

105TH CONGRESS
1ST SESSION

S. 977

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 Ancient Forests, Roadless Areas, Watershed Protection Areas, Special Areas, and Federal Boundary Areas where logging and other intrusive activities are prohibited.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 1997

Mr. TORRICELLI (for himself and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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 Ancient Forests, Roadless Areas, Watershed Protection Areas, Special Areas, and Federal Boundary 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

4 (b) TABLE OF CONTENTS.—The table of contents of
5 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 ANCIENT FORESTS, ROADLESS AREAS, WATERSHED PROTECTION AREAS, SPECIAL AREAS, AND FEDERAL BOUNDARY AREAS

Sec. 201. Definitions and findings.

Sec. 202. Designation of Special Areas.

Sec. 203. Restrictions on management activities in Ancient Forests, Roadless Areas, Watershed Protection Areas, Special Areas, and Federal Boundary Areas.

6 **SEC. 2. PURPOSES AND FINDINGS.**

7 (a) PURPOSES.—The purposes of this Act are, on all
8 Federal public lands, to conserve native biodiversity and
9 to protect all native ecosystems against losses that result
10 from—

11 (1) clearcutting and other forms of even-age
12 logging; and

1 (2) logging in Ancient Forests, Roadless Areas,
2 Watershed Protection Areas, Special Areas, and
3 Federal Boundary Areas.

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

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

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

22 (3) Even-age logging kills immobile species and
23 the very young of mobile species of wildlife and de-
24 pletes the habitat of deep-forest species of animals,
25 including endangered species.

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

11 (5) Even-age logging decreases the capability of
12 the soil to retain carbon and, during the critical pe-
13 riods of felling and site preparation, reduces the ca-
14 pacity of the biomass to process and to restore car-
15 bon, with a resultant of loss of such carbon to the
16 atmosphere, thereby aggravating global warming.

17 (6) Even-age logging renders the soil increas-
18 ingly sensitive to acid deposits by causing a decline
19 of soil wood and coarse woody debris, thereby reduc-
20 ing the capacity of the soil to retain water and nutri-
21 ents, which increases soil heat and impairs the soil's
22 ability to maintain protective carbon compounds on
23 its surface.

24 (7) Even-age logging results in increased
25 stream sedimentation, the silting of stream bottoms,

1 a decline in water quality, and the impairment of life
2 cycles and spawning processes of aquatic life from
3 benthic organisms to large fish, thereby depleting
4 the sports and commercial fisheries of the United
5 States.

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

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

18 (10) Human beings depend on native biological
19 resources, including plants, animals, and micro-orga-
20 nisms, for food, medicine, shelter, and other impor-
21 tant products, and as a source of intellectual and
22 scientific knowledge, recreation, and aesthetic pleas-
23 ure.

24 (11) Alteration of native biodiversity has seri-
25 ous consequences for human welfare as America

1 irretrievably loses resources for research and agricul-
2 tural, medicinal, and industrial development.

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

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

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

18 (15) By protecting native biodiversity, as pre-
19 scribed in this Act, Federal agencies would maintain
20 vital native ecosystems and would improve the qual-
21 ity of life of the American people.

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

1 (17) The court remedies now available to en-
 2 force Federal forest laws are inadequate, and should
 3 be strengthened by providing for injunctions, declar-
 4 atory judgments, statutory damages, and reasonable
 5 costs of suit.

6 **SEC. 3. EFFECTIVE DATE.**

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

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

14 **TITLE I—AMENDMENTS TO EX-**
 15 **ISTING LAND MANAGEMENT**
 16 **LAWS**

17 **SEC. 101. AMENDMENT OF FOREST AND RANGELAND RE-**
 18 **NEWABLE RESOURCES PLANNING ACT OF**
 19 **1974 RELATING TO NATIONAL FOREST SYS-**
 20 **TEM LANDS.**

21 (a) CONSERVATION OF NATIVE BIODIVERSITY.—Sec-
 22 tion 6(g)(3)(B) of the Forest and Rangeland Renewable
 23 Resources Planning Act of 1974 (16 U.S.C.
 24 1604(g)(3)(B)) is amended to read as follows:

1 “(B) In each stand and each watershed
2 throughout each forested area, the Secretary shall
3 provide for the conservation or restoration of native
4 biodiversity except during the extraction stage of au-
5 thorized mineral development or during authorized
6 construction projects, in which events the Secretary
7 shall conserve native biodiversity to the extent pos-
8 sible;”.

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

13 “(h) COMMITTEE OF SCIENTISTS.—(1) In carrying
14 out the purposes of subsection (g) of this section, the Sec-
15 retary shall appoint a committee of scientists who are not
16 officers or employees of the Forest Service nor of any
17 other public entity, nor of any entity engaged in whole
18 or in part in the production of wood or wood products,
19 and have not contracted with or represented any such enti-
20 ties within a period of 5 years prior to serving on such
21 committee. The committee shall provide scientific and
22 technical advice and counsel on proposed guidelines and
23 procedures and all other issues involving forestry and na-
24 tive biodiversity to assure that an effective interdiscipli-
25 nary approach is proposed and adopted. The committee

1 shall terminate after the expiration of 10 years from the
 2 date of the enactment of this paragraph.”.

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

7 “(n) RESTRICTION ON USE OF CERTAIN LOGGING
 8 PRACTICES.—(1) In each stand and watershed throughout
 9 each forested area, the Secretary shall prohibit any even-
 10 age logging and any even-age management after the date
 11 of the enactment of this subsection.

12 “(2) On each stand already under even-age manage-
 13 ment, the Secretary shall (A) prescribe a shift to selection
 14 management, or (B) cease managing for timber purposes
 15 and actively restore the native biodiversity, or permit each
 16 stand to regain its native biodiversity.

17 “(3) For the purposes of this Act:

18 “(A) The term ‘native biodiversity’ means the
 19 full range of variety and variability within and
 20 among living organisms and the ecological complexes
 21 in which they would have occurred in the absence of
 22 significant human impact, and encompasses diversity
 23 within a species (genetic diversity, species diversity,
 24 or age diversity), within a community of species
 25 (within-community diversity), between communities

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

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

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

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

1 “(E) The term ‘species diversity’ means the
2 richness and variety of native species in a particular
3 location of the world.

