, North and South Carolina and Virginia - are already heavily used and increased population and interest in the outdoors will mean even more visitor pressure. The northeast, midwest and central Atlantic states likewise have only a small amount of designated wilderness and are also facing growing recreation demand and increased development and loss of wildlands.

The caption of Mr. Hansen's letter has it right: "We Need More Eastern Wilderness!!" Hence, The Wilderness Society welcomes the message of the letter that, "there are many opportunities for expanding our wilderness system in the east that are not being pursued." In this positive and constructive spirit, here are our comments on H.R. 1567:

Name of H.R. 1567.

As the Committee is aware, Congress enacted and President Ford signed into law in 1975 the landmark "Eastern Wilderness Act." It established the important principle that national forest lands in the east that have largely regained their naturalness qualify for wilderness and can be designated by Congress. It was passed for many of the same reasons set out in Mr. Hansen's letter. The Eastern Wilderness Act set up a number of areas across the east to demonstrate the principle and has led to the creation of many additional areas in later bills.

We urge the sponsors of H.R. 1567 to select a different name, should they decide to advance this bill. This would avoid confusion. The 1975 legislation still serves as a kind of organic act for eastern national forest wilderness; it is cited for the principle that underlies it, which is still highly relevant and timely. Could we suggest something like the "Wilderness Review Act for Eastern Lands." It would also help identify the purpose of the bill to put the term, "review," in the title since the Act does not itself designate any lands as wilderness.

Review of Federal Lands in the East for Wilderness.

For national park units and national wildlife refuges, the 1964 Wilderness Act in Section 3 (c) required the Secretary of Interior within ten years to review for wilderness every roadless area of 5,000 acres or above. Many park and refuge lands in the east have been designated wilderness by Congress in response to these reviews and their recommendations. As important background for whether a fresh review should be required, as called for in Section 4 of H.R. 1567, we urge the Committee to put the following questions to the Secretary of Interior:

- * Have all of the park and refuge units in the east that were under the administration of the Secretary in 1964 been reviewed for wilderness? If not, why not? Have lands that have been added to these units since 1964 also been reviewed for wilderness?

- * Have all units that have been established since 1964 been reviewed for wilderness? Again, if not, why not?

- * What wilderness recommendations have been completed that are pending at this time?

The 1964 Wilderness Act also required the Secretary of Agriculture within ten years to review for wilderness so-called "primitive" areas on the national forests. All these areas have been reviewed and except for one area been acted on by Congress. However, none of these "primitive areas" were located in the east.

The existing mandate to review eligible national forest lands - east and west - for wilderness derives from the regular planning requirements of the National Forest Management Act. The Forest Service has recognized under the principle of the Eastern Wilderness Act that lands with low road

densities and minor human impacts can be reviewed for wilderness because these signs of human activity can be readily reclaimed by nature or erased.

The direction in Section 4 of H.R. 1567 for a fresh review of eligible lands by the Secretaries of Interior and Agriculture is quite similar to these existing mandates from the Wilderness Act and the National Forest Management Act. However, it adds the helpful clarification that roadless tracts as small as 500 acres are to be reviewed and confirms that areas disturbed by human action can qualify as wilderness "through natural reclamation." It also clarifies that national park and refuge units established after 1964 be reviewed for wilderness.

H.R. 1567 also contains improved guidance that eligible areas should be managed to sustain their wilderness character while under review and after the recommendation, pending Congressional action. This will assist with the integrity of the study process for the benefit of the public and Congress alike and should have only a minor impact of agency activities.

Hence, The Wilderness Society supports Section 4 of H.R. 1567 for a fresh study of eligible federal lands in the east. To ensure more prompt results, we urge that the time period for the review be set at ten years rather than fifteen - comparable to the time period in the original Wilderness Act. We also request a clarification of action allowed under the term, "natural reclamation," in Section 2(c.) Under existing Forest Service policy, for example, there is an allowance for the removal, "where practical," of nonconforming structures and improvements in order to permit a site to return to a "near-natural condition."

Review of State-owned Lands in the East for Wilderness.

H.R. 1567 also calls for the federal government to inventory and study state-owned lands that are eligible for wilderness under the expanded definition at Section 2(c.) Under the bill, Congress could then designate these areas as wilderness and authorize the appropriate Secretary to acquire these state-owned lands with funds appropriated by Congress for purchase. While The Wilderness Society shares the goal of seeing that wildlands under state administration are conserved, we would counsel an approach that is more focused on identifying the highest priority needs for a federal role, with the most cost-effective use of limited federal land acquisition funds.

