

105TH CONGRESS
1ST SESSION

H. R. 1376

To amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal lands, and to designate certain Federal lands as Northwest Ancient Forests, roadless areas, and Special Areas where logging and other intrusive activities are prohibited.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 1997

Ms. ESHOO (for herself, Mrs. MALONEY of New York, Mr. ACKERMAN, Mr. ANDREWS, Mr. BROWN of California, Mr. BONIOR, Mr. BERMAN, Mr. CAPPS, Mr. CARDIN, Mr. CLAY, Mr. CONYERS, Ms. CHRISTIAN-GREEN, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. DELLUMS, Mr. DELAHUNT, Mr. EVANS, Mr. FARR of California, Mr. FLAKE, Mr. FRANK of Massachusetts, Mr. FROST, Mr. FILNER, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Massachusetts, Ms. KILPATRICK, Mr. KUCINICH, Mr. LANTOS, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Ms. MCKINNEY, Mr. MCGOVERN, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MORAN of Virginia, Mr. NADLER, Ms. NORTON, Mr. PAYNE, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. SCHUMER, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, Mr. THOMPSON, Mr. TIERNEY, Ms. VELÁZQUEZ, Ms. WATERS, Mr. WAXMAN, Ms. WOOLSEY, and Mr. YATES) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Resources, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting

on Federal lands, and to designate certain Federal lands as Northwest Ancient Forests, roadless areas, and Special Areas where logging and other intrusive activities are prohibited.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Act to Save America’s Forests”.

6 (b) TABLE OF CONTENTS.—The table of contents of
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purposes and findings.

Sec. 3. Effective date.

TITLE I—AMENDMENTS TO EXISTING LAND MANAGEMENT LAWS

Sec. 101. Amendment of Forest and Rangeland Renewable Resources Planning Act of 1974 relating to National Forest System lands.

Sec. 102. Amendment of Federal Land Policy and Management Act of 1976 relating to the public lands.

Sec. 103. Amendment of National Wildlife Refuge System Administration Act of 1966 relating to the National Wildlife Refuge System.

Sec. 104. Amendment of National Indian Forest Resources Management Act relating to Indian lands.

Sec. 105. Amendment of title 10, United States Code, relating to forest management on military lands.

TITLE II—PROTECTION FOR NORTHWEST ANCIENT FORESTS, ROADLESS AREAS, AND SPECIAL AREAS

Sec. 201. Definitions and findings.

Sec. 202. Designation of special areas.

Sec. 203. Restrictions on management activities in Northwest Ancient Forests, roadless areas, and special areas.

Sec. 204. Effect on private inholdings.

8 **SEC. 2. PURPOSES AND FINDINGS.**

9 (a) PURPOSES.—The purposes of this Act are, on all
 10 Federal public lands, to conserve native biodiversity and

1 to protect all native ecosystems against losses that result
2 from—

3 (1) clearcutting and other forms of even-age
4 logging; and

5 (2) logging in Northwest Ancient Forests,
6 roadless areas, and Special Areas.

7 (b) FINDINGS.—Congress finds the following:

8 (1) Federal agencies of the United States that
9 engage in even-age logging practices include the
10 Forest Service of the Department of Agriculture, the
11 United States Fish and Wildlife Service, Bureau of
12 Land Management, and Bureau of Indian Affairs of
13 the Department of the Interior, and the Army,
14 Navy, and Air Force of the Department of Defense.

15 (2) Even-age logging causes substantial alter-
16 ations in native biodiversity by emphasizing the pro-
17 duction of a limited number of commercial species of
18 trees on each site, generally only one; by manipulat-
19 ing the vegetation toward greater relative density of
20 such commercial species, by suppressing competing
21 species, and by planting, on numerous sites, a com-
22 mercial strain that was developed to reduce the rel-
23 ative diversity of genetic strains that previously oc-
24 curred within the species on the same sites.

1 (3) Even-age logging kills immobile species and
2 the very young of mobile species of wildlife and de-
3 pletes the habitat of deep-forest species of animals,
4 including endangered species.

5 (4) Even-age logging exposes the soil to direct
6 sunlight and the impact of rains, disrupts the sur-
7 face, and compacts organic layers. It disrupts the
8 run-off restraining capabilities of roots and low-lying
9 vegetation, which results in soil erosion, the leaching
10 out of nutrients, a reduction in the biological content
11 of the soil, and the impoverishment of the soil. All
12 these consequences have a long-range deleterious ef-
13 fect on all land resources, including timber produc-
14 tion.

15 (5) Even-age logging decreases the capability of
16 the soil to retain carbon and, during the critical pe-
17 riods of felling and site preparation, reduces the ca-
18 pacity of the biomass to process and to store carbon,
19 with a resultant of loss of such carbon to the atmos-
20 phere, thereby aggravating global warming.

21 (6) Even-age logging renders the soil increas-
22 ingly sensitive to acid deposits by causing a decline
23 of soil wood and coarse woody debris, thereby reduc-
24 ing the capacity of the soil to retain water and nutri-
25 ents, which increases soil heat and impairs the soil's

1 ability to maintain protective carbon compounds on
2 its surface.

3 (7) Even-age logging results in increased
4 stream sedimentation, the silting of stream bottoms,
5 a decline in water quality, and the impairment of life
6 cycles and spawning processes of aquatic life from
7 benthic organisms to large fish, thereby depleting
8 the sports and commercial fisheries of the United
9 States.

10 (8) Even-age logging increases harmful edge ef-
11 fects, including blowdowns, invasions by weed spe-
12 cies, and heavier losses to predators and competi-
13 tors.

14 (9) Even-age logging decreases the land's rec-
15 reational values, reducing deep, canopied, variegated,
16 permanent forests, thereby limiting areas where the
17 public can fulfill an expanding need for recreation.
18 Even-age logging replaces such forests with a sur-
19 plus of clearings that grow into relatively impen-
20 etrable thickets of saplings, and then into
21 monoculture tree plantations.

22 (10) Human beings depend on native biological
23 resources, including plants, animals, and micro-orga-
24 nisms, for food, medicine, shelter, and other impor-
25 tant products, and as a source of intellectual and

1 scientific knowledge, recreation, and aesthetic pleas-
2 ure.

3 (11) Alteration of native biodiversity has seri-
4 ous consequences for human welfare as America
5 irretrievably loses resources for research and agricul-
6 tural, medicinal, and industrial development.

7 (12) Alteration of biodiversity in Federal forests
8 adversely affects the functions of ecosystems and
9 critical ecosystem processes that moderate climate,
10 govern nutrient cycles and soil conservation and pro-
11 duction, control pests and diseases, and degrade
12 wastes and pollutants.

13 (13) The harm of even-age logging to the natu-
14 ral resources of this Nation and the quality of life
15 of its people are substantial, severe, and avoidable.

16 (14) By substituting selection management, as
17 prescribed in this Act, for the even-age system, the
18 Federal agencies now engaged in even-age logging
19 would substantially reduce devastation to the envi-
20 ronment and would improve the quality of life of the
21 American people.

22 (15) By protecting native biodiversity, as pre-
23 scribed in this Act, Federal agencies would maintain
24 vital native ecosystems and would improve the qual-
25 ity of life of the American people.

1 (16) Selection logging is more job intensive, and
2 therefore provides more employment than even-age
3 logging to manage the same amount of timber pro-
4 duction, and produces higher quality sawlogs.

5 (17) The court remedies now available to en-
6 force Federal forest laws are inadequate, and should
7 be strengthened by providing for injunctions, declar-
8 atory judgments, civil penalties, and reasonable costs
9 of suit.

10 **SEC. 3. EFFECTIVE DATE.**

11 (a) IN GENERAL.—This Act and the amendments
12 made by this Act shall take effect on the date of the enact-
13 ment of this Act.

14 (b) EFFECT ON EXISTING CONTRACTS.—The amend-
15 ments made by this Act shall not apply with respect to
16 any contract to sell timber which was awarded on or before
17 the date of the enactment of this Act.

1 **TITLE I—AMENDMENTS TO EX-**
2 **ISTING LAND MANAGEMENT**
3 **LAWS**

4 **SEC. 101. AMENDMENT OF FOREST AND RANGELAND RE-**
5 **NEWABLE RESOURCES PLANNING ACT OF**
6 **1974 RELATING TO NATIONAL FOREST SYS-**
7 **TEM LANDS.**

8 (a) CONSERVATION OF NATIVE BIODIVERSITY.—Sec-
9 tion 6(g)(3)(B) of the Forest and Rangeland Renewable
10 Resources Planning Act of 1974 (16 U.S.C.
11 1604(g)(3)(B)) is amended to read as follows:

12 “(B) regardless of any other provision in
13 this Act, in each stand and each watershed
14 throughout each forested area, the Secretary
15 shall provide for the conservation or restoration
16 of native biodiversity except during the extrac-
17 tion stage of authorized mineral development or
18 during authorized construction projects, in
19 which events the Secretary shall conserve native
20 biodiversity to the extent possible;”.

21 (b) COMMITTEE OF SCIENTISTS.—Section 6(h)(1) of
22 the Forest and Rangeland Renewable Resources Planning
23 Act of 1974 (16 U.S.C. 1604(h)(1)) is amended to read
24 as follows:

1 “(h) COMMITTEE OF SCIENTISTS.—(1) In carrying
2 out the purposes of subsection (g) of this section, the Sec-
3 retary shall appoint a committee of scientists who are not
4 officers or employees of the Forest Service nor of any
5 other public entity, nor of any entity engaged in whole
6 or in part in the production of wood or wood products,
7 and have not contracted with or represented any of such
8 entities within a period of 5 years prior to serving on such
9 committee. The committee shall provide scientific and
10 technical advice and counsel on proposed guidelines and
11 procedures and all other issues involving forestry and na-
12 tive biodiversity to assure that an effective interdiscipli-
13 nary approach is proposed and adopted. The committee
14 shall terminate after the expiration of 10 years from the
15 date of the enactment of this paragraph.”.

16 (c) RESTRICTION ON USE OF CERTAIN LOGGING
17 PRACTICES.—Section 6 of the Forest and Rangeland Re-
18 newable Resources Planning Act of 1974 (16 U.S.C.
19 1604) is amended by adding at the end the following:

20 “(n) RESTRICTION ON USE OF CERTAIN LOGGING
21 PRACTICES.—(1) In each stand and watershed throughout
22 each forested area, the Secretary shall prohibit any even-
23 age logging and any even-age management after the date
24 of the enactment of this subsection.

1 “(2) On each site already under even-age manage-
2 ment, the Secretary shall (A) prescribe a shift to selection
3 management within one year, or (B) cease managing for
4 timber purposes and actively restore the native biodiver-
5 sity, or permit each site to regain its native biodiversity.

6 “(3) For the purposes of this Act:

7 “(A) The term ‘native biodiversity’ means the
8 full range of variety and variability within and
9 among living organisms and the ecological complexes
10 in which they would have occurred in the absence of
11 significant human impact, and encompasses diversity
12 within a species (genetic diversity, species diversity,
13 or age diversity), within a community of species
14 (within-community diversity), between communities
15 of species (between-communities), within a total area
16 such as a watershed (total area), along a plane from
17 ground to sky (vertical), and along the plane of the
18 earth-surface (horizontal). Vertical and horizontal
19 diversity apply to all the other aspects of diversity.

20 “(B) The terms ‘conserve’ and ‘conservation’
21 refer to protective measures for maintaining existing
22 native biodiversity and active and passive measures
23 for restoring diversity through management efforts,
24 in order to protect, restore, and enhance as much of
25 the variety of species and communities as possible in

1 abundances and distributions that provide for their
2 continued existence and normal functioning, includ-
3 ing the viability of populations throughout their nat-
4 ural geographic distributions.

5 “(C) The term ‘within-community diversity’
6 means the distinctive assemblages of species and ec-
7 ological processes that occur in different physical
8 settings of the biosphere and distinct parts of the
9 world.

10 “(D) The term ‘genetic diversity’ means the dif-
11 ferences in genetic composition within and among
12 populations of a given species.

13 “(E) The term ‘species diversity’ means the
14 richness and variety of native species in a particular
15 location of the world.

16 “(F) The term ‘age diversity’ means the natu-
17 rally occurring range and distribution of age classes
18 within a given species.

19 “(G) The term ‘group selection’ means a form
20 of selection management that emphasizes the peri-
21 odic removal of trees, including mature, undesirable,
22 and cull trees in small groups, where they occur that
23 way, with a result of (i) creating openings not to ex-
24 ceed in width in any direction the height of the tall-
25 est tree standing within 10 feet outside the edge of

1 the group cut, and (ii) maintaining different age
2 groups in a given stand. In no event will more than
3 10 percent of the basal area of a stand be felled
4 within 15 years. The foregoing limitation shall not
5 be deemed to establish a 150-year projected felling
6 age as the standard at which individual trees in a
7 stand are to be cut, nor shall native biodiversity be
8 limited to that which occurs within the context of a
9 150-year projected felling age.

10 “(H) The term ‘stand’ means a biological com-
11 munity with enough identity by location, topography,
12 or dominant species to be managed as a unit, not to
13 exceed 100 acres.

14 “(I) The term ‘clearcutting’ means the logging
15 of more than one-half of the commercial trees in a
16 patch larger than a group defined in subparagraph
17 (F) or in a stand of any size in a short period of
18 time.

19 “(J) The term ‘even-age management’ means
20 the growing of commercial timber so that all trees
21 in a patch or stand are generally within 10 years of
22 the same age. Except for designated leave trees, or
23 clumps of trees, the patch or stand is logged, com-
24 pletely in any acre within a period of 30 years, by
25 clearcutting, salvage logging, seed-tree cutting or

1 shelterwood cutting, or any system other than selec-
2 tion management.