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

7 “(G) SELECTION MANAGEMENT.—(i) The term
8 ‘selection management’ means a method of logging
9 that emphasizes the periodic removal of trees, in-
10 cluding mature, undesirable, and cull trees in a
11 manner that insures—

12 “(I) the maintenance of continuous high
13 forest cover where such cover naturally occurs,

14 “(II) the maintenance or natural regenera-
15 tion of all native species in a stand, and

16 “(III) the growth and development of trees
17 through a range of diameter or age classes to
18 provide a sustained yield of forest products.

19 “(ii) Cutting methods that develop and main-
20 tain selection stands are—

21 “(I) individual-tree selection, in which indi-
22 vidual trees of varying size and age classes are
23 selected and logged in a generally uniform pat-
24 tern throughout a stand, and

1 “(II) group selection, in which small
2 groups of trees are selected and logged.

3 “(iii) The application of individual-tree selec-
4 tion, group selection, or any other method consistent
5 with selection management shall under no event—

6 “(I) create a clearing or opening that ex-
7 ceeds in width in any direction the height of the
8 tallest tree standing within 10 feet outside the
9 edge of the clearing or opening,

10 “(II) creates a stand where the majority of
11 trees are within 10 years of the same age, or

12 “(III) cut or remove more than 10 percent
13 of the basal area of a stand within 15 years.

14 The foregoing limitation shall not be deemed to es-
15 tablish a 150-year projected felling age as the stand-
16 ard at which individual trees in a stand are to be
17 cut, nor shall native biodiversity be limited to that
18 which occurs within the context of a 150-year pro-
19 jected felling age.

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

24 “(I) EVEN-AGE LOGGING AND EVEN-AGE MAN-
25 AGEMENT.—(i) The terms ‘even-age logging’ and

1 ‘even-age management’ mean any logging activity
2 which—

3 “(I) creates a clearing or opening that ex-
4 ceeds in width in any direction the height of the
5 tallest tree standing within 10 feet outside the
6 edge of the clearing or opening,

7 “(II) creates a stand where the majority of
8 trees are within 10 years of the same age, or

9 “(III) cuts or removes more than 10 per-
10 cent of the basal area of a stand within 15
11 years.

12 “(ii) Even-age logging and even-age manage-
13 ment include the application of clearcutting, seed-
14 tree cutting, shelterwood cutting, or any other log-
15 ging method in a manner inconsistent with selection
16 management.

17 “(J) The term ‘clearcutting’ means an even-age
18 logging operation that removes all of the trees over
19 a considerable area of a stand at one time.

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

23 “(L) The term ‘shelterwood cut’ means an
24 even-age logging operation that leaves a minority
25 (larger than a seed-tree cut) of the stand as a seed

1 source or protection cover remaining standing for
2 any period of time.

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

7 “(N) The term ‘basal area’ means the area of
8 the cross section of a tree stem, including the bark,
9 at 4.5 feet above the ground.

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

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

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

20 “(C)(i) Any citizen harmed by a violation of this Act
21 may enforce any provision of subsection (g)(3)(B) and this
22 subsection by bringing an action for declaratory judgment,
23 temporary restraining order, injunction, statutory dam-
24 ages, and other remedies against any alleged violator in-

1 cluding the United States, in any district court of the
2 United States.

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

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

12 “(D) The damage award authorized by subparagraph
13 (C)(ii) shall be paid by the violator or violators designated
14 by the court to the U.S. Treasury.

15 “(E) The damage award shall be paid from the U.S.
16 Treasury, as provided by Congress under section 1304 of
17 title 31, United States Code, within 40 days after judg-
18 ment to the person or persons designated to receive it,
19 to be applied in protecting or restoring native biodiversity
20 in or adjoining Federal land. Any award of costs of litiga-
21 tion and any award of attorney fees shall be paid within
22 40 days after judgment.

23 “(F) The United States, including its agents and em-
24 ployees waives its sovereign immunity in all respects in

1 all actions under subsection (g)(3)(B) and this subsection.
 2 No notice is required to enforce this subsection.”.

3 (d) REPEAL.—Section 6(g)(3)(F) of the Forest and
 4 Rangeland Renewable Resource Planning Act of 1974 (16
 5 U.S.C. 1604(g)(3)(F)) is hereby repealed.

6 **SEC. 102. AMENDMENT OF FEDERAL LAND POLICY AND**
 7 **MANAGEMENT ACT OF 1976 RELATING TO**
 8 **THE PUBLIC LANDS.**

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

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

14 (2) by inserting after paragraph (7) the follow-
 15 ing new paragraph (8):

16 “(8) In each stand and each watershed
 17 throughout each forested area, the Secretary shall
 18 provide for the conservation or restoration of native
 19 biodiversity except during the extraction stage of au-
 20 thorized mineral development or during authorized
 21 construction projects, in which events the Secretary
 22 shall conserve native biodiversity to the extent pos-
 23 sible;”.

24 (b) RESTRICTION ON USE OF CERTAIN LOGGING
 25 PRACTICES.—Section 202 of the Federal Land Policy and

1 Management Act of 1976 (43 U.S.C. 1712) is amended
2 by adding at the end the following:

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

8 “(2) On each stand already under even-age manage-
9 ment, the Secretary shall (A) prescribe a shift to selection
10 management, or (B) cease managing for timber purposes
11 and actively restore the native biodiversity, or permit each
12 stand to regain its native biodiversity.

13 “(3) For the purposes of this Act:

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

1 earth-surface (horizontal). Vertical and horizontal
 2 diversity apply to all the other aspects of diversity.

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

13 “(C) The term ‘within-community diversity’
 14 means the distinctive assemblages of species and ec-
 15 ological processes that occur indifferent physical set-
 16 tings of the biosphere and distinct parts of the
 17 world.

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

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

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

4 “(G) SELECTION MANAGEMENT.—(i) The term
 5 ‘selection management’ means a method of logging
 6 that emphasizes the periodic removal of trees, in-
 7 cluding mature, undesirable, and cull trees in a
 8 manner that insures—

9 “(I) the maintenance of continuous high
 10 forest cover where such cover naturally occurs,

11 “(II) the maintenance or natural regenera-
 12 tion of all native species in a stand, and

13 “(III) the growth and development of trees
 14 through a range of diameter or age classes to
 15 provide a sustained yield of forest products.

16 “(ii) Cutting methods that develop and main-
 17 tain selection stands are—

18 “(I) individual-tree selection, in which indi-
 19 vidual trees of varying size and age classes are
 20 selected and logged in a generally uniform pat-
 21 tern throughout a stand, and

22 “(II) group selection, in which small
 23 groups of trees are selected and logged.