To be specific, a number of states *already* have wilderness preservation programs quite similar to federal criteria. According to the authoritative work, *Wilderness Management*, by Hendee, Stanky and Lucas (1990) a total of nine states, including seven in the east, have wilderness systems comparable to the federal one. New York, for example, has established almost 1.2 million acres of wilderness within its Adirondack and Catskill Preserves. Minnesota has over 100,000 acres of state wilderness. Other eastern states identified in *Wilderness Management* with comparable wilderness programs include Florida, Maryland, Michigan, Missouri and Wisconsin. (The section from *Wilderness Management* that describes these state program is being submitted for the Committee files.)

According to *Wilderness Management*, the last survey of state-level activity in wilderness preservation was conducted in 1983. We urge the Committee to commission an updated survey undertaken jointly by federal and state agencies. Other states may have added programs since 1983 or improved them to be comparable to the federal one. The study could also assess the adequacy of existing state programs by the recognized criteria of the Wilderness Act.

With input from the states, this study could also suggest an appropriate federal role. The most effective federal role may well be to offer planning assistance through DOI or USDA, where appropriate, towards the goal of enabling all the states ultimately to have a system of wilderness preservation for state-owned lands comparable to the federal one. The Wilderness Society urges the sponsors of H.R. 1567 to consider this approach instead of the federal review of state-owned lands called for in Section 4(a.)

Review of Private Lands in the East for Wilderness.

H.R. 1567 also provides for the Secretaries of Interior and Agriculture to inventory and review for wilderness private lands in the east with wilderness characteristics. The Act envisions that following study and recommendations Congress could designate specific areas as wilderness and authorize the appropriate Secretary to acquire the privately owned land within the boundaries of the wilderness with funds appropriated by Congress. Section 6 allows for acquisition only from willing sellers (unless "specifically authorized by Congress") and also through the acceptance of private gifts, bequests or contributions.

The Wilderness Society supports the goal of permanent protection through public acquisition for networks of wilderness across the varied landscapes of the east. The achievement of this goal is essential to securing the many, many benefits available to Americans from ecologically and recreationally valuable wildlands. Given the limited amount of existing public land in the east, this will require over time that some key tracts of private land be identified and conserved as wilderness through public acquisition. If the American people do *not* take action in the years ahead to safeguard wildlands that are privately owned, then America -- and future generations -- will lose forever the access, use and enjoyment of many special places that make up our natural heritage in the east.

To make the country's actions towards these worthwhile goals as effective as possible, The Wilderness Society urges the sponsors of H.R. 1567 to consider an approach that sets out more guidance on the priorities for land conservation, that fully engages the states and local governments in the identification and study of privately-owned lands and that recognizes a variety of conservation tools, including less-than-fee easements for important lands as well as fee acquisition.

Specifically, we urge the Committee to examine a prototype that has been developed after years of study and extensive public involvement, namely, H.R. 971, the Northern Forest Stewardship Act. A centerpiece of H.R. 971 (and its Senate counterpart, S. 546) is Section 6 on land conservation. This contains a number of useful features that could be incorporated in a general bill about conservation of wilderness in the East. Most notably, it authorizes a public planning process (with technical and financial assistance from federal agencies) for requesting states in order to identify and set priorities for the acquisition of exceptional and important lands.

Section 6 sets out criteria for this review that include wilderness attributes, such as outstanding backcountry recreation opportunities, scenic values, critical plant and wildlife habitat and vital ecological functions. H.R. 971 further directs that the states fully involve local governments, landowners and interested citizens. Like H.R. 1567, it also emphasizes acquisition only from willing sellers.

The Wilderness Society urges the Committee to consider the features from H.R. 971 in drafting a revised section for review and protection for private lands in the east.

STATEMENT OF

Janice McDougle
Associate Deputy Chief, National Forest System

FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Committee on Resources
Subcommittee on National Parks and Public Lands
United States House of Representatives

Concerning H.R. 1567, Eastern Wilderness

June 17, 1997

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

We appreciate the opportunity to provide the views of the Department of Agriculture concerning H.R. 1567, a bill to provide for the study and designation of additional wilderness areas in the eastern United States.

The Department of Agriculture does not support enactment of H.R. 1567.