3 “(K) The term ‘salvage logging’ means the fell-
4 ing or further damaging, within any 30-year period,
5 of a greater basal area than 20 square feet per acre
6 of dead, damaged, or other trees, or any combination
7 of such trees.

8 “(L) The term ‘seed-tree cut’ means an even-
9 age logging operation that leaves a small minority of
10 seed trees in a stand for any period of time.

11 “(M) The term ‘selection management’ means
12 the application of logging and other actions needed
13 to maintain continuous high forest cover where such
14 cover naturally occurs, recurring natural regenera-
15 tion of all native species on the site, and the orderly
16 growth and development of trees through a range of
17 diameter or age classes to provide a sustained yield
18 of forest products. Cutting methods that develop and
19 maintain selection stands are individual-tree and
20 group selection.

21 “(N) The term ‘shelterwood cut’ means an
22 even-aged logging operation that leaves a minority
23 (larger than in a seed-tree cut) of the stand as a
24 seed source or protection cover remaining standing
25 for any period of time.

1 “(O) The term ‘timber purposes’ shall include
2 the use, sale, lease, or distribution of trees, or the
3 felling of trees or portions of trees except to create
4 land space for a structure or other use.

5 “(4)(A)(i) The purpose of this paragraph is to foster
6 the widest possible enforcement of subsection (g)(3)(B)
7 and this subsection.

8 “(ii) Congress finds that all people of the United
9 States are injured by actions on lands to which subsection
10 (g)(3)(B) and this subsection apply.

11 “(B) The provisions of subsection (g)(3)(B) and this
12 subsection shall be enforced by the Secretary of Agri-
13 culture and the Attorney General of the United States
14 against any person who violates either of them.

15 “(C)(i) Any citizen harmed by a violation of this Act
16 may enforce any provision of subsection (g)(3)(B) and this
17 subsection by bringing an action for declaratory judgment,
18 temporary restraining order, injunction, civil penalty, and
19 other remedies against any alleged violator including the
20 United States, in any district court of the United States.

21 “(ii) The court, after determining a violation of either
22 of such subsections, shall impose a penalty of not less than
23 \$5,000 and not more than \$50,000 per violation, shall
24 issue one or more injunctions and other equitable relief
25 and shall award to the plaintiffs reasonable costs of litiga-

1 tion including attorney’s fees, witness fees and other nec-
2 essary expenses.

3 “(iii) The standard of proof in all actions brought
4 under this subparagraph shall be the preponderance of the
5 evidence and the trial shall be de novo.

6 “(D) The penalty authorized by subparagraph (C)(ii)
7 shall be paid by the violator or violators designated by the
8 court. If that violator is the United States of America or
9 a Federal agency or officer, the penalty shall be paid to
10 the Judgment Fund, as provided by Congress under sec-
11 tion 1304 of title 31, United States Code.

12 “(E) The penalty shall be paid from the Judgment
13 Fund within 40 days after judgment to the person or per-
14 sons designated to receive it, to be applied in protecting
15 or restoring native biodiversity in or adjoining Federal
16 land. Any award of costs of litigation and any award of
17 attorney fees shall be paid within 40 days after judgment.

18 “(F) The United States, including its agents and em-
19 ployees waives its sovereign immunity in all respects in
20 all actions under subsection (g)(3)(B) and this subsection.
21 No notice is required to enforce this subsection.”.

22 (d) CONFORMING AMENDMENT.—Section 6(g)(2)(F)
23 of the Forest and Rangeland Renewable Resource Plan-
24 ning Act of 1974 (16 U.S.C. 1604(g)(2)(F)) is amended

1 by inserting “in accordance with subsection (g) and” after
2 “National Forest System lands.”.

3 **SEC. 102. AMENDMENT OF FEDERAL LAND POLICY AND**
4 **MANAGEMENT ACT OF 1976 RELATING TO**
5 **THE PUBLIC LANDS.**

6 (a) CONSERVATION OF NATIVE BIODIVERSITY.—Sec-
7 tion 202(c) of the Federal Land Policy and Management
8 Act of 1976 (43 U.S.C. 1712(c)) is amended—

9 (1) by redesignating paragraphs (8) and (9) as
10 paragraphs (9) and (10), respectively; and

11 (2) by inserting after paragraph (7) the follow-
12 ing new paragraph (8):

13 “(8) regardless of any other provision in this
14 Act, in each stand and each watershed throughout
15 each forested area, the Secretary shall provide for
16 the conservation or restoration of native biodiversity
17 except during the extraction stage of authorized
18 mineral development or during authorized construc-
19 tion projects, in which events the Secretary shall
20 conserve native biodiversity to the extent possible;”.

21 (b) RESTRICTION ON USE OF CERTAIN LOGGING
22 PRACTICES.—Section 202 of the Federal Land Policy and
23 Management Act of 1976 (43 U.S.C. 1712) is amended
24 by adding at the end the following:

1 “(g) RESTRICTION ON USE OF CERTAIN LOGGING
2 PRACTICES.—(1) In each stand and watershed throughout
3 each forested area, the Secretary shall prohibit any even-
4 age logging and any even-age management after the date
5 of the enactment of this subsection.

6 “(2) On each site already under even-age manage-
7 ment, the Secretary shall (A) prescribe a shift to selection
8 management within one year, or (B) cease managing for
9 timber purposes and actively restore the native biodiver-
10 sity, or permit each site to regain its native biodiversity.

11 “(3) For the purposes of this Act:

12 “(A) The term ‘native biodiversity’ means the
13 full range of variety and variability within and
14 among living organisms and the ecological complexes
15 in which they would have occurred in the absence of
16 significant human impact, and encompasses diversity
17 within a species (genetic diversity, species diversity,
18 or age diversity), within a community of species
19 (within-community diversity), between communities
20 of species (between-communities), within a total area
21 such as a watershed (total area), along a plane from
22 ground to sky (vertical), and along the plane of the
23 earth-surface (horizontal). Vertical and horizontal
24 diversity apply to all the other aspects of diversity.

1 “(B) The terms ‘conserve’ and ‘conservation’
2 refer to protective measures for maintaining existing
3 native biodiversity and active and passive measures
4 for restoring diversity through management efforts,
5 in order to protect, restore, and enhance as much of
6 the variety of species and communities as possible in
7 abundances and distributions that provide for their
8 continued existence and normal functioning, includ-
9 ing the viability of populations throughout their nat-
10 ural geographic distributions.

11 “(C) The term ‘within-community diversity’
12 means the distinctive assemblages of species and ec-
13 ological processes that occur in different physical
14 settings of the biosphere and distinct parts of the
15 world.

16 “(D) The term ‘genetic diversity’ means the dif-
17 ferences in genetic composition within and among
18 populations of a given species.

19 “(E) The term ‘species diversity’ means the
20 richness and variety of native species in a particular
21 location of the world.

22 “(F) The term ‘age diversity’ means the natu-
23 rally occurring range and distribution of age classes
24 within a given species.

1 “(G) The term ‘group selection’ means a form
2 of selection management that emphasizes the peri-
3 odic removal of trees, including mature, undesirable,
4 and cull trees in small groups, where they occur that
5 way, with a result of (i) creating openings not to ex-
6 ceed in width in any direction the height of the tall-
7 est tree standing within 10 feet outside the edge of
8 the group cut, and (ii) maintaining different age
9 groups in a given stand. In no event will more than
10 10 percent of the basal area of a stand be felled
11 within 15 years. The foregoing limitation shall not
12 be deemed to establish a 150-year projected felling
13 age as the standard at which individual trees in a
14 stand are to be cut, nor shall native biodiversity be
15 limited to that which occurs within the context of a
16 150-year projected felling age.

17 “(H) The term ‘stand’ means a biological com-
18 munity with enough identity by location, topography,
19 or dominant species to be managed as a unit, not to
20 exceed 100 acres.

21 “(I) The term ‘clearcutting’ means the logging
22 of more than one-half of the commercial trees in a
23 patch larger than a group defined in subparagraph
24 (F) or in a stand of any size in a short period of
25 time.

1 “(J) The term ‘even-age management’ means
2 the growing of commercial timber so that all trees
3 in a patch or stand are generally within 10 years of
4 the same age. Except for designated leave trees, or
5 clumps of trees, the patch or stand is logged, com-
6 pletely in any acre within a period of 30 years, by
7 clearcutting, salvage logging, seed-tree cutting or
8 shelterwood cutting, or any system other than selec-
9 tion management.

10 “(K) The term ‘salvage logging’ means the fell-
11 ing or further damaging, within any 30-year period,
12 of a greater basal area than 20 square feet per acre
13 of dead, damaged, or other trees, or any combination
14 of such trees.

15 “(L) The term ‘seed-tree cut’ means an even-
16 age logging operation that leaves a small minority of
17 seed trees in a stand for any period of time.

18 “(M) The term ‘selection management’ means
19 the application of logging and other actions needed
20 to maintain continuous high forest cover where such
21 cover naturally occurs, recurring natural regenera-
22 tion of all native species on the site, and the orderly
23 growth and development of trees through a range of
24 diameter or age classes to provide a sustained yield
25 of forest products. Cutting methods that develop and

1 maintain selection stands are individual-tree and
2 group selection.

3 “(N) The term ‘shelterwood cut’ means an
4 even-aged logging operation that leaves a minority
5 (larger than in a seed-tree cut) of the stand as a
6 seed source or protection cover remaining standing
7 for any period of time.

8 “(O) The term ‘timber purposes’ shall include
9 the use, sale, lease, or distribution of trees, or the
10 felling of trees or portions of trees except to create
11 land space for a structure or other use.

12 “(4)(A)(i) The purpose of this paragraph is to foster
13 the widest possible enforcement of subsection (c)(8) and
14 this subsection.

15 “(ii) Congress finds that all people of the United
16 States are injured by actions on lands to which subsection
17 (c)(8) and this subsection apply.

18 “(B) The provisions of subsection (c)(8) and this sub-
19 section shall be enforced by the Secretary of the Interior
20 and the Attorney General of the United States against any
21 person who violates either of them.

22 “(C)(i) Any citizen harmed by a violation of this Act
23 may enforce any provision of subsection (c)(8) and this
24 subsection by bringing an action for declaratory judgment,
25 temporary restraining order, injunction, civil penalty, and

1 other remedies against any alleged violator including the
2 United States, in any district court of the United States.

3 “(ii) The court, after determining a violation of either
4 of such subsections, shall impose a penalty of not less than
5 \$5,000 and not more than \$50,000 per violation, shall
6 issue one or more injunctions and other equitable relief
7 and shall award to the plaintiffs reasonable costs of litigation
8 including attorney’s fees, witness fees and other necessary
9 expenses.

10 “(iii) The standard of proof in all actions brought
11 under this subparagraph shall be the preponderance of the
12 evidence and the trial shall be de novo.

13 “(D) The penalty authorized by subparagraph (C)(ii)
14 shall be paid by the violator or violators designated by the
15 court. If that violator is the United States of America or
16 a Federal agency or officer, the penalty shall be paid to
17 the Judgment Fund, as provided by Congress under section
18 1304 of title 31, United States Code.

19 “(E) The penalty shall be paid from the Judgment
20 Fund within 40 days after judgment to the person or persons
21 designated to receive it, to be applied in protecting
22 or restoring native biodiversity in or adjoining Federal
23 land. Any award of costs of litigation and any award of
24 attorney fees shall be paid within 40 days after judgment.

1 “(F) The United States, including its agents and em-
 2 ployees waives its sovereign immunity in all respects in
 3 all actions under subsection (c)(8) and this subsection. No
 4 notice is required to enforce this subsection.”.

5 (c) REPEAL.—Subsection (b) of section 701 of the
 6 Federal Land Policy and Management Act of 1976 (43
 7 U.S.C. 1701 note) is hereby repealed.

8 **SEC. 103. AMENDMENT OF NATIONAL WILDLIFE REFUGE**
 9 **SYSTEM ADMINISTRATION ACT OF 1966 RE-**
 10 **LATING TO THE NATIONAL WILDLIFE REF-**
 11 **UGE SYSTEM.**

12 Section 4 of the National Wildlife Refuge System Ad-
 13 ministration Act of 1966 (16 U.S.C. 668dd) is amended
 14 by adding at the end the following:

15 “(j) CONSERVATION OF NATIVE BIODIVERSITY.—Re-
 16 gardless of any other provision in this Act, in each stand
 17 and each watershed throughout each forested area within
 18 the System, the Secretary shall provide for the conserva-
 19 tion or restoration of native biodiversity, except during the
 20 extraction stage of authorized mineral development or dur-
 21 ing authorized construction projects, in which events the
 22 Secretary shall conserve native biodiversity to the extent
 23 possible.

24 “(k) RESTRICTION ON USE OF CERTAIN LOGGING
 25 PRACTICES.—(1) In each stand and watershed throughout

1 each forested area, the Secretary shall prohibit any even-
2 age logging and any even-age management after the date
3 of the enactment of this subsection.

4 “(2) On each site already under even-age manage-
5 ment, the Secretary shall (A) prescribe a shift to selection
6 management within one year, or (B) cease managing for
7 timber purposes and actively restore the native biodiver-
8 sity, or permit each site to regain its native biodiversity.

9 “(3) For the purposes of this subsection:

10 “(A) The term ‘native biodiversity’ means the
11 full range of variety and variability within and
12 among living organisms and the ecological complexes
13 in which they would have occurred in the absence of
14 significant human impact, and encompasses diversity
15 within a species (genetic diversity, species diversity,
16 or age diversity), within a community of species
17 (within-community diversity), between communities
18 of species (between-communities), within a total area
19 such as a watershed (total area), along a plane from
20 ground to sky (vertical), and along the plane of the
21 earth-surface (horizontal). Vertical and horizontal
22 diversity apply to all the other aspects of diversity.