“(iii) The application of individual-tree selection, group selection, or any other method consistent with selection management shall under no event—

“(I) create a clearing or opening that exceeds in width in any direction the height of the tallest tree standing within 10 feet outside the edge of the clearing or opening, or

“(II) creates a stand where the majority of trees are within 10 years of the same age, or

“(III) cut or remove more than 10 percent of the basal area of a stand within 15 years.

The foregoing limitation shall not be deemed to establish a 150-year projected felling age as the standard at which individual trees in a stand are to be cut, nor shall native biodiversity be limited to that which occurs within the context of a 150-year projected felling age.

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

“(I) EVEN-AGE LOGGING AND EVEN-AGE MANAGEMENT.—(i) The terms ‘even-age logging’ and ‘even-age management’ mean by logging activity which—

1 “(I) creates a clearing or opening that ex-
2 ceeds in width in any direction the height of the
3 tallest tree standing within 10 feet outside the
4 edge of the clearing or opening, or

5 “(II) creates a stand where the majority of
6 trees are within 10 years of the same age, or

7 “(III) cuts or removes more than 10 per-
8 cent of the basal area of a stand within 15
9 years.

10 “(ii) Even-age logging and even-age manage-
11 ment include the application of clearcutting, seed-
12 tree cutting, shelterwood cutting, or any other log-
13 ging method in a manner inconsistent with selection
14 management.

15 “(J) The term ‘clearcutting’ means an even-age
16 logging operation that removes all of the trees over
17 a considerable area of a stand at one time.

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

21 “(L) The term ‘shelterwood cut’ means an
22 even-age 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 “(M) 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 “(N) The term ‘basal area’ means the area of
6 the cross section of a tree stem, including the bark,
7 at 4.5 feet above the ground.

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

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

14 “(B) The provisions of subsection (c)(8) 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 subsection (c)(8) and this
20 subsection by bringing an action for declaratory judgment,
21 temporary restraining order, injunction, statutory dam-
22 ages, and other remedies against any alleged violator in-
23 cluding the United States, in any district court of the
24 United States.

1 “(ii) The court, after determining a violation of either
2 of such subsections shall impose a damage award of not
3 less than \$5,000, shall issue one or more injunctions and
4 other equitable relief, and shall award to the plaintiffs rea-
5 sonable costs of litigation attorney’s fees, witness fees and
6 other necessary expenses.

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

10 “(D) The damage award authorized by subparagraph
11 (C)(ii) shall be paid by the violator or violators designated
12 by the court to the U.S. Treasury.

13 “(E) The damage award shall be paid from the U.S.
14 Treasury, as provided by Congress under section 1304 of
15 title 31, United States Code, within 40 days after judg-
16 ment to the person or persons designated to receive it,
17 to be applied in protecting or restoring native biodiversity
18 in or adjoining Federal land. Any award of costs of litiga-
19 tion and any award of attorney fees shall be paid within
20 40 days after judgment.

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

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

4 **SEC. 103. AMENDMENT OF NATIONAL WILDLIFE REFUGE**
 5 **SYSTEM ADMINISTRATION ACT OF 1966 RE-**
 6 **LATING TO THE NATIONAL WILDLIFE REF-**
 7 **UGE SYSTEM.**

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

11 “(j) CONSERVATION OF NATIVE BIODIVERSITY.—In
 12 each stand and each watershed throughout each forested
 13 area within the System, the Secretary shall provide for
 14 the conservation or restoration of native biodiversity, ex-
 15 cept during the extraction stage of authorized mineral de-
 16 velopment or during authorized construction projects, in
 17 which events the Secretary shall conserve native biodiver-
 18 sity to the extent possible.

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

24 “(2) On each stand already under even-age manage-
 25 ment, the Secretary shall (A) prescribe a shift to selection

1 management, or (B) cease managing for timber purposes
2 and actively restore the native biodiversity, or permit each
3 stand to regain its native biodiversity.

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

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

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

1 ing the viability of populations throughout their nat-
2 ural geographic distributions.

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

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

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

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

17 “(G) SELECTION MANAGEMENT.—(i) The term
18 ‘selection management’ means a method of logging
19 that emphasizes the periodic removal of trees, in-
20 cluding mature, undesirable, and cull trees in a
21 manner that insures—

22 “(I) the maintenance of continuous high
23 forest cover where such cover naturally occurs,

24 “(II) the maintenance or natural regenera-
25 tion of all native species in a stand, and

1 “(III) the growth and development of trees
 2 through a range of diameter or age classes to
 3 provide a sustained yield of forest products.

4 “(ii) Cutting methods that develop and main-
 5 tain selection stands are—

6 “(I) individual-tree selection, in which indi-
 7 vidual trees of varying size and age classes are
 8 selected and logged in a generally uniform pat-
 9 tern throughout a stand, and

10 “(II) group selection, in which small
 11 groups of trees are selected and logged.

12 “(iii) The application of individual-tree selec-
 13 tion, group selection, or any other method consistent
 14 with selection management shall under no event—

15 “(I) create a clearing or opening that ex-
 16 ceeds in width in any direction the height of the
 17 tallest tree standing within 10 feet outside the
 18 edge of the clearing or opening,

19 “(II) create a stand where the majority of
 20 trees are within 10 years of the same age, or

21 “(III) cut or remove more than 10 percent
 22 of the basal area of a stand within 15 years.

23 The foregoing limitation shall not be deemed to es-
 24 tablish a 150-year projected felling age as the stand-
 25 ard at which individual trees in a stand are to be

1 cut, nor shall native biodiversity be limited to that
 2 which occurs within the context of a 150-year pro-
 3 jected 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) EVEN-AGE LOGGING AND EVEN-AGE MAN-
 9 AGEMENT.—(i) The terms ‘even-age logging’ and
 10 ‘even-age management’ mean any logging activity
 11 which—

12 “(I) creates a clearing or opening that ex-
 13 ceeds in width in any direction the height of the
 14 tallest tree standing within 10 feet outside the
 15 edge of the clearing or opening,

16 “(II) creates a stand where the majority of
 17 trees are within 10 years of the same age, or

18 “(III) cuts or removes more than 10 per-
 19 cent of the basal area of a stand within 15
 20 years.