The Forest Service is extremely proud of its role in the outstanding success story the eastern national forests represent. Much of the land currently being considered for potential wilderness designation was once nothing but cutover forestland and worn-out farmland covered with brush and stumps; the lands nobody wanted have now become the lands everybody wants.

The Forest Service manages 50 national forests and approximately 25 million acres of National Forest System lands east of the 100th meridian. When compared to western national forests that were reserved from the public domain, most eastern forests are small and ownership patterns are fragmented. The 25 million acres of federally-owned land the eastern forests represent constitute only about 53 percent of the area within the purchase boundaries of the national forests, national grasslands, purchase units, land utilization projects and other areas managed by the Forest Service in the east.

The Forest Service manages 119 wilderness areas totalling nearly 2 million acres east of the 100th meridian as part of the National Wilderness Preservation System. Most units tend to be quite small--only 37 areas are larger than 10,000 acres. Although geographically small, these areas loom large in their wilderness significance due to their proximity to population centers of the east.

A significant, complicating factor in managing eastern wilderness is the existence of outstanding rights, particularly private mineral rights. As the federal government began to acquire private lands in the east for national forests and other purposes, owners often retained the mineral rights whose acquisition costs have frequently drawn congressional concern. Conversely, mineral

development is generally not consistent with protecting wilderness characteristics and values.

The Department's primary objection to H.R. 1567 is that existing authorities and processes adequately address this issue as far as National Forest System lands are concerned. The review and recommendation of areas for wilderness designation is already provided for when land and resource management plans are prepared under the National Forest Management Act and Eastern Wilderness Act. Areas suitable for potential wilderness designation are subject to close scrutiny and have been rigorously examined. In addition, many areas have already been studied under congressionally-designated wilderness study area processes set forth in the Eastern Wilderness Act.

The direction to study all private lands east of the 100th meridian for possible wilderness characteristics is unprecedented and of such enormous scope that it would seriously hamper the ability of the agency to manage lands currently under its jurisdiction. Even if the Forest Service could complete this effort in a reasonable time, previous experience with very broad studies of wilderness potential undertaken in the Roadless Area Review and Evaluation (RARE) and RARE II studies would argue against this approach.

Most fundamentally, private lands are not subject to designation as wilderness. Section 2(a) of the Wilderness Act only applies such designation to "Federally-owned" areas. We deem it highly improbable that private landowners would allow the inspection of their property for wilderness characteristics.

Mr. Chairman, that concludes my prepared statement and I would be pleased to respond to questions from the subcommittee.

STATEMENT OF T. DESTRY JARVIS, ASSISTANT DIRECTOR FOR EXTERNAL AFFAIRS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS REGARDING, H.R. 1567, TO PROVIDE FOR THE DESIGNATION OF ADDITIONAL WILDERNESS LANDS IN THE EASTERN UNITED STATES.

JUNE 17, 1997

Mr. Chairman, members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 1567, a bill to provide for the designation of additional wilderness lands in the eastern United States.

The Department of the Interior opposes this legislation. While we normally appreciate the efforts of the Congress to add federal lands to the National Wilderness Preservation System, H.R. 1567 sets up a redundant wilderness study and review process for lands in the eastern United States. In addition, the bill inappropriately directs the Secretaries of Agriculture and Interior to study vast tracts of state and private lands which are neither intermixed nor adjacent to federally managed lands for potential wilderness designation. Such a provision is beyond the normal jurisdiction of the respective Departments.

The proposed legislation, H.R. 1567, the Eastern Wilderness Act is similar in intent to the original Wilderness Act of 1964 (78 Stat. 890) with some major notable exceptions. Section 2 of the bill redefines the criteria for "wilderness" east of the 100th meridian. Under this section federal, state and private lands over 500 acres could now qualify for wilderness designation. Section 3 directs the Secretaries of Agriculture and Interior to study and inventory areas under these new criteria.

Except for section 4(a) which provides for a 15-year study process, the remainder of the bill duplicates the existing provisions of the Wilderness Act of 1964 nearly verbatim, to the point of including a reference to the now abolished Bureau of Mines. These existing provisions would be applicable to new studies and newly designated areas without their inclusion in H.R. 1567.