23 “(B) The terms ‘conserve’ and ‘conservation’
24 refer to protective measures for maintaining existing
25 native biodiversity and active and passive measures

1 for restoring diversity through management efforts,
2 in order to protect, restore, and enhance as much of
3 the variety of species and communities as possible in
4 abundances and distributions that provide for their
5 continued existence and normal functioning, includ-
6 ing the viability of populations throughout their nat-
7 ural geographic distributions.

8 “(C) The term ‘within-community diversity’
9 means the distinctive assemblages of species and ec-
10 ological processes that occur in different physical
11 settings of the biosphere and distinct parts of the
12 world.

13 “(D) The term ‘genetic diversity’ means the dif-
14 ferences in genetic composition within and among
15 populations of a given species.

16 “(E) The term ‘species diversity’ means the
17 richness and variety of native species in a particular
18 location of the world.

19 “(F) The term ‘age diversity’ means the natu-
20 rally occurring range and distribution of age classes
21 within a given species.

22 “(G) The term ‘group selection’ means a form
23 of selection management that emphasizes the peri-
24 odic removal of trees, including mature, undesirable,
25 and cull trees in small groups, where they occur that

1 way, with a result of (i) creating openings not to ex-
2 ceed in width in any direction the height of the tall-
3 est tree standing within 10 feet outside the edge of
4 the group cut, and (ii) maintaining different age
5 groups in a given stand. In no event will more than
6 10 percent of the basal area of a stand be felled
7 within 15 years. The foregoing limitation shall not
8 be deemed to establish a 150-year projected felling
9 age as the standard at which individual trees in a
10 stand are to be cut, nor shall native biodiversity be
11 limited to that which occurs within the context of a
12 150-year projected felling age.

13 “(H) The term ‘stand’ means a biological com-
14 munity with enough identity by location, topography,
15 or dominant species to be managed as a unit, not to
16 exceed 100 acres.

17 “(I) The term ‘clearcutting’ means the logging
18 of more than one-half of the commercial trees in a
19 patch larger than a group defined in subparagraph
20 (F) or in a stand of any size in a short period of
21 time.

22 “(J) The term ‘even-age management’ means
23 the growing of commercial timber so that all trees
24 in a patch or stand are generally within 10 years of
25 the same age. Except for designated leave trees, or

1 clumps of trees, the patch or stand is logged, com-
2 pletely in any acre within a period of 30 years, by
3 clearcutting, salvage logging, seed-tree cutting or
4 shelterwood cutting, or any system other than selec-
5 tion management.

6 “(K) The term ‘salvage logging’ means the fell-
7 ing or further damaging, within a 30-year period, of
8 a greater basal area than 20 square feet per acre of
9 dead, damaged, or other trees, or any combination
10 of such trees.

11 “(L) The term ‘seed-tree cut’ means an even-
12 age logging operation that leaves a small minority of
13 seed trees in a stand for any period of time.

14 “(M) The term ‘selection management’ means
15 the application of logging and other actions needed
16 to maintain continuous high forest cover where such
17 cover naturally occurs, recurring natural regenera-
18 tion of all native species on the site, and the orderly
19 growth and development of trees through a range of
20 diameter or age classes to provide a sustained yield
21 of forest products. Cutting methods that develop and
22 maintain selection stands are individual-tree and
23 group selection.

24 “(N) The term ‘shelterwood cut’ means an
25 even-aged logging operation that leaves a minority

1 (larger than in a seed-tree cut) of the stand as a
2 seed source or protection cover remaining standing
3 for any period of time.

4 “(N) The term ‘timber purposes’ shall include
5 the use, sale, lease, or distribution of trees, or the
6 felling of trees or portions of trees except to create
7 land space for a structure or other use.

8 “(4)(A)(i) The purpose of this paragraph is to foster
9 the widest possible enforcement of subsection (j) and this
10 subsection.

11 “(ii) Congress finds that all people of the United
12 States are injured by actions on lands to which subsection
13 (j) and this subsection apply.

14 “(B) The provisions of subsection (j) and this sub-
15 section shall be enforced by the Secretary of the Interior
16 and the Attorney General of the United States against any
17 person who violates either of them.

18 “(C)(i) Any citizen harmed by a violation of this Act
19 may enforce any provision of this subsection by bringing
20 an action for declaratory judgment, temporary restraining
21 order, injunction, civil penalty, and other remedies against
22 any alleged violator including the United States, in any
23 district court of the United States.

24 “(ii) The court, after determining a violation of either
25 of such subsections, shall impose a penalty of not less than

1 \$5,000 and not more than \$50,000 per violation, shall
2 issue one or more injunctions and other equitable relief
3 and shall award to the plaintiffs reasonable costs of litigation
4 including attorney's fees, witness fees and other necessary
5 expenses.

6 “(iii) The standard of proof in all actions brought
7 under this subparagraph shall be the preponderance of the
8 evidence and the trial shall be de novo.

9 “(D) The penalty authorized by subparagraph (C)(ii)
10 shall be paid by the violator or violators designed by the
11 court. If that violator is the United States of America or
12 a Federal agency or officer, the penalty shall be paid to
13 the Judgment Fund, as provided by Congress under section
14 1304 of title 31, United States Code.

15 “(E) The penalty should be paid from the Judgment
16 Fund within 40 days after judgment to the person or persons
17 designated to receive it, to be applied in protecting
18 or restoring native biodiversity in or adjoining Federal
19 land. Any award of costs of litigation and any award of
20 attorney fees shall be paid within 40 days after judgment.

21 “(F) The United States, including its agents and employees
22 waives its sovereign immunity in all respects in
23 all actions under subsection (j) and this subsection. No
24 notice is required to enforce this subsection.”.

1 **SEC. 104. AMENDMENT OF NATIONAL INDIAN FOREST RE-**
2 **SOURCES MANAGEMENT ACT RELATING TO**
3 **INDIAN LANDS.**

4 Section 305 of the National Indian Forest Resources
5 Management Act (25 U.S.C. 4535) is amended by adding
6 at the end the following new subsections:

7 “(c) CONSERVATION OF NATIVE BIODIVERSITY.—
8 Regardless of any other provision in this Act, in each
9 stand and each watershed throughout each stand that is
10 managed or operated for timber purposes in each forested
11 area on Indian lands except during the extraction stage
12 of authorized mineral development or during authorized
13 construction projects in which events the Secretary shall
14 conserve native biodiversity to the extent possible.

15 “(d) RESTRICTION ON USE OF CERTAIN LOGGING
16 PRACTICES.—(1) In each stand and watershed throughout
17 each forested area, the Secretary shall prohibit any even-
18 age logging and any even-age management after the date
19 of the enactment of this subsection.

20 “(2) On each site already under even-age manage-
21 ment, the Secretary shall (A) prescribe a shift to selection
22 management within one year, or (B) cease managing for
23 timber purposes and actively restore the native biodiver-
24 sity, or permit each site to regain its native biodiversity.

25 “(3) For the purposes of this section:

1 “(A) The term ‘native biodiversity’ means the
2 full range of variety and variability within and
3 among living organisms and the ecological complexes
4 in which they would have occurred in the absence of
5 significant human impact, and encompasses diversity
6 within a species (genetic diversity, species diversity,
7 or age diversity), within a community of species
8 (within-community diversity), between communities
9 of species (between-communities), within a total area
10 such as a watershed (total area), along a plane from
11 ground to sky (vertical), and along the plane of the
12 earth-surface (horizontal). Vertical and horizontal
13 diversity apply to all the other aspects of diversity.

14 “(B) The terms ‘conserve’ and ‘conservation’
15 refer to protective measures for maintaining existing
16 native biodiversity and active and passive measures
17 for restoring diversity through management efforts,
18 in order to protect, restore, and enhance as much of
19 the variety of species and communities as possible in
20 abundances and distributions that provide for their
21 continued existence and normal functioning, includ-
22 ing the viability of populations throughout their nat-
23 ural geographic distributions.

24 “(C) The term ‘within-community diversity’
25 means the distinctive assemblages of species and ec-

1 ological processes that occur in different physical
2 settings of the biosphere and distinct parts of the
3 world.

4 “(D) The term ‘genetic diversity’ means the dif-
5 ferences in genetic composition within and among
6 populations of a given species.

7 “(E) The term ‘species diversity’ means the
8 richness and variety of native species in a particular
9 location of the world.

10 “(F) The term ‘age diversity’ means the natu-
11 rally occurring range and distribution of age classes
12 within a given species.

13 “(G) The term ‘group selection’ means a form
14 of selection management that emphasizes the peri-
15 odic removal of trees, including mature, undesirable,
16 and cull trees in small groups, where they occur that
17 way, with a result of (i) creating openings not to ex-
18 ceed in width in any direction the height of the tall-
19 est tree standing within 10 feet outside the edge of
20 the group cut, and (ii) maintaining different age
21 groups in a given stand. In no event will more than
22 10 percent of the basal area of a stand be felled
23 within 15 years. The foregoing limitation shall not
24 be deemed to establish a 150-year projected felling
25 age as the standard at which individual trees in a

1 stand are to be cut, nor shall native biodiversity be
2 limited to that which occurs within the context of a
3 150-year projected felling age.

4 “(H) The term ‘stand’ means a biological com-
5 munity with enough identity by location, topography,
6 or dominant species to be managed as a unit, not to
7 exceed 100 acres.

8 “(I) The term ‘clearcutting’ means the logging
9 of more than one-half of the commercial trees in a
10 patch larger than a group defined in subparagraph
11 (F) or in a stand of any size in a short period of
12 time.

13 “(J) The term ‘even-age management’ means
14 the growing of commercial timber so that all trees
15 in a patch or stand are generally within 10 years of
16 the same age. Except for designated leave trees, or
17 clumps of trees, the patch or stand is logged, com-
18 pletely in any acre within a period of 30 years, by
19 clearcutting, salvage logging, seed-tree cutting or
20 shelterwood cutting, or any system other than selec-
21 tion management.

22 “(K) The term ‘salvage logging’ means the fell-
23 ing or further damaging, within any 30-year period,
24 of a greater basal area than 20 square feet per acre

1 of dead, damaged, or other trees, or any combination
2 of such trees.

3 “(L) The term ‘seed-tree cut’ means an even-
4 age logging operation that leaves a small minority of
5 seed trees in a stand for any period of time.

6 “(M) The term ‘selection management’ means
7 the application of logging and other actions needed
8 to maintain continuous high forest cover where such
9 cover naturally occurs, recurring natural regenera-
10 tion of all native species on the site, and the orderly
11 growth and development of trees through a range of
12 diameter or age classes to provide a sustained yield
13 of forest products. Cutting methods that develop and
14 maintain selection stands are individual-tree and
15 group selection.

16 “(N) The term ‘shelterwood cut’ means an
17 even-aged logging operation that leaves a minority
18 (larger than in a seed-tree cut) of the stand as a
19 seed source or protection cover remaining standing
20 for any period of time.

21 “(O) The term ‘timber purposes’ shall include
22 the use, sale, lease, or distribution of trees, or the
23 felling of trees or portions of trees except to create
24 land space for a structure or other use.

1 “(4)(A)(i) The purpose of this paragraph is to foster
2 the widest possible enforcement of subsection (c) and this
3 subsection.

4 “(ii) Congress finds that all people of the United
5 States are injured by actions on lands to which subsection
6 (c) and this subsection apply.

7 “(B) The provisions of subsection (c) and this sub-
8 section shall be enforced by the Secretary of the Interior
9 and the Attorney General of the United States against any
10 person who violates either of them.

11 “(C)(i) Any citizen harmed by a violation of this Act
12 may enforce any provision of subsection (c) and this sub-
13 section by bringing an action for declaratory judgment,
14 temporary restraining order, injunction, civil penalty, and
15 other remedies against any alleged violator including the
16 United States, in any district court of the United States.

17 “(ii) The court, after determining a violation of either
18 of such subsections shall impose a penalty of not less than
19 \$5,000 and not more than \$50,000 per violation, shall
20 issue one or more injunctions and other equitable relief
21 and shall award to the plaintiffs reasonable costs of litiga-
22 tion including attorney’s fees, witness fees and other nec-
23 essary expenses.

1 “(iii) The standard of proof in all actions brought
2 under this subparagraph shall be the preponderance of the
3 evidence and the trial shall be de novo.

4 “(D) The penalty authorized by subparagraph (C)(ii)
5 shall be paid by the violator or violators designated by the
6 court. If that violator is the United States of America or
7 a Federal agency or officer, the penalty shall be paid to
8 the Judgment Fund, as provided by Congress under sec-
9 tion 1304 of title 31, United States Code.

10 “(E) The penalty should be paid from the Judgment
11 Fund within 40 days after judgment to the person or per-
12 sons designated to receive it, to be applied in protecting
13 or restoring native biodiversity in or adjoining Federal
14 land. Any award of costs of litigation and any award of
15 attorney fees shall be paid within 40 days after judgment.

16 “(F) The United States, including its agents and em-
17 ployees waives its sovereign immunity in all respects in
18 all actions under subsection (c) and this subsection. No
19 notice is required to enforce this subsection.”.

20 **SEC. 105. AMENDMENT OF TITLE 10, UNITED STATES CODE,**
21 **RELATING TO FOREST MANAGEMENT ON**
22 **MILITARY LANDS.**

23 (a) IN GENERAL.—Chapter 159 of title 10, United
24 States Code, is amended by adding at the end the follow-
25 ing new section:

1 **“§ 2694. Conservation of native biodiversity**

2 “(a) CONSERVATION OF NATIVE BIODIVERSITY.—
3 Regardless of any other provision in this Act, in each
4 stand and each watershed throughout each forested area
5 on a military installation or projects administered by the
6 Army Corps of Engineers, the Secretary concerned shall
7 provide for the conservation or restoration of native bio-
8 diversity, except during authorized construction projects
9 in which events the Secretary shall conserve native bio-
10 diversity to the extent possible.