21 “(ii) Even-age logging and even-age manage-
 22 ment include the application of clearcutting, seed-
 23 tree cutting, shelterwood cutting, or any other log-
 24 ging method in a manner inconsistent with selection
 25 management.

1 “(J) The term ‘clearcutting’ means an even-age
2 logging operation that removes all of the trees over
3 a considerable area of a stand at one time.

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

7 “(L) The term ‘shelterwood cut’ means an
8 even-age logging operation that leaves a minority
9 (larger than a seed-tree cut) of the stand as a seed
10 source or protection cover remaining standing for
11 any period of time.

12 “(M) the term ‘timber purposes’ shall include
13 the use, sale, lease, or distribution of trees, or the
14 felling of trees or portions of trees except to create
15 land space for a structure or other use.

16 “(N) The term ‘basal area’ means the area of
17 the cross section of a tree stem, including the bark,
18 at 4.5 feet above the ground.

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

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

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

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

11 “(ii) The court, after determining a violation of either
12 of such subsections, shall impose a damage award of not
13 less than \$5,000, shall issue one or more injunctions and
14 other equitable relief, and shall award to the plaintiffs rea-
15 sonable costs of litigation including attorney’s fees, wit-
16 ness fees and other necessary expenses.

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

20 “(D) The damage award authorized by subparagraph
21 (C)(ii) shall be paid by the violator or violators designed
22 by the court to the U.S. Treasury.

23 “(E) The damage award shall be paid from the U.S.
24 Treasury, as provided by Congress under section 1304 of
25 title 31, United States Code, within 40 days after judg-

1 ment to the person or persons designated to receive it,
 2 to be applied in protecting or restoring native biodiversity
 3 in or adjoining Federal land. Any award of costs of litigation
 4 tion and any award of attorney fees shall be paid within
 5 40 days after judgment.

6 “(F) The United States, including its agents and employees
 7 ployees waives its sovereign immunity in all respects in
 8 all actions under subsection (j) and this subsection. No
 9 notice is required to enforce this subsection.”.

10 **SEC. 104. AMENDMENT OF NATIONAL INDIAN FOREST RE-**
 11 **SOURCES MANAGEMENT ACT RELATING TO**
 12 **INDIAN LANDS.**

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

16 “(c) CONSERVATION OF NATIVE BIODIVERSITY.—In
 17 each stand and each watershed throughout each forested
 18 area on Indian lands, the Secretary shall provide for the
 19 conservation or restoration of native biodiversity except
 20 during the extraction state of authorized mineral develop-
 21 ment or during authorized construction projects, in which
 22 events the Secretary shall conserve native biodiversity to
 23 the extent possible;”.

24 “(d) 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 stand already under even-age manage-
5 ment, the Secretary shall (A) prescribe a shift to selection
6 management, or (B) cease managing for timber purposes
7 and actively restore the native biodiversity, or permit each
8 stand to regain its native biodiversity.

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

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 species and eco-
 10 logical processes that occur in different physical set-
 11 tings 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) SELECTION MANAGEMENT.—(i) The term
 23 ‘selection management’ means a method of logging
 24 that emphasizes the periodic removal of trees, in-

1 including mature, undesirable, and cull trees in a
 2 manner that insures—

3 “(I) the maintenance of continuous high
 4 forest cover where such cover naturally occurs,

5 “(II) the maintenance or natural regenera-
 6 tion of all native species in a stand, and

7 “(III) the growth and development of trees
 8 through a range of diameter or age classes to
 9 provide a sustained yield of forest products.

10 “(ii) Cutting methods that develop and main-
 11 tain selection stands are—

12 “(I) individual-tree selection, in which indi-
 13 vidual trees of varying size and age classes are
 14 selected and logged in a generally uniform pat-
 15 tern throughout a stand, and

16 “(II) group selection, in which small
 17 groups of trees are selected and logged.

18 “(iii) The application of individual-tree selec-
 19 tion, group selection, or any other method consistent
 20 with selection management shall under no event—

21 “(I) create a clearing or opening that ex-
 22 ceeds in width in any direction the height of the
 23 tallest tree standing within 10 feet outside the
 24 edge of the clearing or opening,

1 “(II) create a stand where the majority of
2 trees are within 10 years of the same age, or

3 “(III) cut or remove more than 10 percent
4 of the basal area of a stand within 15 years.

5 The foregoing limitation shall not be deemed to es-
6 tablish a 150-year projected felling age as the stand-
7 ard at which individual trees in a stand are to be
8 cut, nor shall native biodiversity be limited to that
9 which occurs within the context of a 150-year pro-
10 jected felling age.

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

15 “(I) EVEN-AGE LOGGING AND EVEN-AGE MAN-
16 AGEMENT.—(i) The terms ‘even-age logging’ and
17 ‘even-age management’ means any logging activity
18 which—

19 “(I) creates a clearing or opening that ex-
20 ceeds in width in any direction the height of the
21 tallest tree standing within 10 feet outside the
22 edge of the clearing or opening,

23 “(II) creates a stand where the majority of
24 trees are within 10 years of the same age, or

1 “(III) cuts or removes more than 10 per-
2 cent of the basal area of a stand within 15
3 years.

4 “(ii) Even-age logging and even-age manage-
5 ment include the application of clearcutting, seed-
6 tree cutting, shelterwood cutting, or any other log-
7 ging method in a manner inconsistent with selection
8 management.

9 “(J) The term ‘clearcutting’ means an even-age
10 logging operation that removes all of the trees over
11 a considerable area of a stand at one time.

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

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

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

1 “(N) The term ‘basal tree’ means the area of
2 the cross section of a tree stem, including the bark,
3 at 4.5 feet above the ground.

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

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

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

14 “(C)(i) Any citizen harmed by a violation of this Act
15 may enforce any provision of subsection (c) and this sub-
16 section by bringing an action for declaratory judgment,
17 temporary restraining order, injunction, statutory dam-
18 ages, and other remedies against any alleged violator in-
19 cluding the United States, in any district court of the
20 United States.

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

1 sonable costs of litigation including attorney’s fees, wit-
2 ness fees and other necessary 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 damage award authorized by subparagraph
7 (C)(ii) shall be paid by the violator or violators designated
8 by the court to the U.S. Treasury.

9 “(E) The damage award shall be paid from the U.S.
10 Treasury, as provided by Congress under section 1304 of
11 title 31, United States Code, within 40 days after judg-
12 ment to the person or persons designated to receive it,
13 to be applied in protecting or restoring native biodiversity
14 in or adjoining Federal land. Any award of costs of litiga-
15 tion and any award of attorney fees shall be paid within
16 40 days after judgment.