Mr. Chairman, we would like to bring to the attention of the Subcommittee that throughout the 1970's the National Park Service as authorized by the 1964 Wilderness Act conducted a nationwide inventory and assessment of National Park System lands for potential wilderness suitability. Each of these suitability studies were accompanied by a full environmental impact statement (EIS) and public involvement process which included participation in the development of alternative proposals and the review of all draft documents. As a result of these EISs the National Park Service made recommendations which were subsequently sent to Congress by Presidents Nixon, Ford, and Carter via formal transmittal memoranda.

Lands currently within the National Park System are already subject to higher standards of conservation than for most other federal lands. However, our national parks are faced with ever-increasing threats which can compromise their "wilderness integrity" even under the existing mandates of the National Park Service. Wilderness designation provides an additional statutory protection for the National Park System lands, including providing for outstanding opportunities for solitude, and ensuring that management provides that the forces of nature are dominant on the landscape.

To date, Congress has designated wilderness in 44 units of the National Park System totaling nearly 43.2 million acres, seven areas of which are located in the eastern United States covering approximately 1.4 million acres. These seven areas are Everglades and Shenandoah National Parks; Fire Island, Gulf Islands, and Cumberland Island National Seashores; Congaree Swamp National Monument; and Buffalo National River.

Similarly, the Fish and Wildlife Service has inventoried National Wildlife Refuge and Fish Hatchery lands for wilderness suitability. There are currently 75 designated wilderness areas on Fish and Wildlife Service lands totaling nearly 20.7 million acres. Of these, 38 areas covering more than 540,000 acres are east of the 100th meridian.

This concludes my prepared remarks. I appreciate the opportunity to appear before you today and would be happy to answer any of your questions.



THE WILDERNESS SOCIETY

SOUTHEAST REGION

June 27, 1997

The Honorable James V. Hansen
Chairman, Subcommittee on National Parks & Public Lands
Committee on Resources
U.S. House of Representatives
Washington, DC 20515

Re: Follow-up to Subcommittee Testimony on H.R. 1567

Dear Chairman Hansen:

Thank you again for the opportunity to testify before the Subcommittee on June 17th on H.R. 1567, the "Eastern Wilderness Act." This letter responds to questions and exchanges with the members of the Subcommittee about additional information needed for the consideration of H.R. 1567. We request that this letter and single-page attachment be included in the printed hearing record.

1. Need for Section 4 (d) of H.R. 1567 on "Management of Study Areas." This section provides that roadless areas in federal land units in the east under review for wilderness be managed by federal agencies so as not to impair their suitability for wilderness, pending Congressional determination. The Wilderness Society supports this direction because of the many benefits to the public and to Congress from maintaining the integrity of the areas during agency study and subsequent legislative review. Since the Forest Service statement failed to address this specific provision, the Subcommittee invited our response about the need for Section 4 (d).

Let me address this need in connection with the Southern Appalachian region - the primary focus of the conservation efforts of our southeast office. As noted in the government's recent report on the area, only about 1% of the region is designated wilderness, consisting of 39 units totaling about 430,000 acres. This region illustrates Mr. Hansen's point that more wilderness is needed - in order to provide wilderness experiences in the crowded east, to preserve distinctive ecosystems found nowhere else and to pass on a wildland legacy for the future.

In the 1996 Southern Appalachian Assessment, the Forest Service lists 139 roadless areas on national forests in the region, totaling about 750,000 acres. These areas are presently in the process of wilderness study by the Forest Service as a part of forest plan revisions mandated by the National Forest Management Act. (In the case of Virginia's George Washington National Forest, the Forest Service finished the study in 1995; no Congressional action has been taken at this time.) This is a modest share of the region - less than 2% - that is under consideration for possible designation as wilderness. Further, these are lands that are already federally owned and have officially been found eligible for wilderness study and possible recommendation.

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Nonetheless, the Forest Service has expressly refused to provide interim protection for these areas while under review in forest plan revisions. In 1994, a coalition of local and regional groups, including The Wilderness Society, requested that the Forest Service defer timber sales in roadless areas pending the upcoming wilderness review, citing the limited amount of existing wilderness and the many reasons for preserving more lands. (Attached is a supportive editorial from the *Atlanta Journal-Constitution*.) The Forest Service disappointingly denied this request, even while admitting, as the Chief put it, that "there is generally sufficient latitude under existing forest plans to modify, defer, and reschedule management practices in response to specific concerns that arise."