11 “(b) RESTRICTION ON USE OF CERTAIN LOGGING
12 PRACTICES.—(1) In each stand and watershed throughout
13 each forested area, the Secretary shall prohibit any even-
14 age logging and any even-age management after the date
15 of the enactment of this subsection.

16 “(2) On each site already under even-age manage-
17 ment, the Secretary shall (A) prescribe a shift to selection
18 management within one year, or (B) cease managing for
19 timber purposes and actively restore the native biodiver-
20 sity, or permit each site to regain its native biodiversity.

21 “(3) In this section:

22 “(A) The term ‘native biodiversity’ means the
23 full range of variety and variability within and
24 among living organisms and the ecological complexes
25 in which they would have occurred in the absence of
26 significant human impact, and encompasses diversity

1 within a species (genetic diversity, species diversity,
2 or age diversity), within a community of species
3 (within-community diversity), between communities
4 of species (between-communities), within a total area
5 such as a watershed (total area), along a plane from
6 ground to sky (vertical), and along the plane of the
7 earth-surface (horizontal). Vertical and horizontal
8 diversity apply to all the other aspects of diversity.

9 “(B) The terms ‘conserve’ and ‘conservation’
10 refer to protective measures for maintaining existing
11 native biodiversity and active and passive measures
12 for restoring diversity through management efforts,
13 in order to protect, restore, and enhance as much of
14 the variety of species and communities as possible in
15 abundances and distributions that provide for their
16 continued existence and normal functioning, includ-
17 ing the viability of populations throughout their nat-
18 ural geographic distributions.

19 “(C) The term ‘within-community diversity’
20 means the distinctive assemblages of species and ec-
21 ological processes that occur in different physical
22 settings of the biosphere and distinct parts of the
23 world.

1 “(D) The term ‘genetic diversity’ means the dif-
2 ferences in genetic composition within and among
3 populations of a given species.

4 “(E) The term ‘species diversity’ means the
5 richness and variety of native species in a particular
6 location of the world.

7 “(F) The term ‘group selection’ means a form
8 of selection management that emphasizes the peri-
9 odic removal of trees, including mature, undesirable,
10 and cull trees in small groups, where they occur that
11 way, with a result of (i) creating openings not to ex-
12 ceed in width in any direction the height of the tall-
13 est tree standing within 10 feet outside the edge of
14 the group cut, and (ii) maintaining different age
15 groups in a given stand. In no event will more than
16 10 percent of the basal area of a stand be felled
17 within 15 years. The foregoing limitation shall not
18 be deemed to establish a 150-year projected felling
19 age as the standard at which individual trees in a
20 stand are to be cut, nor shall native biodiversity be
21 limited to that which occurs within the context of a
22 150-year projected felling age.

23 “(G) The term ‘stand’ means a biological com-
24 munity with enough identity by location, topography,

1 or dominant species to be managed as a unit, not to
2 exceed 100 acres.

3 “(H) The term ‘clearcutting’ means the logging
4 of more than one-half of the commercial trees in a
5 patch larger than a group defined in subparagraph
6 (F) or in a stand of any size in a short period of
7 time.

8 “(I) The term ‘even-age management’ means
9 the growing of commercial timber so that all trees
10 in a patch or stand are generally within 10 years of
11 the same age. Except for designated leave trees, or
12 clumps of trees, the patch or stand is logged com-
13 pletely in any acre within a period of 30 years, by
14 clearcutting, salvage logging, seed-tree cutting or
15 shelterwood cutting, or any system other than selec-
16 tion management.

17 “(J) The term ‘salvage logging’ means the fell-
18 ing or further damaging, within any 30-year period,
19 of a greater basal area than 20 square feet per acre
20 of dead, damaged, or other trees, or any combination
21 of such trees.

22 “(K) The term ‘seed-tree cut’ means an even-
23 age logging operation that leaves a small minority of
24 seed trees in a stand for any period of time.

1 “(L) The term ‘selection management’ means
2 the application of logging and other actions needed
3 to maintain continuous high forest cover where such
4 cover naturally occurs, recurring natural regenera-
5 tion of all native species on the site, and the orderly
6 growth and development of trees through a range of
7 diameter or age classes to provide a sustained yield
8 of forest products. Cutting methods that develop and
9 maintain selection stands are individual-tree and
10 group selection.

11 “(M) The term ‘shelterwood cut’ means an
12 even-aged logging operation that leaves a minority
13 (larger than in a seed-tree cut) of the stand as a
14 seed source or protection cover remaining standing
15 for any period of time.

16 “(O) The term ‘timber purposes’ shall include
17 the use, sale, lease, or distribution of trees, or the
18 felling of trees or portions of trees except to create
19 land space for a structure or other use.

20 “(4)(A)(i) The purpose of this paragraph is to foster
21 the widest possible enforcement of this section.

22 “(ii) Congress finds that all people of the United
23 States are injured by actions on lands to which this section
24 applies.

1 “(B) The provisions of this section shall be enforced
2 by the Secretary of Defense and the Attorney General of
3 the United States against any person who violates this sec-
4 tion.

5 “(C)(i) Any citizen harmed by a violation of this Act
6 may enforce any provision of this section by bringing an
7 action for declaratory judgment, temporary restraining
8 order, injunction, civil penalty, and other remedies against
9 any alleged violator including the United States, in any
10 district court of the United States.

11 “(ii) The court, after determining a violation of this
12 section, shall impose a penalty of not less than \$5,000 and
13 not more than \$50,000 per violation, shall issue one or
14 more injunctions and other equitable relief and shall
15 award to the plaintiffs reasonable costs of litigation in-
16 cluding attorney’s fees, witness fees and other necessary
17 expenses.

18 “(iii) The standard of proof in all actions brought
19 under this subparagraph shall be the preponderance of the
20 evidence and the trial shall be de novo.

21 “(D) The penalty authorized by subparagraph (C)(ii)
22 shall be paid by the violator or violators designated by the
23 court. If that violator is the United States of America or
24 a Federal agency or officer, the penalty shall be paid to

1 the Judgment Fund, as provided by Congress under sec-
 2 tion 1304 of title 31, United States Code.

3 “(E) The penalty should be paid from the Judgment
 4 Fund within 40 days after judgment to the person or per-
 5 sons designated to receive it, to be applied in protecting
 6 or restoring native biodiversity in or adjoining Federal
 7 land. Any award of costs of litigation and any award of
 8 attorney fees shall be paid within 40 days after judgment.

9 “(F) The United States, including its agents and em-
 10 ployees waives its sovereign immunity in all respects in
 11 all actions under this section. No notice is required to en-
 12 force this section.”.

13 (b) CONFORMING AMENDMENT.—The table of sec-
 14 tions for chapter 159 of title 10, United States Code, is
 15 amended by adding at the end the following new item:

“2694. Conservation of native biodiversity.”.

16 **TITLE II—PROTECTION FOR**
 17 **NORTHWEST ANCIENT FOR-**
 18 **ESTS, ROADLESS AREAS, AND**
 19 **SPECIAL AREAS**

20 **SEC. 201. DEFINITIONS AND FINDINGS.**

21 (a) DEFINITIONS.—For purposes of this title:

22 (1) EXTRACTIVE LOGGING.—The term “extrac-
 23 tive logging” means the cutting or removal of any
 24 trees from Federal forest lands for any purpose.

1 (2) NORTHWEST ANCIENT FORESTS.—The term
2 “Northwest Ancient Forests” refers to—

3 (A) lands identified as Late-Successional
4 Reserves, Riparian Reserves, and Key Water-
5 sheds under the heading “Alternative 1” of the
6 report “Final Supplemental Environmental Im-
7 pact Statement on Management of Habitat for
8 Late-Successional and Old-Growth Forest Re-
9 lated Species Within the Range of the Northern
10 Spotted Owl, Vol. I.”, dated February 1994;
11 and

12 (B) lands identified by the term “Medium
13 and Large Conifer Multi-Storied, Canopied For-
14 ests” as defined in “Final Supplemental Envi-
15 ronmental Impact Statement on Management of
16 Habitat for Late-Successional and Old-Growth
17 Forest Related Species Within the Range of the
18 Northern Spotted Owl, Vol. I.”, dated February
19 1994.

20 (3) IMPROVED ROADS.—The term “improved
21 roads” means any roads maintained for travel by
22 standard passenger type vehicles.

23 (4) ROADLESS AREAS.—The term “roadless
24 areas” means those contiguous parcels of Federal

1 land that are devoid of improved roads, except as
2 permitted by subparagraph (B), and—

3 (A) are greater than or equal to 5,000
4 acres west of the 100th meridian;

5 (B) are greater than or equal to 1,500
6 acres east of the 100th meridian, but possibly
7 containing up to ½ mile of improved roads per
8 1,000 acres; or

9 (C) are less than 5,000 acres, but are con-
10 tiguous to existing Wilderness, Primitive Areas,
11 Administration-endorsed Wilderness, or roadless
12 areas in other Federal ownership, regardless of
13 their size.

14 (5) SPECIAL AREAS.—The term “Special
15 Areas” means certain areas of Federal land des-
16 ignated in section 202 that are to be managed ac-
17 cording to the instructions of section 203(c).

18 (6) SECRETARY CONCERNED.—The term “Sec-
19 retary concerned” means the head of the Federal
20 agency having jurisdiction over Federal lands in-
21 cluded within a Northwest Ancient Forest, roadless
22 area, or Special Area.

23 (b) FINDINGS.—Congress finds the following:

1 (1) Unfragmented forests on Federal lands are
2 unique and valuable assets to the general public
3 which are damaged by extractive logging.

4 (2) Less than 10 percent of the original
5 unlogged forests of the United States remain. The
6 vast majority of the remnants of America's original
7 forests are located on Federal lands.

8 (3) Large, unfragmented forest watersheds pro-
9 vide high-quality water supplies for drinking, agri-
10 culture, industry, and fisheries across the United
11 States.

12 (4) The most recent scientific studies indicate
13 that several thousand species of plants and animals
14 are dependent on large, unfragmented forest areas.

15 (5) Many neotropical migratory songbird spe-
16 cies are currently experiencing documented broad-
17 scale population declines and require large,
18 unfragmented forests to ensure their survival.

19 (6) Destruction of large-scale natural forests
20 has resulted in a tremendous loss of jobs in the fish-
21 ing, hunting, tourism, recreation, and guiding indus-
22 tries, and has adversely affected sustainable nontim-
23 ber forest products industries such as the collection
24 of mushrooms and herbs.

1 (7) Extractive logging programs on Federal
2 lands are carried out at enormous financial costs to
3 the United States Treasury and American taxpayers.

4 (8) The Northwest Ancient Forests continue to
5 be threatened by logging and deforestation and are
6 rapidly disappearing.

7 (9) Northwest Ancient Forests help regulate at-
8 mospheric balance, maintain biodiversity, and pro-
9 vide valuable scientific opportunity for monitoring
10 the health of the planet.

11 (10) Prohibiting extractive logging in the
12 Northwest Ancient Forests would create the best
13 conditions for ensuring stable, well distributed, and
14 viable populations of the northern spotted owl, mar-
15 bled murrelet, American marten, and other verte-
16 brates, invertebrates, vascular plants, and nonvascu-
17 lar plants associated with those forests.

18 (11) Prohibiting extractive logging in the
19 Northwest Ancient Forests would create the best
20 conditions for ensuring stable, well distributed, and
21 viable populations of anadromous salmonids, resi-
22 dent salmonids, and bull trout.

23 (12) Roadless areas are de facto wilderness that
24 provide wildlife habitat and recreation.

1 (13) Roadless areas contain many of the largest
2 unfragmented forests on Federal lands. Large
3 unfragmented forests are among the last refuges for
4 native animal and plant biodiversity, and are vital to
5 maintaining viable populations of threatened, endan-
6 gered, sensitive, and rare species.

7 (14) Roads cause soil erosion, disrupt wildlife
8 migration, and allow nonnative species of plants and
9 animals to invade native forests.

10 (15) The mortality and reproduction patterns of
11 forest dwelling animal populations are adversely af-
12 fected by traffic-related fatalities that accompany
13 roads.

14 (16) The exceptional recreational, biological,
15 scientific, or economic assets of certain special for-
16 ested areas on Federal lands are valuable to the
17 American public and are damaged by extractive log-
18 ging in these areas.

19 (17) In order to gauge the effectiveness and ap-
20 propriateness of current and future resource man-
21 agement activities, and to continue to broaden and
22 develop our understanding of silvicultural practices,
23 many special forested areas need to remain in a nat-
24 ural, unmanaged state to serve as scientifically es-
25 tablished baseline control forests.

1 (18) Certain special forested areas provide habi-
2 tat for the survival and recovery of endangered and
3 threatened plant and wildlife species such as grizzly
4 bears, spotted owls, Pacific salmon, and Pacific yew
5 that are harmed by extractive logging.

6 (19) Many special forested areas on Federal
7 lands are considered sacred sites by native peoples.

8 (20) As a legacy for the enjoyment, knowledge,
9 and well-being of future generations, provisions must
10 be made for the protection and perpetuation of
11 America's Northwest Ancient Forests, roadless
12 areas, and Special Areas.