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

1 **SEC. 105. AMENDMENT OF TITLE 10, UNITED STATES CODE,**
2 **RELATING TO FOREST MANAGEMENT ON**
3 **MILITARY LANDS.**

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

7 **“§ 2694. Conservation of native biodiversity**

8 “(a) CONSERVATION OF NATIVE BIODIVERSITY.—In
9 each stand and each watershed throughout each forested
10 area on military installation or projects administered by
11 the Army Corps of Engineers, the Secretary shall provide
12 for the conservation or restoration of native biodiversity,
13 except during authorized construction projects in which
14 events the Secretary shall conserve native biodiversity to
15 the extent possible.

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

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

26 “(3) In 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 geographical 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) SELECTION MANAGEMENT.—(i) The term
 14 ‘selection management’ means a method of logging
 15 that emphasizes the periodic removal of trees, in-
 16 cluding mature, undesirable, and cull trees in a
 17 manner that insures—

18 “(I) the maintenance of continuous high
 19 forest cover where such cover naturally occurs,

20 “(II) the maintenance or natural regenera-
 21 tion of all native species in a stand, and

22 “(III) the growth and development of trees
 23 through a range of diameter or age classes to
 24 provide a sustained yield of forest products.

1 “(ii) Cutting methods that develop and main-
2 tain selection stands are—

3 “(I) individual-tree selection, in which indi-
4 vidual trees of varying size and age classes are
5 selected and logged in a generally uniform pat-
6 tern throughout a stand, and

7 “(II) group selection, in which small
8 groups of trees are selected and logged.

9 “(iii) The application of individual-tree selec-
10 tion, group selection, or any other method consistent
11 with selection management shall under no event—

12 “(I) create a clearing or opening that ex-
13 ceeds in width in any direction the height of the
14 tallest tree standing within 10 feet outside the
15 edge of the clearing or opening,

16 “(II) create a stand where the majority of
17 trees are within 10 years of the same age, or

18 “(III) cut or remove more than 10 percent
19 of the basal area of a stand within 15 years.

20 The foregoing limitation shall not be deemed to es-
21 tablish a 150-year projected felling age as the stand-
22 ard at which individual trees in a stand are to be
23 cut, nor shall native biodiversity be limited to that
24 which occurs within the context of a 150-year pro-
25 jected felling age.

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

5 “(I) EVEN-AGE LOGGING AND EVEN-AGE MAN-
 6 AGEMENT.—(i) The terms ‘even-age logging’ and
 7 ‘even-age management’ mean any logging activity
 8 which—

9 “(I) creates a clearing or opening that ex-
 10 ceeds in width in any direction the height of the
 11 tallest tree standing within 10 feet outside the
 12 edge of the clearing or opening,

13 “(II) creates a stand where the majority of
 14 trees are within 10 years of the same age, or

15 “(III) cuts or removes more than 10 per-
 16 cent of the basal area of a stand within 15
 17 years.

18 “(ii) Even-age logging and even-age manage-
 19 ment include the application of clearcutting, seed-
 20 tree cutting, shelterwood cutting, or any other log-
 21 ging method in a manner inconsistent with selection
 22 management.

23 “(J) The term ‘clear-cutting’ means an even-
 24 age logging operation that removes all of the trees
 25 over a considerable area of a stand at one time.

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

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

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

13 “(N) The term ‘basal tree’ means the area of
14 the cross section of a tree stem, including the bark,
15 at 4.5 feet above the ground.

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

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

21 “(B) The provisions of this section shall be enforced
22 by the Secretary of Defense and the Attorney General of
23 the United States against any person who violates this sec-
24 tion.

1 “(C)(i) Any citizen harmed by a violation of this Act
2 may enforce any provision of this section by bringing an
3 action for declaratory judgment, temporary restraining
4 order, injunction, statutory damages, and other remedies
5 against any alleged violator including the United States,
6 in any district court of the United States.

7 “(ii) The court, after determining a violation of this
8 section, shall impose a damage award of not less than
9 \$5,000, shall issue one or more injunctions and other equi-
10 table relief, and shall award to the plaintiffs reasonable
11 costs of litigation including attorney’s fees, witness fees
12 and other necessary expenses.

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

16 “(D) The damage award authorized by subparagraph
17 (C)(ii) shall be paid by the violator or violators designated
18 by the court to the U.S. Treasury.

19 “(E) The damage award shall be paid from the U.S.
20 Treasury, as provided by Congress under section 1304 of
21 title 31, United States Code, within 40 days after judg-
22 ment to the person or persons designated to receive it,
23 to be applied in protecting or restoring native biodiversity
24 in or adjoining Federal land. Any award of costs of litiga-

tion and any award of attorney fees shall be paid within 40 days after judgment.

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

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

“2694. Conservation of native biodiversity.”.

TITLE II—PROTECTION FOR ANCIENT FORESTS, ROADLESS AREAS, WATERSHED PROTECTION AREAS, SPECIAL AREAS, AND FEDERAL BOUNDARY AREAS

SEC. 201. DEFINITIONS AND FINDINGS.

(a) DEFINITIONS.—For purposes of the title:

(1) EXTRACTIVE LOGGING.—The term “extractive logging” means the cutting or removal of any trees from Federal forest lands for any purpose.

(2) ANCIENT FORESTS.—THE TERM “ANCIENT FORESTS” REFERS TO “NORTHWEST ANCIENT FORESTS”, “EAST SIDE CASCADE ANCIENT FORESTS”, AND “SIERRA NEVADA ANCIENT FORESTS” AS DEFINED BELOW:

1 (A) The term “Northwest Ancient For-
2 ests” refers to—

3 (i) Federal lands identified as Late-
4 Successional Reserves, Riparian Reserves,
5 and Key Watersheds under the heading
6 “Alternative 1” of the report “Final Sup-
7 plemental Environmental Impact State-
8 ment on Management of Habitat for Late-
9 Successional and Old-Growth Forest Relat-
10 ed Species Within the Range of the North-
11 ern Spotted Owl, Vol. I.”, dated February
12 1994; and

13 (ii) Federal lands identified by the
14 term “Medium and Large Conifer Multi-
15 Storied, Canopied Forests” as defined in
16 “Final Supplemental Environmental Im-
17 pact Statement on Management of Habitat
18 for Late-Successional and Old-Growth Re-
19 lated Species Within the Range of the
20 Northern Spotted Owl, Vol. I.”, dated Feb-
21 ruary 1994.