The Forest Service has not altered their view since 1994, despite the many findings from the Southern Appalachian Assessment (SAA) that point to the need to leave roadless areas intact. In the face of rising population, development of private lands, and increased rates of public participation in outdoor recreation, the SAA recognizes that roadless areas are a "limited resource." The SAA also urges that the existing larger tracts of interior forest be maintained and notes that national forests and parks contain the bulk of these opportunities for core wildlife habitat.

Moreover, the Forest Service has been moving forward with timber sales in roadless areas under wilderness study. In recent days, for example, the agency has approved two timber sales in roadless areas on TN's Cherokee National Forest - in the Devil's Backbone and Slide Hollow tracts. The entire Slide Hollow sale is within the inventoried roadless area. These sales will degrade the naturalness and other wilderness values of these areas.

A coalition of groups, including The Wilderness Society, appealed the sale in Devil's Backbone, which was rejected by the Forest Service. In the decision, the Forest Service dismissed the counsel from Chief Mike Dombeck that sales avoid roadless areas. The Regional Forester termed Dombeck's statement as "merely comments until they are translated into policy through established administrative procedures."

Regarding our argument that an EIS is needed, the Forest Service relied on the fact that the roadless area is only 4,100 acres in size in ruling that the timber sale does not fit under its NEPA requirement for a "proposal that would substantially alter the undeveloped character of an inventoried roadless area of 5,000 acres or more." FSH 1909.15. Both these reasons are arbitrary and disappointing. They underscore the need for statutory direction that interim protection be assured for roadless areas, as provided in Section 4 (d) of H.R. 1567.

2. Inadequacy of National Forest Roadless Area Inventory in Southern Appalachians.

The Subcommittee also asked for our evaluation of the adequacy of existing roadless area inventories for federal lands in the east and invited us to submit examples of areas that have been improperly omitted. Our answer will again focus on the most recent and ongoing undertaking in the east - the inventory of national forest roadless areas in the Southern Appalachians. As completed for the Southern Appalachian Assessment, this preliminary inventory is seriously inadequate: it is based on flawed and inconsistently-applied criteria and fails to include many, many qualified roadless areas in the region. In order to ensure a thorough inventory that sets the stage for needed wilderness designations of federal lands in the east, The Wilderness Society supports the direction in Section 4 (a) of H.R. 1567 for a fresh inventory of eligible federal lands.

Size requirements. Although the Forest Service consider areas less than 5,000 acres as roadless where they are manageable for wilderness, it frequently drops smaller areas that appear to qualify largely for size alone. On the Jefferson National Forest, for example, it deleted the Mill Creek area (western unit) that measures about 2,500 acres as too small, even though in its isolation and topography it resembles other Congressionally-designated wildernesses in the region, such as the 2,500 acre Gee Creek Wilderness in Tennessee. Indeed, the existing Thunder Ridge Wilderness on the Jefferson National Forest is only 2,344 acres in size. Likewise, staff on the Chattahoochee National Forest dropped the 3,400 acre

Three Forks area as too small despite the outstanding wild character of its confluence of the three streams that join to begin the West Fork of the Chatooga River.

"Sights and sounds." In many instances across the region, the Forest Service dropped areas that fully meet the requirements for road density, naturalness and other criteria because "sights and sounds" from *outside* the boundaries could be perceived by users within the areas. For example, the Forest Service dropped Cove Mountain on the Jefferson National Forest and pointed to outside sights and sounds from a highway, a railroad and a town. They rejected the Flats Mountain area that is a logical extension to Citico Creek Wilderness on the Cherokee National Forest and cited the sounds of recreation from a nearby lake.

In relying on this reason to eliminate areas even from study, the Forest Service ignores the purpose of legislation such as the 1975 Eastern Wilderness Act that aimed at the preservation of wilderness close to population centers. This act included a Congressional finding of the "urgent need" to find, study and include eastern areas as wilderness. Hence, the use of outside "sights and sounds" to delete roadless areas is especially inappropriate in the east.

Indeed, the Forest Service specifically acts contrary to the long-standing direction of this Committee, as plainly expressed in the 1978 Endangered American Wilderness Act:

"Further, many areas, including Lone Peak [outside Salt Lake City in Utah] ..., received lower wilderness quality ratings because the Forest Service implemented a 'sights and sounds' doctrine which subtracted points in areas where the sights and sounds of nearby cities (often many miles away) could be perceived from anywhere within the area. This eliminated many areas near population centers and has denied a potential nearby high quality wilderness experience to many metropolitan residents and is inconsistent with Congress' goal of creating parks and locating wilderness areas in close proximity to population centers. The Committee is therefore in emphatic support of the Administration's decision to immediately discontinue this 'sights and sounds' doctrine." House Report 95-540.