13 **SEC. 202. DESIGNATION OF SPECIAL AREAS.**

14 (a) DESCRIPTION OF SPECIAL AREAS.—

15 (1) IN GENERAL.—Special areas are parcels of
16 Federal forest land that possess outstanding biologi-
17 cal, scenic, recreational, or cultural values, exem-
18 plary on a regional national or international level,
19 yet may not meet the definitions of Northwest An-
20 cient Forests or roadless areas.

21 (2) BIOLOGICAL VALUES.—Biological values in-
22 clude—

23 (A) the presence of threatened or endan-
24 gered species of plants or animals;

25 (B) rare or endangered ecosystems;

1 (C) key habitats necessary for the recovery
2 of endangered or threatened species;

3 (D) recovery or restoration areas of rare or
4 underrepresented forest ecosystems;

5 (E) migration corridors;

6 (F) areas of outstanding biodiversity;

7 (G) old growth forests;

8 (H) commercial fisheries; and

9 (I) sources of clean water such as key wa-
10 tersheds.

11 (3) SCENIC VALUES.—Scenic values include—

12 (A) unusual geological formations;

13 (B) designated wild and scenic rivers;

14 (C) unique biota; and

15 (D) vistas.

16 (4) RECREATIONAL VALUES.—Recreational val-
17 ues include—

18 (A) designated National Recreational
19 Trails or Recreational Areas;

20 (B) popular areas for recreation and sports
21 including—

22 (i) hunting;

23 (ii) fishing;

24 (iii) camping;

25 (iv) hiking;

1 (v) aquatic recreation; and

2 (vi) winter recreation;

3 (C) Federal lands in regions that are un-
4 derserved in terms of recreation;

5 (D) lands adjacent to designated Wilder-
6 ness Area; and

7 (E) solitude.

8 (5) CULTURAL VALUES.—Cultural values in-
9 clude—

10 (A) sites with Native American religious
11 significance; and

12 (B) historic or prehistoric archaeological
13 sites eligible for the national historic register.

14 (b) SIZE VARIATION.—Special areas may vary in size
15 to encompass the outstanding biological, scenic, rec-
16 reational, or cultural value or values to be protected.

17 (c) DESIGNATION OF SPECIAL AREAS.—For purposes
18 of this title, there are hereby designated the following Spe-
19 cial Areas, which shall be subject to the management re-
20 strictions specified in section 203(c):

21 (1) ALABAMA: SIPSEY WILDERNESS.—Certain
22 lands in the Bankhead National Forest in Alabama,
23 which comprise approximately 20,000 acres, located
24 directly west of Highway 33 and directly north of
25 County Road 60, including all of the Sipsey River

1 Watershed north of Cranal Road, known as the
2 “Sipsey Wilderness”.

3 (2) ALASKA.—

4 (A) TURNAGAIN ARM.—Certain lands in
5 the Chugach National Forest, Kenai Peninsula,
6 Alaska, which comprise approximately 100,000
7 acres, known as “Turnagain Arm”, extending
8 from sea level to ridgetop surrounding the inlet
9 of Turnagain Arm.

10 (B) HONKER DIVIDE.—Certain lands in
11 the Tongass National Forest in Alaska, which
12 comprise approximately 75,000 acres, located
13 on north central Prince of Wales Island, com-
14 prising the Thorne River and Hatchery Creek
15 watersheds, stretching approximately 40 miles
16 northwest from the vicinity of the town of
17 Thorne Bay to the vicinity of the town of
18 Coffman Cove, generally known as the “Honker
19 Divide”.

20 (3) ARIZONA: NORTH RIM OF THE GRAND CAN-
21 YON.—Certain lands in the Kaibab National Forest,
22 Arizona, included in the Grand Canyon Game Pre-
23 serve, which comprise approximately 500,000 acres,
24 abutting the northern side of the Grand Canyon in

1 the area generally known as the “North Rim of the
2 Grand Canyon”.

3 (4) ARKANSAS.—

4 (A) COW CREEK DRAINAGE, ARKANSAS.—

5 Certain lands in the Ouachita National Forest,
6 Mena Ranger District, Polk County, Arkansas,
7 comprising approximately 7,000 acres, bounded
8 approximately by the following landmarks: on
9 the north by County Road 95; on the south by
10 County Road 157; on the east by County Road
11 48 and on the west by the Arkansas-Oklahoma
12 border, known as “Cow Creek Drainage, Arkan-
13 sas”.

14 (B) LEADER AND BRUSH MOUNTAINS.—

15 Certain lands in the Ouachita National Forest
16 of Montgomery and Polk Counties, Arkansas,
17 known as “Leader and Brush Mountains”,
18 which comprise approximately 120,000 acres lo-
19 cated in the vicinity of the Blaylock Creek Wa-
20 tershed between Long Creek and the South
21 Fork of the Saline River.

22 (C) POLK CREEK AREA.—Certain lands in

23 the Ouachita National Forest, Mena Ranger
24 District, Arkansas, comprising approximately
25 20,000 acres bounded by Arkansas Highway 4

1 and Forest Roads 73 and 43 known as the
2 “Polk Creek Area”.

3 (D) LOWER BUFFALO RIVER WATER-
4 SHED.—Certain lands in the Ozark National
5 Forest, Sylamore Ranger District, totaling ap-
6 proximately 6,000 acres, known as “The Lower
7 Buffalo River Watershed”. The area is com-
8 prised of those Forest Service lands, not al-
9 ready designated as Wilderness, located in the
10 watershed of Big Creek, southwest of the
11 Leatherwood Wilderness Area in Searcy and
12 Marion Counties, Arkansas.

13 (E) UPPER BUFFALO RIVER WATER-
14 SHED.—Certain lands in the Ozark National
15 Forest, Buffalo Ranger District, totaling ap-
16 proximately 220,000 acres known as the
17 “Upper Buffalo River Watershed”. This area is
18 located approximately 35 miles from the town
19 of Harrison, in Madison, Newton and Searcy
20 Counties, Arkansas. The Upper Buffalo River
21 Watershed is comprised of those Forest Service
22 lands, not already designated as Wilderness
23 Areas, upstream of the confluence of the Buf-
24 falo River and Richland Creek and located in
25 the following watersheds: Buffalo River, the

1 various streams comprising the Headwaters of
2 the Buffalo River, Richland Creek, Little Buf-
3 falo Headwaters, Edgmon Creek, Big Creek
4 and Cane Creek.

5 (5) CALIFORNIA: GIANT SEQUOIA PRESERVE.—
6 Certain lands in the Sequoia and Sierra National
7 Forests in California comprised of 3 discontinuous
8 parcels, totaling approximately 442,425 acres known
9 as the “Giant Sequoia Preserve” located in Fresno,
10 Tulare, and Kern Counties. All 3 parcels are located
11 in the Southern Sierra Nevada mountain range; the
12 Kings River Unit (145,600 acres) and nearby pro-
13 posed Redwood Mountain Unit (11,730 acres) are
14 located approximately 25 miles east of the city of
15 Fresno. The South Unit (285,095 acres) is approxi-
16 mately 15 miles east of the city of Porterville.

17 (6) COLORADO: COCHETOPA HILLS.—Certain
18 lands in the Gunnison Basin area administered by
19 the Gunnison, Grand Mesa, Uncompahgre, and Rio
20 Grand National Forests, comprising approximately
21 500,000 acres, known as the “Cochetopa Hills”.
22 This area spans the continental divide south and
23 east of Gunnison in Saguache County, Colorado and
24 includes the Elk and West Elk Mountains, Grand

1 Mesa, the Uncompahgre Plateau, the northern San
2 Juans, the La Garitas and the Cochetopa Hills.

3 (7) GEORGIA.—

4 (A) ARMUCHEE CLUSTER.—Certain lands
5 in the Chattahoochee National Forest,
6 Armuchee Ranger District, totaling approxi-
7 mately 19,700 acres, known as the “Armuchee
8 Cluster”. The cluster is comprised of three par-
9 cels known as Rocky Face, Johns Mountain and
10 Hidden Creek. The cluster is located approxi-
11 mately 10 miles southwest of Dalton and 14
12 miles north of Rome, Whitfield, Walker,
13 Chattooga, Floyd, and Gordon Counties, Geor-
14 gia.

15 (B) BLUE RIDGE CORRIDOR CLUSTER,
16 GEORGIA AREAS.—Certain lands in the Chat-
17 tahoochee National Forest, Chestatee Ranger
18 District, totaling approximately 15,000 acres,
19 known as the “Blue Ridge Corridor Cluster,
20 Georgia Areas”. The cluster is comprised of the
21 following 5 parcels: Horse Gap, Hogback Moun-
22 tain, Blackwell Creek, Little Cedar Mountain,
23 and Black Mountain. The cluster is located ap-
24 proximately 15 to 20 miles north of the town of

1 Dahlonega, Union and Lumpkin Counties,
2 Georgia.

3 (C) CHATTOOGA WATERSHED CLUSTER,
4 GEORGIA AREAS.—Certain lands in the Chat-
5 tahoochee National Forest, Tallulah Ranger
6 District, comprising 63,500 acres known as the
7 “Chattooga Watershed Cluster, Georgia Areas”.
8 This cluster is comprised of 7 areas, located in
9 Rabun County, Georgia, known as the follow-
10 ing: Rabun Bald, Three Forks, Ellicott Rock
11 Extension, Rock Gorge, Big Shoals, Thrift’s
12 Ferry, and Five Falls. The towns of Clayton,
13 Georgia, and Dillard, South Carolina are situ-
14 ated nearby.

15 (D) COHUTTA CLUSTER.—Certain lands in
16 the Chattahoochee National Forest, Cohutta
17 Ranger District, totaling approximately 28,000
18 acres, known as the “Cohutta Cluster”. The
19 cluster is comprised of four parcels known as
20 Cohutta Extensions, Grassy Mountain, Emery
21 Creek, and Mountaintown. The cluster is lo-
22 cated near the towns of Chatsworth and Ellijay,
23 Murray, Fannin, and Gilmer Counties, Georgia.

24 (E) DUNCAN RIDGE CLUSTER.—Certain
25 lands in the Chattahoochee National Forest,

1 Brasstown and Toccoa Ranger Districts, com-
2 prising approximately 17,000 acres known as
3 the “Duncan Ridge Cluster”. The cluster is
4 comprised of the following four parcels: Licklog
5 Mountain, Duncan Ridge, Board Camp, and
6 Cooper Creek Scenic Area Extension. The clus-
7 ter is located approximately 10 to 15 miles
8 south of the town of Blairsville in Union and
9 Fannin Counties, Georgia.

10 (F) ED JENKINS NATIONAL RECREATION
11 AREA CLUSTER.—Certain lands in the Chat-
12 tahoochee National Forest, Toccoa and
13 Chestatee Ranger Districts, totaling approxi-
14 mately 19,300 acres, known as the “Ed Jenkins
15 National Recreation Area Cluster”. The cluster
16 is comprised of the Springer Mountain, Mill
17 Creek, and Toonowee parcels. The cluster is lo-
18 cated 30 miles north of the town of Dahlonega,
19 Fannin, Dawson, and Lumpkin Counties, Geor-
20 gia.

21 (G) GAINESVILLE RIDGES CLUSTER.—Cer-
22 tain lands in the Chattahoochee National For-
23 est, Chattooga Ranger District, totaling ap-
24 proximately 14,200 acres, known as the
25 “Gainesville Ridges Cluster”. The cluster is

1 comprised of the following three parcels: Pan-
2 ther Creek, Tugaloo Uplands, and Middle Fork
3 Broad River. The cluster is located approxi-
4 mately 10 miles from the town of Toccoa,
5 Habersham and Stephens Counties, Georgia.

6 (H) NORTHERN BLUE RIDGE CLUSTER,
7 GEORGIA AREAS.—Certain lands in the Chat-
8 tahoochee National Forest, Brasstown and
9 Tallulah Ranger Districts, totaling approxi-
10 mately 46,000 acres, known as the “Northern
11 Blue Ridge Cluster, Georgia Areas”. The clus-
12 ter is comprised of the following eight areas:
13 Andrews Cove, Anna Ruby Falls Scenic Area
14 Extension, High Shoals, Tray Mountain Exten-
15 sion, Kelly Ridge-Moccasin Creek, Buzzard
16 Knob, Southern Nantahala Extension, and Pat-
17 terson Gap. The cluster is located approxi-
18 mately 5 to 15 miles north of Helen, 5 to 15
19 miles southeast of Hiawassee, north of Clayton
20 and west of Dillard, White, Towns and Rabun
21 Counties, Georgia.

22 (I) RICH MOUNTAIN CLUSTER.—Certain
23 lands in the Chattahoochee National Forest,
24 Toccoa Ranger District, totaling approximately
25 9,500 acres known as the “Rich Mountain

Cluster”. The cluster is comprised of the parcels known as Rich Mountain Extension and Rocky Mountain. The cluster is located 10 to 15 miles northeast of the town of Ellijay, Gilmer and Fannin Counties, Georgia.

(J) WILDERNESS HEARTLANDS CLUSTER, GEORGIA AREAS.—Certain lands in the Chatahoochee National Forest, Chestatee, Brasstown and Chattooga Ranger Districts, comprising approximately 16,500 acres, known as the “Wilderness Heartlands Cluster, Georgia Areas”. The cluster is comprised of four parcels known as the following: Blood Mountain Extensions, Raven Cliffs Extensions, Mark Trail Extensions, and Brasstown Extensions. The cluster is located near the towns of Dahlonega, Cleveland, Helen, and Blairsville, Lumpkin, Union, White, and Towns Counties, Georgia.

(8) IDAHO.—

(A) COVE/MALLARD.—Certain lands in the Nez Perce National Forest in Idaho, which comprise approximately 94,000 acres, located approximately 30 miles southwest of the town of Elk City, west of the town of Dixie, in the area generally known as “Cove/Mallard”.

