

Public Law 98-508
98th Congress

An Act

To designate certain national forest system lands in the State of Arkansas for inclusion in the National Wilderness Preservation System, and for other purposes.

Oct. 19, 1984

[S. 2125]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Arkansas Wilderness Act of 1984".

Arkansas
Wilderness Act
of 1984.
National
Wilderness
Preservation
System.
National Forest
System.

SEC. 2. (a) The Congress finds that—

(1) many areas of undeveloped national forest system lands in the State of Arkansas possess outstanding natural characteristics which give them high values as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) the Department of Agriculture's second roadless area review and evaluation (RARE II) of national forest system lands in the State of Arkansas and the related congressional review of such lands have identified areas which, on the basis of their land-form, ecosystem, associated wildlife, and location, will help to fulfill the national forest system's share of a quality National Wilderness Preservation System; and

(3) the Department of Agriculture's second roadless area review and evaluation of national forest system lands in the State of Arkansas and the related congressional review of such lands have also identified areas which do not possess outstanding wilderness attributes or which possess outstanding energy, mineral, timber, grazing, dispersed recreation, and other values and which should not now be designated as components of the National Wilderness Preservation System but should be available for nonwilderness multiple uses under the land management planning process and other applicable laws.

(b) The purposes of this Act are to—

(1) designate certain national forest system lands in the State of Arkansas as components of the National Wilderness Preservation System, in order to promote, perpetuate, and preserve the wilderness character of the land, protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people, to a greater extent than is possible in the absence of wilderness designation; and

(2) insure that certain other national forest system lands in the State of Arkansas be available for nonwilderness multiple uses.

SEC. 3. In furtherance of the purposes of the Wilderness Act, the following lands in the State of Arkansas are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

16 USC 1131
note.

(a) certain lands in the Ouachita National Forest, Arkansas, which comprise approximately seven thousand five hundred

16 USC 1132
note.

and sixty-eight acres, as generally depicted on a map entitled "Black Fork Mountain Wilderness—Proposed", dated September 1984, and which shall be known as the Black Fork Mountain Wilderness;

16 USC 1132
note.

(b) certain lands in the Ouachita National Forest, Arkansas, which comprise approximately six thousand three hundred and ten acres, as generally depicted on a map entitled "Dry Creek Wilderness—Proposed", dated September 1984, and which shall be known as the Dry Creek Wilderness;

16 USC 1132
note.

(c) certain lands in the Ouachita National Forest, Arkansas, which comprise approximately ten thousand eight hundred and eighty-four acres, as generally depicted on a map entitled "Poteau Mountain Wilderness—Proposed", dated September 1984, and which shall be known as the Poteau Mountain Wilderness;

16 USC 1132
note.

(d) certain lands in the Ouachita National Forest, Arkansas, which comprise approximately ten thousand one hundred and five acres, as generally depicted on a map entitled "Flatside Wilderness—Proposed", dated September 1984, and which shall be known as the Flatside Wilderness;

(e) certain lands in the Ozark-Saint Francis National Forest which comprise approximately one thousand five hundred and four acres, as generally depicted on a map entitled "Upper Buffalo Addition—Proposed", dated November 1983, and which are hereby incorporated in and shall be deemed to be a part of the Upper Buffalo Wilderness as designated by Public Law 93-622;

16 USC 1132
note.

16 USC 1132
note.

(f) certain lands in the Ozark-Saint Francis National Forest which comprise approximately fifteen thousand one hundred and seventy-seven acres, as generally depicted on a map entitled "Hurricane Creek Wilderness—Proposed", dated November 1983, and which shall be known as the Hurricane Creek Wilderness;

16 USC 1132
note.

(g) certain lands in the Ozark-Saint Francis National Forest, Arkansas, which comprise approximately eleven thousand eight hundred and twenty-two acres, as generally depicted on a map entitled "Richland Creek Wilderness—Proposed", dated November 1983, and which shall be known as the Richland Creek Wilderness;

16 USC 1132
note.

(h) certain lands in the Ozark-Saint Francis National Forest, Arkansas, which comprise approximately ten thousand seven hundred and seventy-seven acres, as generally depicted on a map entitled "East Fork Wilderness—Proposed", dated September 1984, and which shall be known as the East Fork Wilderness; and

16 USC 1132
note.

(i) certain lands in the Ozark-Saint Francis National Forest, Arkansas, which comprise approximately sixteen thousand nine hundred and fifty-six acres, as generally depicted on a map entitled "Leatherwood Wilderness—Proposed", dated November 1983, and which shall be known as the Leatherwood Wilderness.

Conservation.

SEC. 4. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II);

(2) the Congress has made its own review and examination of national forest system roadless areas in Arkansas and of the

environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the questions of the legal and factual sufficiency of the RARE II Final Environmental Impact Statement (dated January 1979) with respect to national forest system lands in States other than Arkansas, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Arkansas;

(2) with respect to the national forest system lands in the State of Arkansas which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Arkansas reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Arkansas are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Arkansas for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

16 USC 1601
note.

16 USC 1604.

16 USC 1604.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to national forest system roadless lands in the State of Arkansas which are less than five thousand acres in size.

Public
availability.

SEC. 5. As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file maps and legal descriptions of each wilderness area designated by this Act with the Committee on Energy and Natural Resources of the United States Senate, and the Committee on Interior and Insular Affairs and the Committee on Agriculture of the House of Representatives, and each map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions shall be on file and available for public inspection in the office of the Chief, United States Forest Service, Department of Agriculture.

16 USC 1131
note.

SEC. 6. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 892) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

SEC. 7. Congress does not intend that designation of wilderness areas in the State of Arkansas lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

Approved October 19, 1984.

LEGISLATIVE HISTORY—S. 2125:

HOUSE REPORT No. 98-1097, Pt. 1 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-462 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):

Aug. 9, considered and passed House.

Oct. 2, considered and passed Senate, amended.

Oct. 4, Senate concurred in House amendment.