22 (B) The term “Eastside Cascade Ancient
23 Forests” refers to—

24 (i) Federal lands identified as “Late-
25 Succession/Old-growth Forest (LS/OG)”

1 depicted on maps for the Colville, Fre-
 2 mont, Malheur, Ochoco, Umatilla,
 3 Wallowa-Whitman and Winema National
 4 Forests in the document entitled “Interim
 5 Protection for Late-Successional Forests,
 6 Fisheries, and Watersheds: National For-
 7 ests East of the Cascade Crest, Oregon,
 8 and Washington”, prepared by the
 9 Eastside Forests Scientific Society Panel
 10 (The Wildlife Society, Technical Review
 11 94–2, August 1994):

12 (ii) Federal lands, east of the Cascade
 13 crest in Oregon and Washington defined as
 14 “late successional and old-growth forests”
 15 in the general definition on page 28 of the
 16 report entitled” Interim Protection for
 17 Late-Successional Forests, Fisheries, and
 18 Watersheds: National Forests East of the
 19 Cascade Crest, Oregon, and Washington”;
 20 and

21 (iii) Federal lands classified as “Or-
 22 egon Aquatic Diversity Areas” as defined
 23 in the report entitled Interim Protection
 24 for Late-Successional Forests, Fisheries,
 25 and Watersheds: National Forests East of

1 the Cascade Crest, Oregon, and Washing-
2 ton”.

3 (C) The term “Sierra Nevada Ancient For-
4 ests” refers to—

5 (i) Federal lands identified as “Areas
6 of Late-Successional Emphasis (ALSE)”
7 in the document entitled “Final Report to
8 Congress: Status of the Sierra Nevada”,
9 prepared by the Sierra Nevada Ecosystem
10 Project (Wildland Resources Center Report
11 #40, University of California, Davis, 1996/
12 97);

13 (ii) Federal lands identified as “Late-
14 Succession/Old-Growth Forests Rank 3, 4
15 or 5” in the document entitled “Final Re-
16 port to Congress: Status of the Sierra Ne-
17 vada”; and

18 (iii) Federal lands identified as “Po-
19 tential Aquatic Diversity Management
20 Areas” in the map on page 1497 of the
21 document entitled “Final Report to Con-
22 gress: Status of the Sierra Nevada, Volume
23 II”.

1 (3) IMPROVED ROADS.—The term “improved
2 roads” means any road maintained for travel by
3 standard passenger type vehicles.

4 (4) ROADLESS AREAS.—The term “Roadless
5 Areas” means those contiguous parcels of Federal
6 land that are devoid of improved roads, except as
7 permitted by subparagraph (B), and—

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

10 (B) are greater than or equal to 1,500
11 acres east of the 100th meridian, but possibly
12 containing up to ½ mile of improved roads per
13 1,000 acres; or

14 (C) are less than 5,000 acres, but share a
15 border that is not an improved road with an ex-
16 isting Wilderness Area, Primitive Area, or Wil-
17 derness Study Area.

18 (5) WATERSHED PROTECTION AREAS.—The
19 term “Watershed Protection Areas” refers to Fed-
20 eral lands

21 (A) extending 300 feet from both sides of
22 the active stream channel of any permanently
23 flowing stream or river, or

24 (B) extending 100 feet from both sides of
25 the active channel of any intermittent, ephem-

1 eral or seasonal stream, or any other non-per-
2 manently flowing drainage feature having a de-
3 finable channel and evidence of annual scour or
4 deposition of flow-related debris, or

5 (C) extending 300 feet from the edge of
6 the maximum level of any natural lake or pond,
7 or

8 (D) extending 150 feet from the edge of
9 the maximum level of constructed lakes, ponds,
10 or reservoirs and natural or constructed wet-
11 lands including.

12 (6) SPECIAL AREAS.—The term “Special
13 Areas” means certain areas of Federal land des-
14 ignated in section 202.

15 (7) FEDERAL BOUNDARY AREAS.—The term
16 “Federal Boundary Areas” means lands managed by
17 the Forest Service, Bureau of Land Management, or
18 Fish & Wildlife Service, within 200 feet of a prop-
19 erty line.

20 (8) SECRETARY CONCERNED.—The term “Sec-
21 retary concerned” means the head of the Federal
22 agency having jurisdiction over Federal lands in-
23 cluded within an Ancient Forest, Roadless Area,
24 Watershed Protection Area, Special Area, or Federal
25 Boundary Area.

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

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

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

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

13 (4) The most recent scientific studies indi-
14 cated that several thousand species of plants
15 and animals are dependent on large,
16 unfragmented forest areas.

17 (5) Many neotropical migratory songbird
18 species are currently experiencing documented
19 broad-scale population declines and require
20 large, unfragmented forests to ensure their sur-
21 vival.

22 (6) Destruction of large-scale natural for-
23 ests has resulted in a tremendous loss of jobs
24 in the fishing, hunting, tourism, recreation, and
25 guiding industries, and has adversely affected

1 sustainable nontimber forest products industries
2 such as the collection of mushrooms and herbs.

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

6 (8) The Ancient Forests continue to be threat-
7 ened by logging and deforestation and are rapidly
8 disappearing.

9 (9) Ancient Forests help regulate atmospheric
10 balance, maintain biodiversity, and provide valuable
11 scientific opportunity for monitoring the health of
12 the planet.

13 (10) Prohibiting extractive logging in the An-
14 cient Forests would create the best conditions for
15 ensuring stable, well distributed, and viable popu-
16 lations of the northern spotted owl, marbled
17 murrelet, American marten, and other vertebrates,
18 invertebrates, vascular plants, and nonvascular
19 plants, and nonvascular plants associated with those
20 forests.

21 (11) Prohibiting extractive logging in the An-
22 cient Forests would create the best conditions for
23 ensuring stable, well distributed, and viable popu-
24 lations of anadromous salmonids, resident
25 salmonids; and bull trout.

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

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

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

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

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

21 (17) In order to gauge the effectiveness and ap-
22 propriateness of current and future resource man-
23 agement activities, and to continue to broaden and
24 develop our understanding of silvicultural practices,
25 many special forested areas need to remain in a nat-

1 ural, unmanaged state to serve as scientifically es-
 2 tablished baseline contract forests.