1 (B) MEADOW CREEK.—Certain lands in
2 the Nez Perce National Forest in Idaho, which
3 comprise approximately 180,000 acres, located
4 approximately 8 miles east of the town of Elk
5 City in the area generally known as “Meadow
6 Creek”.

7 (C) FRENCH CREEK/PATRICK BUTTE.—
8 Certain lands in the Payette National Forest in
9 Idaho, which comprise approximately 141,000
10 acres, located approximately 20 miles north of
11 the town of McCall in the area generally known
12 as “French Creek/Patrick Butte”.

13 (9) ILLINOIS.—

14 (A) CRIPPS BEND.—Certain lands in the
15 Shawnee National Forest in Illinois, which com-
16 prise approximately 39 acres in Jackson County
17 in the Big Muddy River watershed, in the area
18 generally known as “Cripps Bend”.

19 (B) OPPORTUNITY AREA 6.—Certain lands
20 in the Shawnee National Forest in Illinois,
21 which comprise approximately 50,000 acres lo-
22 cated in northern Pope County, surrounding
23 Bell Smith Springs Natural Area, in the area
24 generally known as “Opportunity Area 6”.

1 (C) QUARREL CREEK.—Certain lands in
2 the Shawnee National Forest in Illinois, which
3 comprise approximately 490 acres located in
4 northern Pope County, in the Quarrel Creek
5 watershed, in the area generally known as
6 “Quarrel Creek”.

7 (10) MICHIGAN: TRAP HILLS.—Certain lands in
8 the Ottawa National Forest, Bergland Ranger Dis-
9 trict, totaling approximately 37,120 acres, known as
10 the “Trap Hills”, located approximately 5 miles
11 from the town of Bergland, Ontonagon County,
12 Michigan.

13 (11) MINNESOTA: TROUT LAKE AND SUOMI
14 HILLS.—Certain lands in the Chippewa National
15 Forest, comprising approximately 12,000 acres,
16 known as “Trout Lake/Suomi Hills” in Itasca Coun-
17 ty, Minnesota.

18 (12) MISSOURI: ELEVEN POINT-BIG SPRINGS
19 AREA.—Certain lands in the Mark Twain National
20 Forest in Missouri, Eleven Point Ranger District,
21 totaling approximately 200,000 acres, comprised of
22 the administrative area of the Eleven Point Ranger
23 District, known as the “Eleven Point-Big Springs
24 Area”.

1 (13) MONTANA: MOUNT BUSHNELL.—Certain
2 lands in the Lolo National Forest in Montana, which
3 comprise approximately 41,000 acres located ap-
4 proximately 5 miles southwest of the town of
5 Thompson Falls in the area generally known as
6 “Mount Bushnell”.

7 (14) NEW MEXICO.—

8 (A) ANGOSTURA.—Certain lands in the
9 east half of the Carson National Forest in New
10 Mexico, Camino Real Ranger District, totaling
11 approximately 10,000 acres located in Town-
12 ship 21, Ranges 12 and 13, known as “Angos-
13 tura”. The area’s approximate boundaries are
14 as follows: the northeast boundary is formed by
15 Highway 518, the southeast boundary consists
16 of the Angostura Creek watershed boundary,
17 the southern boundary is Trail 19 and the
18 Pecos Wilderness, and on the west, the bound-
19 ary is formed by the Agua Piedra Creek water-
20 shed.

21 (B) LA MANGA.—Certain lands in the
22 western half of the Carson National Forest, El
23 Rito Ranger District, New Mexico, Vallecitos
24 Sustained Yield Unit, comprising approximately
25 5,400 acres, known as “La Manga”. The parcel

1 is in Township 27, Range 6 and bounded on the
2 north by the Tierra Amarilla Land Grant, on
3 the south by Canada Escondida, on the west by
4 the Sustained Yield Unit boundary and the
5 Tierra Amarilla Land Grant, and on the east
6 by the Rio Vallecitos.

7 (C) ELK MOUNTAIN.—Certain lands in the
8 Santa Fe National Forest, New Mexico, com-
9 prising approximately 7,220 acres, known as
10 “Elk Mountain” and located in Townships 17
11 and 18 and Ranges 12 and 13. The area is
12 bounded on the north by the Pecos Wilderness,
13 the Cow Creek Watershed forms the eastern
14 boundary and the Cow Creek, itself, forms the
15 western boundary. The southern boundary is
16 formed by Rito de la Osha.

17 (D) JEMEZ HIGHLANDS.—Certain lands in
18 the Jemez Ranger District of the Santa Fe Na-
19 tional Forest, totaling approximately 54,400
20 acres, known as the “Jemez Highlands”, lo-
21 cated primarily in Sandoval County, New Mex-
22 ico.

23 (15) NORTH CAROLINA.—

24 (A) CENTRAL NANTAHALA CLUSTER,
25 NORTH CAROLINA AREAS.—Certain lands in the

1 Nantahala National Forest, Tusquitee, Cheoah,
2 and Wayah Ranger Districts, totaling approxi-
3 mately 107,000 acres, known as the “Central
4 Nantahala Cluster, North Carolina Areas”. The
5 cluster is comprised of the following nine par-
6 cels: Tusquitee Bald, Shooting Creek Bald,
7 Cheoah Bald, Piercy Bald, Wesser Bald, Tellico
8 Bald, Split White Oak, Siler Bald, and South-
9 ern Nantahala Extensions. The cluster is lo-
10 cated near the towns of Murphy, Franklin,
11 Bryson City, Andrews, and Beechertown, Cher-
12 ookee, Macon, Clay and Swain Counties, North
13 Carolina.

14 (B) CHATTOOGA WATERSHED CLUSTER,
15 NORTH CAROLINA AREAS.—Certain lands in the
16 Nantahala National Forest, Highlands Ranger
17 District, totaling approximately 8,000 acres,
18 known as the “Chattooga Watershed Cluster,
19 North Carolina Areas”. The cluster is com-
20 prised of the Overflow (Blue Valley) and Terra-
21 pin Mountain parcels. The cluster is located five
22 miles from the town of Highlands, Macon and
23 Jackson Counties, North Carolina.

24 (C) TENNESSEE BORDER CLUSTER, NORTH
25 CAROLINA AREAS.—Certain lands in the

1 Nantahala National Forest, Tusquitee and
2 Cheoah Ranger Districts, totaling approxi-
3 mately 28,000 acres, known as the “Tennessee
4 Border Cluster, North Carolina Areas”. The
5 cluster is comprised of the four following par-
6 cels: Unicoi Mountains, Deaden Tree, Snow-
7 bird, and Joyce Kilmer-Slickrock Extension.
8 The cluster is located near the towns of Murphy
9 and Robbinsville, Cherokee and Graham Coun-
10 ties, North Carolina.

11 (D) BALD MOUNTAINS.—Certain lands in
12 the Pisgah National Forest, French Broad
13 Ranger District, totaling approximately 13,000
14 acres known as the “Bald Mountains”, located
15 12 miles northeast of Hot Springs, Madison
16 County, North Carolina.

17 (E) BIG IVY TRACT.—Certain lands in the
18 Pisgah National Forest in North Carolina,
19 which comprise approximately 14,000 acres, lo-
20 cated approximately 15 miles west of Mount
21 Mitchell in the area generally known as the
22 “Big Ivy Tract”.

23 (F) BLACK MOUNTAINS CLUSTER, NORTH
24 CAROLINA AREAS.—Certain lands in the Pisgah
25 National Forest, Toecane and Grandfather

1 Ranger Districts, totaling approximately 62,000
2 acres, known as the “Black Mountains Cluster,
3 North Carolina Areas”. The cluster is com-
4 prised of the following five parcels: Craggy
5 Mountains, Black Mountains, Jarrett Creek,
6 Mackey Mountain, and Woods Mountain. The
7 cluster is located near the towns of Burnsville,
8 Montreat and Marion, Buncombe, Yancey and
9 McDowell Counties, North Carolina.

10 (G) LINVILLE CLUSTER.—Certain lands in
11 the Pisgah National Forest, Grandfather Rang-
12 er District, totaling approximately 42,000 acres
13 known as the “Linville Cluster”. The cluster is
14 comprised of the following seven parcels: Dob-
15 son Knob, Linville Gorge Extension, Steels
16 Creek, Sugar Knob, Harper Creek, Lost Cove
17 and Upper Wilson Creek. The cluster is located
18 near the towns of Marion, Morgantown, Spruce
19 Pine, Linville, and Blowing Rock, Burke,
20 McDowell, Avery and Caldwell Counties, North
21 Carolina.

22 (H) NOLICHUCKY, NORTH CAROLINA
23 AREA.—Certain lands in the Pisgah National
24 Forest, Toecane Ranger District, totaling ap-
25 proximately 4,000 acres, known as the

“Nolichucky, North Carolina Area”, located 25 miles northwest of Burnsville, Mitchell and Yancey Counties, North Carolina.

(I) PISGAH CLUSTER, NORTH CAROLINA AREAS.—Certain lands in the Pisgah National Forest, Pisgah Ranger District, totaling approximately 52,000 acres, known as the “Pisgah Cluster, North Carolina Areas”. The cluster is comprised of the following 5 parcels: Shining Rock and Middle Prong Extensions, Daniel Ridge, Cedar Rock Mountain, South Mills River, and Laurel Mountain. The cluster is located 5 to 12 miles north of the town of Brevard and southwest of the city of Asheville, Haywood, Transylvania, and Henderson Counties, North Carolina.

(J) WILDCAT.—Certain lands in the Pisgah National Forest, French Broad Ranger District, totaling approximately 6,500 acres, known as “Wildcat”, located 20 miles northwest of the town of Canton, Haywood County, North Carolina.

(16) OHIO.—

(A) ARCHERS FORK COMPLEX.—Certain lands in the Marietta Unit of the Athens Rang-

1 er District, in the Wayne National Forest,
2 Washington County, Ohio, known as “Archers
3 Fork Complex”, comprising approximately
4 18,350 acres, located northeast of Newport and
5 bounded by State Highway 26 to the northwest,
6 State Highway 260 to the northeast, the Ohio
7 River to the southeast and Bear Run and
8 Danas Creek to the southwest.

9 (B) BLUEGRASS RIDGE.—Certain lands in
10 the Ironton Ranger District on the Wayne Na-
11 tional Forest, Lawrence County, Ohio, known
12 as “Bluegrass Ridge”, comprising approxi-
13 mately 4,000 acres, located three miles east of
14 Etna in Township 4 North, Range 17 West,
15 sections 19–23, 27–30.

16 (C) BUFFALO CREEK.—Certain lands in
17 the Ironton Ranger District of the Wayne Na-
18 tional Forest, Lawrence County, Ohio, known
19 as “Buffalo Creek”, comprising approximately
20 6500 acres, located four miles northwest of Wa-
21 terloo in Township 5 North, Range 17 West,
22 sections 3–10, 15–18.

23 (D) LAKE VESUVIUS.—Certain lands in
24 the Ironton Ranger District of the Wayne Na-
25 tional Forest, Lawrence County, Ohio, compris-

1 ing approximately 4,900 acres, generally known
2 as “Lake Vesuvius”, located to the east of Etna
3 and bounded by State Highway 93 to the
4 southwest and State Highway 4 to the north-
5 west in Township 2 North, Range 18 West.

6 (E) MORGAN SISTERS.—Certain lands in
7 the Ironton Ranger District of the Wayne Na-
8 tional Forest, Lawrence County, Ohio, known
9 as “Morgan Sisters”, comprising approximately
10 2,500 acres, located one mile east of Gallia and
11 bounded by State Highway 233 in Township 6
12 North, Range 17 West, sections 13, 14, 23, 24
13 and Township 5 North, Range 16 West, sec-
14 tions 18, 19.

15 (F) UTAH RIDGE.—Certain lands in the
16 Athens Ranger District of the Wayne National
17 Forest, Athens County, Ohio, known as “Utah
18 Ridge”, comprising approximately 9,000 acres,
19 located one mile northwest of Chauncey and
20 bounded by State Highway 682 and State
21 Highway 13 to the southeast, US Highway 33
22 to the southwest and State Highway 216 and
23 State Highway 665 to the north.

24 (G) WILDCAT HOLLOW.—Certain lands in
25 the Athens Ranger District of the Wayne Na-

1 tional Forest, Perry and Morgan Counties,
 2 Ohio, known as “Wildcat Hollow”, comprising
 3 approximately 4,500 acres, located one mile
 4 east of Corning in Township 12 North, Range
 5 14 West, sections 1, 2, 11–14, 23, 24 and
 6 Township 8 North, Range 13 West, sections 7,
 7 18, 19.

8 (17) OKLAHOMA: COW CREEK DRAINAGE, OKLA-
 9 HOMA.—Certain lands in the Ouachita National For-
 10 est, Mena Ranger District, Le Flore County, Okla-
 11 homa, comprising approximately 3,000 acres, bound-
 12 ed approximately by the Beech Creek National Sce-
 13 nic Area on the west, State Highway 63 on the
 14 north and the Arkansas-Oklahoma border on the
 15 east, and County Road 9038 on the south, known as
 16 “Cow Creek Drainage, Oklahoma”.

17 (18) OREGON: APPLGATE WILDERNESS.—Cer-
 18 tain lands in the Siskiyou National Forest and
 19 Rogue River National Forest in Oregon, which com-
 20 prise approximately 20,000 acres, located approxi-
 21 mately 20 miles southwest of the town of Grants
 22 Pass and 10 miles south of Williams, in the area
 23 generally known as the “Applegate Wilderness”.