"Semi-primitive" core. For the inventory of roadless areas listed in the Southern Appalachian Assessment, the Forest Service used the concept of "semi-primitive" acres as a measure for outstanding opportunities for solitude or backcountry recreation. These are acres inventoried as "semi-primitive" under the guidelines of the agency's Recreation Opportunity Spectrum (ROS.) Semi-primitive areas generally consist of unroaded natural settings that are more than a half-mile distant from a road. Forest Service staff termed these areas "semi-primitive" cores and dismissed many tracts as not roadless because the cores did not have "sufficient" acres or a "suitable" shape.

This measure has been used far beyond its limits and its intended purposes. To begin with, the Regional Forester originally instructed that these cores were desirable not necessary; yet, many forest planners have viewed them as strict requirements. Moreover, many planners have pulled back a half-mile from closed or primitive roads that receive limited or no vehicle use and do not intrude on backcountry users. Hence, semi-primitive cores are frequently underestimated in size and shape.

Furthermore, despite repeated requests, the Forest Service has failed to document that the ROS assumptions are fully applicable in the Southern Appalachian mountains. In particular, the Forest Service has failed to show that in the heavily forested and rugged Southern Appalachians that the half-mile pull-back from roads is essential to provide solitude or backcountry recreation opportunities. Moreover, they have no plans to undertake research in this mountain region to seek to verify this key assumption.

Despite the serious flaws in the use of these "semi-primitive" acres, the Forest Service deletes many areas that otherwise qualify as roadless solely due to the claimed absence of adequate "cores." On the Chattahoochee National Forest, for example, the Forest Service has failed to inventory the following

areas as roadless for this reason: Grassy Mountain, Moccasin Creek, Three Forks, Duncan Ridge, Horse Gap, Windy Gap and others.

Moreover, the use of the half-mile pull-back from roads has resulted in inadequate and unmanageable boundaries for many roadless areas. On South Carolina's Sumter National Forest, for example, the areas identified on the Andrew Pickens Ranger District are all much smaller than in previous inventories - because boundaries have been pulled back half a mile from roads - even though there have been no timber sales or other projects that have changed the physical character of the areas (This is especially regrettable since only 1% of the Sumter National Forest is designated wilderness to begin with.)

Here is further evidence of the arbitrary application of the use of "semi-primitive" acres: in a number of instances the Forest Service deleted areas as roadless for lack of adequate solitude or backcountry recreation opportunities because of an insufficient "core" -- even though the management goal for those areas in the existing forest plan is to provide semi-primitive backcountry recreation opportunities and related solitude. Examples include Moccasin Creek and Three Forks on the Chattahoochee National Forest, Lynn Camp Creek on the Jefferson National Forest and Iron Mountain on the Cherokee National Forest.

Finally, the Forest Service has consistently overlooked the plain language of the Wilderness Act that areas qualify for study if they have "outstanding opportunities for solitude or a primitive and unconfined type of recreation." There are many outstanding opportunities for backcountry recreation in the Southern Appalachians outside the core of semi-primitive acres, as they define it under ROS. For example, many beautiful miles of the Appalachian Trail traverse the steep and rugged Thunder Ridge Wilderness on the Jefferson National Forest - and provide superb backcountry recreation - even though not an acre of this designated wilderness is inventoried as "semi-primitive" under ROS. Likewise, on the nearby Wilson Mountain area, which the agency failed to recognize as roadless, there is excellent backcountry hiking on the Sprouts Run National Recreation Trail even though the Forest Service finds that this rugged 5,000 acre area has no "semi-primitive" acres.

In previous inventories in the 1970's, 1980's and early 1990's (for the 1995 revised forest plan for Virginia's George Washington National Forest,) the Forest Service did *not* use "semi-primitive" acres under ROS as a screen for roadless areas. The experience with its use in the preliminary inventory for the 1996 Southern Appalachian Assessment, however, has demonstrated that many qualified areas have been deleted due to misapplication, misanalysis and mischief. The Wilderness Society urges that this ROS screen be put back on the shelf as a failed experiment and not used in the updated inventory of roadless areas for the forest plan revisions.