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

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

10 (20) Ecological, economic, and aesthetic values
 11 on private property are damaged by logging and
 12 roadbuilding in Federal Boundary Areas.

13 (21) As a legacy for the enjoyment, knowledge,
 14 and well-being of future generations, provisions must
 15 be made for the protection and perpetuation of
 16 America's Ancient Forests, Roadless Areas, Water-
 17 shed Protection Areas, Special Areas, and Federal
 18 Boundary Areas.

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

20 (a) DESCRIPTION OF SPECIAL AREAS.—

21 (1) IN GENERAL.—Special areas are parcels of
 22 Federal forest land that possess outstanding biologi-
 23 cal, scenic, recreational, or cultural values, exem-
 24 plary on a regional, national, or international level,
 25 yet may not meet the definitions of Ancient Forests,

1 Roadless Areas, Watershed Protection Areas, or
2 Federal Boundary Areas.

3 (2) BIOLOGICAL VALUES.—Biological values in-
4 clude—

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

7 (B) rare or endangered ecosystems;

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

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

12 (E) migration corridors;

13 (F) areas of outstanding biodiversity;

14 (G) old growth forests;

15 (H) commercial fisheries; and

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

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

19 (A) unusual geological formations;

20 (B) designated wild and scenic rivers;

21 (C) unique biota; and

22 (D) vistas.

23 (4) RECREATIONAL VALUES.—Recreational val-
24 ues include—

1 (A) designated National Recreational
2 Trails or Recreational Areas;

3 (B) popular areas for recreation and sports
4 including—

5 (i) hunting;

6 (ii) fishing;

7 (iii) camping;

8 (iv) hiking;

9 (v) aquatic recreation; and

10 (vi) winter recreation;

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

13 (D) lands adjacent to designated Wilder-
14 ness Areas; and

15 (E) solitude.

16 (5) CULTURAL VALUES.—Cultural values in-
17 clude—

18 (A) sites with Native American religious
19 significance; and

20 (B) historic or prehistoric archaeological
21 sites eligible for the national historic register.

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

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

5 (1) ALABAMA: SIPSEY WILDERNESS.—Certain
6 lands in the Bankhead National Forest in Alabama,
7 which comprise approximately 20,000 acres, located
8 directly west of Highway 33 and directly north of
9 County Road 60, including all of the Sipsey River
10 Watershed north of Cranal Road, known as the
11 “Sipsey Wilderness”.

12 (2) ALASKA.—

13 (A) TURNAGAIN ARM.—Certain lands in
14 the Chugach National Forest, Kenai Peninsula,
15 Alaska, which comprise approximately 100,000
16 acres, known as “Turnagain Arm”, extending
17 from sea level to ridgetop surrounding the inlet
18 of Turnagain Arm.

19 (B) HONKER DIVIDE.—Certain lands in
20 the Tongass National Forest in Alaska, which
21 comprise approximately 75,000 acres, located
22 on north central Prince of Wales Island, com-
23 prising the Thorne River and Hatchery Creek
24 watersheds, stretching approximately 40 miles
25 northwest from the vicinity of the town of

1 Thorne Bay to the vicinity of the town of
 2 Coffman Cove, generally known as the “Honker
 3 Divide”.

4 (3) ARIZONA: NORTH RIM OF THE GRAND CAN-
 5 YON.—Certain lands in the Kaibab National Forest,
 6 Arizona, included in the Grand Canyon Game Pre-
 7 serve, which comprise approximately 500,000 acres,
 8 abutting the northern side of the Grand Canyon in
 9 the area generally known as the “North Rim of the
 10 Grand Canyon”.

11 (4) ARKANSAS.—

12 (A) COW CREEK DRAINAGE, ARKANSAS.—
 13 Certain lands in the Ouachita National Forest,
 14 Mena Ranger District, Polk County, Arkansas,
 15 comprising approximately 7,000 acres, bounded
 16 approximately by the following landmarks: on
 17 the north by County Road 95; on the south by
 18 County Road 157; on the east by County Road
 19 48 and on the west by the Arkansas-Oklahoma
 20 border, known as “Cow Creek Drainage, Arkan-
 21 sas”.

22 (B) LEADER AND BRUSH MOUNTAINS.—
 23 Certain lands in the Ouachita National Forest
 24 of Montgomery and Polk Counties, Arkansas,
 25 known as “Leader and Brush Mountains”,

1 which comprise approximately 120,000 acres lo-
2 cated in the vicinity of the Blaylock Creek Wa-
3 tershed between Long Creek and the South
4 Fork of the Saline River.

5 (C) POLK CREEK AREA.—Certain lands in
6 the Ouachita National Forest, Mena Ranger
7 District, Arkansas, comprising approximately
8 20,000 acres bounded by Arkansas Highway 4
9 and Forest Roads 73 and 43 known as the
10 “Polk Creek area”.

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

21 (E) UPPER BUFFALO RIVER WATER-
22 SHED.—Certain lands in the Ozark National
23 Forest, Buffalo Ranger District, totaling ap-
24 proximately 220,000 acres known as the
25 “Upper Buffalo River Watershed”. This area is

1 located approximately 35 miles from the town
2 of Harrison, in Madison, Newton and Searcy
3 Counties, Arkansas. The Upper Buffalo River
4 Watershed is comprised of those Forest Service
5 lands, not already designated as Wilderness
6 Areas, upstream of the confluence of the Buf-
7 falo River and Richland Creek and located in
8 the following watersheds: Buffalo River, the
9 various streams comprising the Headwaters of
10 the Buffalo River, Richland Creek, Little Buf-
11 falo Headwaters, Edgmon Creek, Big Creek
12 and Cane Creek.

13 (5) CALIFORNIA: GIANT SEQUOIA PRESERVE.—
14 Certain lands in the Sequoia and Sierra National
15 Forests in California comprised of 3 discontinuous
16 parcels, totaling approximately 442,425 acres known
17 as the “Giant Sequoia Preserve” located in Fresno,
18 Tulare, and Kern Counties. All 3 parcels are located
19 in the Southern Sierra Nevada mountain range; the
20 Kings River Unit (145,600 acres) and nearby Red-
21 wood Mountain Unit (11,730 acres) are located ap-
22 proximately 25 miles east of the city of Fresno. The
23 South Unit (285,095 acres) is approximately 15
24 miles east of the city of Porterville.