24 (19) SOUTH CAROLINA.—

1 (A) BIG SHOALS, SOUTH CAROLINA
2 AREA.—Certain lands in the Sumter National
3 Forest, Andrew Pickens Ranger District,
4 Oconee County, South Carolina, comprising ap-
5 proximately 2,000 acres known as “Big Shoals,
6 South Carolina Area”. This area is located 15
7 miles south of Highlands, North Carolina.

8 (B) BRASSTOWN CREEK, SOUTH CAROLINA
9 AREA.—Certain lands in the Sumter National
10 Forest, Andrew Pickens Ranger District,
11 Oconee County, South Carolina, comprising ap-
12 proximately 3,500 acres known as “Brasstown
13 Creek, South Carolina Area”. This area is lo-
14 cated approximately 15 miles west of West-
15 minster, South Carolina.

16 (C) CHAUGA.—Certain lands in the Sum-
17 ter National Forest, Andrew Pickens Ranger
18 District, Oconee County, South Carolina, com-
19 prising approximately 16,000 acres known as
20 “Chauga”. This area is located approximately
21 10 miles west of Walhalla, South Carolina.

22 (D) DARK BOTTOMS.—Certain lands in the
23 Sumter National Forest, Andrew Pickens Rang-
24 er District, Oconee County, South Carolina,
25 comprising approximately 4,000 acres known as

1 “Dark Bottoms”. This area is located approxi-
2 mately 10 miles northwest of Westminster,
3 South Carolina.

4 (E) ELLICOTT ROCK EXTENSION, SOUTH
5 CAROLINA AREA.—Certain lands in the Sumter
6 National Forest, Andrew Pickens Ranger Dis-
7 trict, Oconee County, South Carolina, compris-
8 ing approximately 2,000 acres known as
9 “Ellicott Rock Extension, South Carolina
10 Area”. This area is located approximately 10
11 miles south of Cashiers, North Carolina.

12 (F) FIVE FALLS, SOUTH CAROLINA
13 AREA.—Certain lands in the Sumter National
14 Forest, Andrew Pickens Ranger District,
15 Oconee County, South Carolina, comprising ap-
16 proximately 3,500 acres known as “Five Falls,
17 South Carolina Area”. This area is located ap-
18 proximately 10 miles southeast of Clayton,
19 Georgia.

20 (G) PERSIMMON MOUNTAIN.—Certain
21 lands in the Sumter National Forest, Andrew
22 Pickens Ranger District, Oconee County, South
23 Carolina, comprising approximately 7,000 acres
24 known as “Persimmon Mountain”. This area is

1 located approximately 12 miles south of Cash-
2 iers, North Carolina.

3 (H) ROCK GORGE, SOUTH CAROLINA
4 AREA.—Certain lands in the Sumter National
5 Forest, Andrew Pickens Ranger District,
6 Oconee County, South Carolina, comprising ap-
7 proximately 2,000 acres known as “Rock
8 Gorge, South Carolina Area”. This area is lo-
9 cated 12 miles southeast of Highlands, North
10 Carolina.

11 (I) TAMASSEE.—Certain lands in the Sum-
12 ter National Forest, Andrew Pickens Ranger
13 District, Oconee County, South Carolina, com-
14 prising approximately 5,500 acres known as
15 “Tamassee”. This area is located approximately
16 10 miles north of Walhalla, South Carolina.

17 (J) THRIFT’S FERRY, SOUTH CAROLINA
18 AREA.—Certain lands in the Sumter National
19 Forest, Andrew Pickens Ranger District,
20 Oconee County, South Carolina, comprising ap-
21 proximately 5,000 acres known as “Thrift’s
22 Ferry, South Carolina Area”. This area is lo-
23 cated 10 miles east of Clayton, Georgia.

24 (20) SOUTH DAKOTA.—

1 (A) BLACK FOX AREA.—Certain lands in
2 the Black Hills National Forest of South Da-
3 kota, totaling approximately 12,400 acres, lo-
4 cated in the upper reaches of the Rapid Creek
5 watershed known as the “Black Fox Area”.
6 The area is roughly bounded by FDR 206 in
7 the north, the steep slopes north of Forest
8 Road 231 form the southern boundary and a
9 fork of Rapid Creek forms the western bound-
10 ary.

11 (B) BREAKNECK AREA.—Certain lands in
12 the Black Hills National Forest, South Dakota,
13 totaling 6,700 acres along the northeast edge of
14 the Black Hills in the vicinity of the Black Hills
15 National Cemetery and the Bureau of Land
16 Management’s Fort Meade Recreation Area
17 known as the “Breakneck Area”. The area is
18 generally bounded by Forest Roads 139 and
19 169 on the north, west and south. The eastern
20 and western boundaries are also demarcated by
21 the ridge-crests dividing the watershed.

22 (C) NORBECK PRESERVE.—Certain lands
23 in the Black Hills National Forest of South Da-
24 kota, totaling approximately 27,766 acres
25 known as the “Norbeck Preserve” encompassed

1 approximately by the following traverse. Start-
2 ing at the southeast corner, the area boundary
3 runs north along FDR 753 and U.S. Highway
4 Alt. 16, then along SD 244 to the junction of
5 Palmer Creek Road, which serves generally as
6 a northwest limit. It then heads south from the
7 junction of Highway 87–89, southeast along
8 Highway 87, and east back to FDR 753. A cor-
9 ridor of private land along FDR 345 is ex-
10 cluded.

11 (D) PILGER MOUNTAIN AREA.—Certain
12 lands in the Black Hills National Forest of
13 South Dakota, comprising approximately
14 12,600 acres, known as the “Pilger Mountain
15 Area” and located in the Elk Mountains on the
16 southwest edge of the Black Hills. This area is
17 roughly bounded by Forest Roads 318 and 319
18 on the east and northeast, Road 312 on the
19 north and northwest, and private land to the
20 southwest.

21 (E) STAGEBARN CANYONS.—Certain lands
22 in the Black Hills National Forest, South Da-
23 kota, known as “Stagebarn Canyons”, which
24 comprise approximately 7,300 acres located ap-

proximately 10 miles west of Rapid City, South Dakota.

(21) TENNESSEE.—

(A) BALD MOUNTAINS CLUSTER, TENNESSEE AREAS.—Certain lands in the Nolichucky and Unaka Ranger Districts of the Cherokee National Forest, Cocke, Green, Washington and Unicoi Counties, Tennessee, comprising approximately 46,133 acres known as the “Bald Mountains Cluster, Tennessee Areas”. This Cluster is comprised of the following parcels known as: Laurel Hollow Mountain, Devil’s Backbone, Laurel Mountain, Walnut Mountain, Wolf Creek, Meadow Creek Mountain, Brush Creek Mountain, Paint Creek, Bald Mountain and Sampson Mountain Extension. These parcels are located near the towns of Newport, Hot Springs, Greeneville and Erwin, Tennessee.

(B) BIG FROG/COHUTTA CLUSTER.—Certain lands in the Cherokee National Forest, Polk County, Tennessee, Ocoee, Hiwassee, and Tennessee Ranger Districts, comprising approximately 28,800 acres known as the “Big Frog/Cohutta Cluster”. This Cluster is com-

1 prised of the following parcels: Big Frog Exten-
2 sions, Little Frog Extensions, Smith Mountain
3 and Rock Creek. These parcels are located near
4 the towns of Copperhill, Ducktown, Turtletown
5 and Benton, Tennessee.

6 (C) CITICO CREEK WATERSHED CLUSTER
7 TENNESSEE AREAS.—Certain lands in the
8 Tellico Ranger District of the Cherokee Na-
9 tional Forest, Monroe County, Tennessee, com-
10 prising approximately 14,256 acres known as
11 the “Citico Creek Watershed Cluster, Tennessee
12 Areas”. This Cluster is comprised of the follow-
13 ing parcels known as: Flats Mountain, Miller
14 Ridge, Cowcamp Ridge and Joyce Kilmer-
15 Slickrock Extension. These parcels are located
16 near the town of Tellico Plains, Tennessee.

17 (D) IRON MOUNTAINS CLUSTER.—Certain
18 lands in the Cherokee National Forest,
19 Watauga Ranger District, totaling approxi-
20 mately 58,090 acres known as the “Iron Moun-
21 tains Cluster”. The cluster is comprised of the
22 following 8 parcels: Big Laurel Branch Addi-
23 tion, Hickory Flat Branch, Flint Mill, Lower
24 Iron Mountain, Upper Iron Mountain, London
25 Bridge, Beaverdam Creek, and Rodgers Ridge.

1 The cluster is located near the towns of Briston
2 and Elizabethton, Sullivan and Johnson Coun-
3 ties, Tennessee.

4 (E) NORTHERN UNICOI MOUNTAINS CLUS-
5 TER.—Certain lands in the Tellico Ranger Dis-
6 trict of the Cherokee National Forest, Monroe
7 County, Tennessee, comprising approximately
8 30,453 acres known as the “Northern Unicoi
9 Mountains Cluster”. This Cluster is comprised
10 of the following parcels known as: Bald River
11 Gorge Extension, Upper Bald River, Sycamore
12 Creek and Brushy Ridge. These parcels are lo-
13 cated near the town of Tellico Plains, Ten-
14 nessee.

15 (F) ROAN MOUNTAIN CLUSTER.—Certain
16 lands in the Cherokee National Forest, Unaka
17 and Watauga Ranger Districts, totaling ap-
18 proximately 23,725 acres known as the “Roan
19 Mountain Cluster”. The cluster is comprised of
20 the following seven parcels: Strawberry Moun-
21 tain, Highlands of Roan, Ripshin Ridge, Doe
22 River Gorge Scenic Area, White Rocks Moun-
23 tain, Slide Hollow and Watauga Reserve. The
24 cluster is located approximately eight to twenty

1 miles south of the town of Elizabethton, Unicoi,
2 Carter and Johnson Counties, Tennessee.

3 (G) SOUTHERN UNICOI MOUNTAINS CLUS-
4 TER.—Certain lands in the Hiwassee Ranger
5 District of the Cherokee National Forest, Polk,
6 Monroe and McMinn Counties, Tennessee, com-
7 prising approximately 11,251 acres known as
8 the “Southern Unicoi Mountains Cluster”. This
9 Cluster is comprised of the following parcels
10 known as: Gee Creek Extension, Coker Creek
11 and Buck Bald. These parcels are located near
12 the towns Etowah, Benton and Turtletown,
13 Tennessee.

14 (H) UNAKA MOUNTAINS CLUSTER, TEN-
15 NESSEE AREAS.—Certain lands in the Cherokee
16 National Forest, Unaka Ranger District, total-
17 ing approximately 15,669 acres known as the
18 “Unaka Mountains Cluster, Tennessee Areas”.
19 The cluster is comprised of the Nolichucky,
20 Unaka Mountain Extension and Stone Moun-
21 tain parcels. The cluster is located approxi-
22 mately eight miles from Erwin, Unicoi and
23 Carter Counties, Tennessee.

24 (22) TEXAS: LONGLEAF RIDGE.—Certain lands
25 in the Angelina National Forest, Jasper and

1 Angelina Counties, Texas, comprising approximately
2 30,000 acres bounded on the west by Upland Island
3 Wilderness Area, on the south by the Neches River,
4 and on the northeast by Sam Rayburn Reservoir,
5 generally known as “Longleaf Ridge”.

6 (23) VERMONT.—

7 (A) GLASTENBURY AREA.—Certain lands
8 in the Green Mountain National Forest in Ver-
9 mont, which comprise approximately 35,000
10 acres, located 3 miles northeast of Bennington,
11 bounded by Kelly Stand Road to the North,
12 Forest Road 71 to the east, Route 9 to the
13 south and Route 7 to the west, generally known
14 as the “Glastenbury Area”.

15 (B) LAMB BROOK.—Certain lands in the
16 Green Mountain National Forest in Vermont,
17 which comprise approximately 5,500 acres, lo-
18 cated 3 miles southwest of Wilmington, bound-
19 ed on the west and south by Routes 8 and 100,
20 on the north by Route 9, and on the east by
21 New England Power Company lands, generally
22 known as “Lamb Brook”.

23 (C) ROBERT FROST MOUNTAIN AREA.—
24 Certain lands in the Green Mountain National
25 Forest, Vermont, comprising approximately

1 8,500 acres, known as “Robert Frost Mountain
2 Area”, northeast of Middlebury, consisting of
3 the Forest Service lands bounded on the west
4 by Route 116, on the north by Bristol Notch
5 Road, on the east by Lincoln/Ripton Road and
6 on the south by Route 125.

7 (24) VIRGINIA.—

8 (A) BEAR CREEK.—Certain lands known
9 as “Bear Creek”, in the Jefferson National
10 Forest, Wythe Ranger District, north of Rural
11 Retreat, Smyth and Wythe Counties, Virginia.

12 (B) CAVE SPRINGS.—Certain lands known
13 as “Cave Springs” in the Jefferson National
14 Forest, Clinch Ranger District, comprising ap-
15 proximately 3,000 acres located between State
16 Route 621 and the North Fork of the Powell
17 River, Lee County, Virginia.

18 (C) DISMAL CREEK.—Certain lands known
19 as “Dismal Creek” totaling approximately
20 6,000 acres in the Jefferson National Forest,
21 Blacksburg Ranger District, north of State
22 Route 42, Giles and Bland Counties, Virginia.

23 (D) STONE COAL CREEK.—Certain lands
24 known as “Stone Coal Creek”, totaling approxi-
25 mately 2,000 acres in the Jefferson National

1 Forest, New Castle Ranger District, Craig and
2 Botetourt Counties, Virginia.

3 (E) WHITE OAK RIDGE: TERRAPIN MOUN-
4 TAIN.—Certain lands known as “White Oak
5 Ridge—Terrapin Mountain”, totaling approxi-
6 mately 8,000 acres, Glenwood Ranger District,
7 east of the Blue Ridge Parkway, Botetourt and
8 Rockbridge Counties, Virginia.