3. Woefully Inadequate Wilderness Recommendations in the Southern Appalachians.

The recent wilderness review in the 1995 plan revision for the George Washington National Forest provides discouraging evidence of the lack of responsiveness of the Forest Service to the need for additional wilderness in the east. It is a telling case study on why the public and Congress must go beyond the limited and inadequate recommendations by the agency in order to ensure the full range of benefits of wilderness for present and future generations.

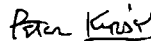
About a two-hour drive from Washington, DC, the George Washington National Forest stretches alongside the popular Shenandoah Valley and is easily accessible to the heavily populated mid-Atlantic region. It is the closest national forest to Richmond, Baltimore, Philadelphia and the nation's capital. It includes about 1 million acres in Virginia and about 100,000 acres in West Virginia, for a total of about 1.1 million acres. At present, only about 32,000 acres are designated wilderness - about 3% of the forest. These popular wildernesses, such as St. Marys and Ramsey's Draft, are heavily used and in fact are overused, according to recent studies.

In the revision of the forest plan, the Forest Service identified and studied for wilderness about 260,000 acres. This afforded them the opportunity to recommend some superlative areas for wilderness, including candidates such as Little River - at 28,000 acres the largest national forest roadless area in the Southern Appalachian region, or Laurel Fork - a unique northern hardwood and spruce forest, quite unlike the Appalachian oak forest found elsewhere across the region, or Ramseys Draft Addition - a logical 12,800 acre expansion on three sides of the existing wilderness, and many other outstanding areas.

Disappointingly, the agency recommended only 5% of the total roadless acreage for wilderness and omitted the three areas noted above, along with a host of other superb candidates. Indeed, the Forest Service recommended no areas in the Allegheny mountains on the western side of the Shenandoah Valley, although many of these areas fully met the stated criteria for capability, availability and need. The two new areas recommended in the final plan - the Priest and Three Ridges - are both excellent wildlands and should be designated by Congress. However, if Congress limits its legislation only to the agency's recommendations, it would mean that only about 5% of the entire forest would be secured as wilderness. This falls far short of what is needed in the crowded mid Atlantic states.

We urge the Subcommittee to encourage the Forest Service to take to heart the message of H.R. 1567 that more wilderness is needed in the east. With the upcoming revisions of forest plans in the Southern Appalachians and elsewhere in the east, the Forest Service could take a welcome leadership role in recommending enduring protection through wilderness for our natural heritage in the east.

Sincerely,



Peter C. Kirby
Southeast Regional Director

Enclosure
cc: Rep. Faleomavaega

Sunday, October 2, 1994

The Atlanta Journal

THE ATLANTA CONSTITUTION

Saving forests in the meantime

The U.S. Forest Service, to its credit, has begun a process that should eventually revolutionize management of the 3.2 million acres of public land under its control in the Southern Appalachians, including the 750,000-acre Chatahoochee National Forest in Georgia.

For the first time, government scientists will conduct an assessment of the entire Southern Appalachian ecosystem, to try to determine how federal lands within that area should be managed. With the Forest Service already moving toward more rational timber harvests in its Southern forests, the information gathered through the assessment should produce a series of farsighted new plans for managing the region's forests.

That planning process, however, may not be completed until the end of the century. And it's what happens in the meantime that ought to have people worried. Unless interim steps are taken, natural areas that might be protected under new forest plans could be lost forever to the chainsaw and bulldozer before those plans can be implemented.

Logging will still have a place in those updated plans, but priority has to be given to two other uses of national forests — as a safe

harbor for wildlife and as a recreational resource for the region's burgeoning human population.

For example, less than 10 percent of the Southern Appalachian forests are designated

as wilderness, a category that protects them from logging and road-building. Recreational use of that wilderness, already heavy in some areas, is projected to double between 1990 and 2000, a result of population growth in the region, the shrinking of privately owned open space and the increasing popularity of outdoor recreation.

Clearly, additional wilderness areas will be needed to meet that demand. But the only areas that by law are eligible for wilderness designation are those that remain roadless. By the end of the century, many current roa-

dless areas may have been disturbed for logging purposes, rendering them useless for wilderness and making moot any recommendation that they be preserved.

The same is true for old-growth areas — a tiny percentage of the overall forest — and areas that support sensitive or endangered species. Those areas deserve interim protection until their ultimate fate can be decided.

Federal forests in the Southern Appalachians

