# Public Law 98-585
98th Congress

## An Act

Oct. 30, 1984
[H.R. 5076]

To designate certain areas in the Allegheny National Forest as wilderness and recreation areas.

*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 "Pennsylvania Wilderness Act of 1984".

Pennsylvania Wilderness Act of 1984.
National Wilderness Preservation System.
National Forest System.
National parks, monuments, etc.
16 USC 460qq note.

### FINDINGS

SEC. 2. The Congress finds and declares that—

(1) there is an urgent need to identify and protect natural areas to meet the recreational needs of Americans;

(2) certain lands within the Allegheny National Forest in Pennsylvania are worthy of inclusion in the National Wilderness Preservation System; and

(3) certain other lands within the Allegheny National Forest are suitable for designation as a national recreational area.

### PURPOSE

16 USC 460qq note.

SEC. 3. It is the purpose of this Act to—

(1) establish the Allegheny Islands Wilderness and the Hickory Creek Wilderness;

(2) establish the Allegheny National Recreation Area so as to ensure the preservation and protection of the area's natural, scenic, scientific, historic, archaeological, ecological, educational, watershed, and wildlife values and to provide for the enhancement of recreational opportunities, particularly undeveloped recreational opportunities; and

(3) ensure that any mineral exploration and development that takes place within the recreation area is done in an environmentally sound manner.

### WILDERNESS DESIGNATIONS

SEC. 4. In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands in the State of Pennsylvania are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

16 USC 1132 note.

(1) certain lands in the Allegheny National Forest, Pennsylvania, which comprise approximately three hundred and sixty-eight acres, as generally depicted on a map entitled "Allegheny Islands Wilderness—Proposed", dated March 1984, composed of Crulls Island, Thompsons Island, R. Thompsons Island, Courson Island, King Island, Baker Island, and No Name Island, and which shall be known as the Allegheny Islands Wilderness; and

16 USC 1132 note.

(2) certain lands in the Allegheny National Forest, Pennsylvania, which comprise approximately nine thousand three hundred and thirty-seven acres as generally depicted on a map entitled "Hickory Creek Wilderness—Proposed", dated March

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1984, and which shall be known as the Hickory Creek Wilderness.

ADMINISTRATION OF WILDERNESS

SEC. 5. (a) 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 governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act. 16 USC 1131 note.

(b) As provided in section 4(d)(8) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Pennsylvania with respect to wildlife and fish in the Allegheny National Forest in the State of Pennsylvania.

(c)(1) The Secretary is authorized to acquire by purchase, donation, or exchange, with donated or appropriated funds, such lands or interests in lands (including oil, gas, and other mineral interests and scenic easements) within the wilderness areas designated by this Act as the Secretary deems necessary to carry out the purposes of this Act. Such lands and interests in lands may be acquired only with the consent of the owner thereof.

(2) Not more than $2,000,000 is authorized to be appropriated for the purpose of acquiring, in accordance with this subsection, lands and interests in lands in the wilderness areas designated by this Act. Appropriation authorization.

ALLEGHENY NATIONAL RECREATION AREA

SEC. 6. (a) In furtherance of the findings and purposes of this Act, certain lands in the Allegheny National Forest, Pennsylvania, which comprise approximately twenty-three thousand one hundred acres, as generally depicted on a map entitled "Allegheny National Recreation Area—Proposed", dated March 1984, are hereby designated as the Allegheny National Recreation Area (hereinafter in this Act referred to as the "national recreation area"). The Secretary of Agriculture may revise the boundaries of the national recreation area to correct errors or to include additional lands acquired adjacent to the area. 16 USC 460qq.

(b) The national recreation area shall be managed for the purposes of—

(1) outdoor recreation including, but not limited to, hunting, fishing, hiking, backpacking, camping, nature study, and the use of motorized and nonmotorized boats on the Allegheny Reservoir;

(2) the conservation of fish and wildlife populations and habitat;

(3) the protection of watersheds and the maintenance of free flowing streams and the quality of ground and surface waters in accordance with applicable law;

(4) the conservation of scenic, cultural, and other natural values of the area;

(5) allowing the development of privately owned oil, gas, and mineral resources subject to reasonable conditions prescribed by the Secretary under subsection (c) for the protection of the area; and

(6) minimizing, to the extent practicable, environmental disturbances caused by resource development, consistent with the exercise of private property rights.

(c) The Secretary shall administer the national recreation area in accordance with the purposes described in subsection (b) and the laws, rules, and regulations applicable to the National Forest System. Subject to valid existing rights, any activity associated with the exploration, development, or transportation of oil, gas, or other minerals shall be subject to such reasonable conditions as the Secretary may prescribe, and in accordance with the management plan described in subsection (d), to achieve the purposes, described in subsection (b), of the national recreation area. For any such activity, the Secretary shall require a plan of operations which shall include provisions for adequate reclamation, including, to the extent practicable, revegetation and rehabilitation after each phase of operations is completed.

(d) The Secretary shall prepare, and may from time to time amend, a management plan for the national recreation area. The plan may be prepared in conjunction with, or incorporated with, ongoing planning for the Allegheny National Forest in accordance with the National Forest Management Act of 1976. The initial management plan and significant amendments or revisions shall be accompanied by an environmental impact statement prepared in accordance with the National Environmental Policy Act of 1969.

16 USC 1600 note.

42 USC 4321 note.

(e) The Secretary shall permit hunting, fishing, and trapping within the boundaries of the national recreation area in accordance with applicable Federal and State laws except that the Secretary may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any prohibitions or restrictions made pursuant to this subsection shall be put into effect only after consultation with the appropriate State fish and game department.

Mines and mining.

(f) Subject to valid existing rights, the minerals in all federally owned lands within the national recreation area designated by this Act are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing, including all laws pertaining to geothermal leasing, and all amendments thereto.

(g) Nothing in this section shall be construed to apply to or have any effect on any other management area of the National Forest System, including any wilderness area or any other national recreation area.

MAPS AND DESCRIPTIONS

16 USC 460qq note.

SEC. 7. As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of the national recreation area and of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and with the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such maps and descriptions may be made by the Secretary. Each such map and description shall be on file and available for public inspec-

Public availability.

tion in the Office of the Chief of the Forest Service, Department of Agriculture.

EFFECT OF RARE II

SEC. 8. (a) The Congress finds that—

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

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Pennsylvania, 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 question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in States other than Pennsylvania, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Pennsylvania;

(2) with respect to the National Forest System lands in the State of Pennsylvania 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; 16 USC 1600 note.

(3) areas in the State of Pennsylvania reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness or for special management under section 6 of this Act 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; and 16 USC 1604.

(4) in the event that revised land management plans in the State of Pennsylvania 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.

16 USC 1600 note.

(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.

16 USC 1604.

(d) The provisions of this section shall also apply to National Forest System roadless lands in the State of Pennsylvania which are less than five thousand acres in size.

BUFFER ZONES

SEC. 9. The Congress does not intend that the designation of a wilderness area under this Act lead to the creation of protective perimeters or buffer zones around such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not preclude such activities or uses up to the boundary of the wilderness area.

Approved October 30, 1984.

LEGISLATIVE HISTORY—H.R. 5076:

HOUSE REPORT No. 98-713, Pt. 1 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-616 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 130 (1984):
May 1, considered and passed House.
Oct. 2, considered and passed Senate, amended.
Oct. 4, House agreed to Senate amendment.