9 (F) WHITETOP MOUNTAIN.—Certain lands
10 in the Jefferson National Forest, Mt. Rodgers
11 Recreation Area, comprising 3,500 acres in
12 Washington, Smyth and Grayson Counties, Vir-
13 ginia, known as “Whitetop Mountain”.

14 (G) WILSON MOUNTAIN.—Certain lands
15 known as “Wilson Mountain”, comprising ap-
16 proximately 5,100 acres in the Jefferson Na-
17 tional Forest, Glenwood Ranger District, east
18 of Interstate 81, Botetourt and Rockbridge
19 Counties, Virginia.

20 (H) FEATHERCAMP.—Certain lands lo-
21 cated in the Mt. Rodgers Recreation Area of
22 the Jefferson National Forest, comprising
23 4,974 acres, known as “Feathercamp”, in
24 Washington County, Virginia, located northeast

1 of the town of Damascus and north of State
2 Route 58 on the Feathercamp ridge.

3 (25) WISCONSIN.—

4 (A) FLYNN LAKE.—Certain lands in the
5 Chequamegon National Forest, Washburn
6 Ranger District, totaling approximately 5,700
7 acres within the Flynn Lake Semi-primitive
8 Non-motorized Area, known as “Flynn Lake”.
9 The site is located in Bayfield County, Wiscon-
10 sin.

11 (B) GHOST LAKE CLUSTER.—Certain
12 lands in the Chequamegon National Forest,
13 Great Divide Ranger District, totaling approxi-
14 mately 6,000 acres, known as “Ghost Lake
15 Cluster” and including parcels known as Ghost
16 Lake, Perch Lake, Lower Teal River, Foo
17 Lake, and Bulldog Springs. The cluster is lo-
18 cated in Sawyer County, Wisconsin.

19 (C) LAKE OWENS CLUSTER.—Certain
20 lands in the Chequamegon National Forest,
21 Great Divide and Washburn Ranger Districts,
22 totaling approximately 3,600 acres, known as
23 “Lake Owens Cluster” and including parcels
24 known as or near Lake Owens, Sage, Hidden,
25 and Deer Lick Lakes, Eighteenmile Creek, and

1 Northeast and Sugarbush Lakes. The cluster is
2 in Bayfield County, Wisconsin.

3 (D) MEDFORD CLUSTER.—Certain lands
4 in the Chequamegon National Forest, Medford-
5 Park Falls Ranger District, totaling approxi-
6 mately 23,000 acres, known as the “Medford
7 Cluster”, and including parcels known as Coun-
8 ty E Hardwoods, Silver Creek/Mondeaux River
9 Bottoms, Lost Lake Esker, North and South
10 Fork Yellow Rivers, Bear Creek, Brush Creek,
11 Chequamegon Waters, John’s and Joseph
12 Creeks, Hay Creek Pine-Flatwoods, 558 Hard-
13 woods, Richter Lake, and Lower Yellow River.
14 The cluster is located in Taylor County, Wis-
15 consin.

16 (E) PARK FALLS CLUSTER.— Certain
17 lands in the Chequamegon National Forest,
18 Medford-Park Falls Ranger District, totaling
19 approximately 23,000 acres, known as “Park
20 Falls Cluster”, and including parcels known as
21 Sixteen Lakes, Chippewa Trail, Tucker and
22 Amik Lakes, Lower Rice Creek, Doering Tract,
23 Foulds Creek, Bootjack Conifers, Pond, Mud
24 and Riley Lake Peatlands, Little Willow

1 Drumlin, and Elk River. The cluster is located
2 in Price and Vilas Counties, Wisconsin.

3 (F) PENOKEE MOUNTAIN CLUSTER.—Cer-
4 tain lands in the Chequamegon National For-
5 est, Great Divide Ranger District, totaling ap-
6 proximately 23,000 acres, known as “Penokee
7 Mountain Cluster”, and including parcels
8 known as or near St. Peters Dome, Brunsweler
9 River Gorge, Lake Three, Marengo River and
10 Brunsweler River Semi-primitive Non-motor-
11 ized Areas, Hell Hole Creek, and the North
12 Country Trail Hardwoods. The cluster is lo-
13 cated in Ashland and Bayfield Counties, Wis-
14 consin.

15 (G) SOUTHEAST GREAT DIVIDE CLUS-
16 TER.—Certain lands in the Chequamegon Na-
17 tional Forest, Medford Park Falls Ranger Dis-
18 trict, totaling approximately 25,000 acres,
19 known as the “Southeast Great Divide Clus-
20 ter”, and including parcels known as or near
21 Snoose Lake, Cub Lake, Springbrook Hard-
22 woods, upper Moose River, East Fork Chippewa
23 River, upper Torch River, Venison Creek, upper
24 Brunet River, Bear Lake Slough, and No-name

1 Lake. The Cluster is located in Ashland and
2 Sawyer Counties, Wisconsin.

3 (H) DIAMOND ROOF CLUSTER.—Certain
4 lands in the Nicolet National Forest, Lake-
5 wood-Laona Ranger District, totaling approxi-
6 mately 6,000 acres, known as “Diamond Roof
7 Cluster”, including parcels known as McCaslin
8 Creek, Ada Lake, Section 10 Lake, and Dia-
9 mond Roof. The cluster is located in Forest,
10 Langlade, and Oconto Counties, Wisconsin.

11 (I) ARGONNE FOREST CLUSTER.—Certain
12 lands in the Nicolet National Forest, Eagle
13 River-Florence Ranger District, totaling ap-
14 proximately 12,000 acres, known as “Argonne
15 Forest Cluster” and including parcels known as
16 Argonne Experimental Forest, Scott Creek, At-
17 kins Lake, and Island Swamp. The cluster is lo-
18 cated in Forest County, Wisconsin.

19 (J) BONITA GRADE.—Certain lands in the
20 Nicolet National Forest, Lakewood-Laona
21 Ranger District, totaling approximately 1,200
22 acres, known as “Bonita Grade”, and including
23 parcels near Mountain Lakes, Temple Lake,
24 and Second South Branch, First South Branch,

1 and South Branch Oconto River. The cluster is
2 located in Langlade County, Wisconsin.

3 (K) FRANKLIN AND BUTTERNUT LAKES
4 CLUSTER.—Certain lands in the Nicolet Na-
5 tional Forest, Eagle River-Florence Ranger
6 District, totaling approximately 12,000 acres,
7 known as “Franklin and Butternut Lakes Clus-
8 ter”, and including parcels known as Bose Lake
9 Hemlocks, Luna White Deer, Echo Lake,
10 Franklin and Butternut Lakes, Wolf Lake,
11 Upper Ninemile, Meadow, and Bailey Creeks.
12 The cluster is located in Forest and Onieda
13 Counties, Wisconsin.

14 (L) LAUTERMAN LAKE AND KIEPER
15 CREEK.—Certain lands in the Nicolet National
16 Forest, Eagle River-Florence Ranger District,
17 totaling approximately 2,500 acres, known as
18 “Lauterman Lake and Kieper Creek”, located
19 in Florence County, Wisconsin.

20 (26) WYOMING: SAND CREEK AREA.—Certain
21 lands in the Black Hills National Forest, totaling
22 approximately 8,300 acres known as the “Sand
23 Creek Area”, located in Crook County, Wyoming.
24 This area is situated in the far northwest corner of
25 the Black Hills. Beginning in the northwest corner

1 and proceeding counterclockwise, the boundary for
2 the Sand Creek Area roughly follows Forest Roads
3 863, 866, 866.1B, a line linking 866.1B to 802.1B,
4 802.1B, 802.1, an unnamed road, Spotted Tail
5 Creek (excluding all private lands), 8219.1, a line
6 connecting 829.1 with 864, 852.1 and a line con-
7 necting 852.1 with 863.

8 (d) COMMITTEE OF SCIENTISTS.—

9 (1) ESTABLISHMENT.—The Secretaries con-
10 cerned shall appoint a committee consisting of sci-
11 entists who—

12 (A) are not officers or employees of the
13 Federal Government;

14 (B) are not officers or employees of any
15 entity engaged in whole or in part in the pro-
16 duction of wood or wood products; and

17 (C) have not contracted with or rep-
18 resented any such entity within a 5-year period
19 prior to serving on the committee.

20 (2) RECOMMENDATIONS FOR ADDITIONAL SPE-
21 CIAL AREAS.—Within 2 years of the date of the en-
22 actment of this Act, the committee shall provide
23 Congress with recommendations for additional Spe-
24 cial Areas.

1 (3) CANDIDATE AREAS.—Candidate areas for
2 recommendation as additional Special Area shall
3 have outstanding biological values that are exem-
4 plary on a regional, national, or international level.
5 Biological values include—

6 (A) the presence of threatened or endan-
7 gered species of plants or animals;

8 (B) rare or endangered ecosystems;

9 (C) key habitats necessary for the recovery
10 of endangered or threatened species;

11 (D) recovery or restoration areas of rare or
12 underrepresented forest ecosystems;

13 (E) migration corridors;

14 (F) areas of outstanding biodiversity;

15 (G) old growth forests;

16 (H) commercial fisheries; and

17 (I) sources of clean water such as key wa-
18 tersheds.

19 (4) GOVERNING PRINCIPLE.—The committee
20 shall adhere to the principles of conservation biology
21 in identifying special areas based on biological val-
22 ues.

1 **SEC. 203. RESTRICTIONS ON MANAGEMENT ACTIVITIES IN**
2 **NORTHWEST ANCIENT FORESTS, ROADLESS**
3 **AREAS, AND SPECIAL AREAS.**

4 (a) RESTRICTION OF MANAGEMENT ACTIVITIES IN
5 NORTHWEST ANCIENT FORESTS.—With respect to North-
6 west Ancient Forests on Federal lands, the following pro-
7 hibitions shall apply:

8 (1) No roads shall be constructed or recon-
9 structed.

10 (2) No extractive logging shall be permitted.

11 (3) No improvements for the purpose of extrac-
12 tive logging shall be permitted.

13 (b) RESTRICTION OF MANAGEMENT ACTIVITIES IN
14 ROADLESS AREAS.—With respect to roadless areas on
15 Federal lands, the following prohibitions shall apply:

16 (1) No roads shall be constructed or recon-
17 structed.

18 (2) No extractive logging shall be permitted.

19 (3) No improvements for the purpose of extrac-
20 tive logging shall be permitted.

21 (c) RESTRICTION OF MANAGEMENT ACTIVITIES IN
22 SPECIAL AREAS.—With respect to Special Areas on Fed-
23 eral lands, the following prohibitions shall apply:

24 (1) No roads shall be constructed or recon-
25 structed.

26 (2) No extractive logging shall be permitted.

1 (3) No improvements for the purpose of extrac-
2 tive logging shall be permitted.

3 (d) RULE OF CONSTRUCTION REGARDING RECON-
4 STRUCTION OF ROADS.—The restriction on the recon-
5 struction of roads on Federal lands in a Northwest An-
6 cient Forest, roadless area, or Special Area does not pro-
7 hibit the maintenance or repair of a public highway, recre-
8 ation road, road accessing private inholdings, or other
9 road within the Northwest Ancient Forest, roadless area,
10 or Special Area unless the Secretary concerned determines
11 that the road was abandoned before the date of the enact-
12 ment of this Act.

13 (e) ENFORCEMENT.—

14 (1) PURPOSE AND FINDING.—The purpose of
15 this subsection is to foster the widest possible en-
16 forcement of this section. Congress finds that all
17 people of the United States are injured by actions on
18 lands to which this section applies.

19 (2) FEDERAL ENFORCEMENT.—The provisions
20 of this section shall be enforced by the Secretary
21 concerned and the Attorney General of the United
22 States against any person who violates this section.

23 (3) CITIZEN SUITS.—Any citizen harmed by a
24 violation of this Act may enforce any provision of
25 this section by bringing an action for declaratory

1 judgment, temporary restraining order, injunction,
2 civil penalty, and other remedies against any alleged
3 violator including the United States, in any district
4 court of the United States.

5 (4) STANDARD OF PROOF.—The standard of
6 proof in all actions brought under this subsection
7 shall be the preponderance of the evidence and the
8 trial shall be de novo.

9 (5) PENALTY.—The court, after determining a
10 violation of this section, shall impose a penalty of
11 not less than \$5,000 and not more than \$50,000 per
12 violation, shall issue one or more injunctions and
13 other equitable relief, and shall award to the plain-
14 tiffs reasonable costs of litigation including attor-
15 ney's fees, witness fees and other necessary ex-
16 penses. The penalty shall be paid by the violator or
17 violators designated by the court. If that violator is
18 the United States of America or a Federal agency
19 or officer, the penalty shall be paid to the Judgment
20 Fund, as provided by Congress under section 1304
21 of title 31, United States Code. The penalty shall be
22 paid from the Judgment Fund within 40 days after
23 judgment to the person or persons designated to re-
24 ceive it, to be applied in protecting or restoring na-
25 tive biodiversity in or adjoining Federal land. Any

1 award of costs of litigation and any award of attor-
2 ney fees shall be paid within 40 days after judg-
3 ment.

4 (6) WAIVER.—The United States, including its
5 agents and employees waives its sovereign immunity
6 in all respects in all actions under this subsection
7 subsection. No notice is required to enforce this sub-
8 section.

9 **SEC. 204. EFFECT ON PRIVATE INHOLDINGS.**

10 Nothing in this title shall be construed to alter or
11 affect the use of private lands located within a Northwest
12 Ancient Forest, roadless area, or Special Area identified
13 by this title.

○