1 (6) COLORADO: COCHETOPA HILLS.—Certain
 2 lands in the Gunnison Basin area administered by
 3 the Gunnison, Grand Mesa, Uncompahgre, and Rio
 4 Grand National Forests, comprising approximately
 5 500,000 acres, known as the “Cochetopa Hills”.
 6 This area spans the continental divide south and
 7 east of Gunnison in Saguache County, Colorado and
 8 includes the Elk and West Elk Mountains, Grand
 9 Mesa, the Uncompahgre Plateau, the northern San
 10 Juan Mountains, the La Garitas Mountains and the
 11 Cochetopa Hills.

12 (7) GEORGIA.—

13 (A) ARMUCHEE CLUSTER.—Certain lands
 14 in the Chattahoochee National Forest,
 15 Armuchee Ranger District, totaling approxi-
 16 mately 19,700 acres, known as the “Armuchee
 17 Cluster”. The cluster is comprised of three par-
 18 cels known as Rocky Face, Johns Mountain and
 19 Hidden Creek. The cluster is located approxi-
 20 mately 10 miles southwest of Dalton and 14
 21 miles north of Rome, Whitfield, Walker,
 22 Chattooga, Floyd, and Gordon Counties, Geor-
 23 gia.

24 (B) BLUE RIDGE CORRIDOR CLUSTER,
 25 GEORGIA AREAS.—Certain lands in the Chat-

1 tahoochee National Forest, Chestatee Ranger
 2 District, totaling approximately 15,000 acres,
 3 known as the “Blue Ridge Corridor Cluster,
 4 Georgia Areas”. The cluster is comprised of the
 5 following 5 parcels: Horse Gap, Hogback Moun-
 6 tain, Blackwell Creek, Little Cedar Mountain,
 7 and Black Mountain. The cluster is located ap-
 8 proximately 15 to 20 miles north of the town of
 9 Dahlonega, Union and Lumpkin Counties,
 10 Georgia.

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

23 (D) COHUTTA CLUSTER.—Certain lands in
 24 the Chattahoochee National Forest, Cohutta
 25 Ranger District, totaling approximately 28,000

1 acres, known as the “Cohutta Cluster”. The
 2 cluster is comprised of four parcels known as
 3 Cohuttta Extensions, Grassy Mountain, Emery
 4 Creek, and Mountaintown. The cluster is lo-
 5 cated near the towns of Chatsworth and Ellijay,
 6 Murray, Fannin, and Gilmer Counties, Georgia.

7 (E) DUNCAN RIDGE CLUSTER.—Certain
 8 lands in the Chattahoochee National Forest,
 9 Brasstown and Toccoa Ranger Districts, com-
 10 prising approximately 17,000 acres known as
 11 the “Duncan Ridge Cluster”. The cluster is
 12 comprised of the following four parcels: Licklog
 13 Mountain, Duncan Ridge, Board Camp, and
 14 Cooper Creek Scenic Area Extension. The clus-
 15 ter is located approximately 10 to 15 miles
 16 south of the town of Blairsville in Union and
 17 Fannin Counties, Georgia.

18 (F) ED JENKINS NATIONAL RECREATION
 19 AREA CLUSTER.—Certain lands in the Chat-
 20 tahoochee National Forest, Toccoa and
 21 Chestatee Ranger Districts, totaling approxi-
 22 mately 19,300 acres, known as the “Ed Jenkins
 23 National Recreation Area Cluster”. The cluster
 24 is comprised of the Springer Mountain, Mill
 25 Creek, and Toonowee parcels. The cluster is lo-

1 cated 30 miles north of the town of Dahlonega,
 2 Fannin, Dawson, and Lumpkin Counties, Geor-
 3 gia.

4 (G) GAINESVILLE RIDGES CLUSTER.—Cer-
 5 tain lands in the Chattahoochee National For-
 6 est, Chattooga Ranger District, totaling ap-
 7 proximately 14,200 acres, known as the
 8 “Gainesville Ridges Cluster”. The cluster is
 9 comprised of the following three parcels: Pan-
 10 ther Creek, Tugaloo Uplands, and Middle Fork
 11 Broad River. The cluster is located approxi-
 12 mately 10 miles from the town of Toccoa,
 13 Habersham and Stephens Counties, Georgia.

14 (H) NORTHERN BLUE RIDGE CLUSTER,
 15 GEORGIA AREAS.—Certain lands in the Chat-
 16 tahoochee National Forest, Brasstown and
 17 Tallulah Ranger Districts, totaling approxi-
 18 mately 46,000 acres, known as the “Northern
 19 Blue Ridge Cluster, Georgia Areas”. The clus-
 20 ter is comprised of the following eight areas:
 21 Andrews Cove, Anna Ruby Falls Scenic Area
 22 Extension, High Shoals, Tray Mountain Exten-
 23 sion, Kelly Ridge-Moccasin Creek, Buzzard
 24 Knob, Southern Nantahala Extension, and Pat-
 25 terson Gap. The cluster is located approxi-

mately 5 to 15 miles north of Helen, 5 to 15 miles southeast of Hiawasse, north of Clayton and west of Dillard, White, Towns and Rabun Counties, Georgia.

(I) RICH MOUNTAIN CLUSTER.—Certain lands in the Chattahoochee National Forest, Toccoa Ranger District, totaling approximately 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 Chattahoochee 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,

1 Cleveland, Helen, and Blairsville, Lumpkin,
 2 Union, White, and Towns Counties, Georgia.

3 (8) IDAHO.—

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

10 (B) MEADOW CREEK.—Certain lands in
 11 the Nez Perce National Forest in Idaho, which
 12 comprise approximately 180,000 acres, located
 13 approximately 8 miles east of the town of Elk
 14 City in the area generally known as “Meadow
 15 Creek”.

16 (C) FRENCH CREEK/PATRICK BUTTE.—
 17 Certain lands in the Payette National Forest in
 18 Idaho, which comprise approximately 141,000
 19 acres, located approximately 20 miles north of
 20 the town of McCall in the area generally known
 21 as “French Creek/Patrick Butte”.

22 (9) ILLINOIS.—

23 (A) CRIPPS BEND.—Certain lands in the
 24 Shawnee National Forest in Illinois, which com-
 25 prise approximately 39 acres in Jackson County

1 in the Big Muddy River watershed, in the area
2 generally known as “Cripps Bend”.

3 (B) OPPORTUNITY AREA 6.—Certain lands
4 in the Shawnee National Forest in Illinois,
5 which comprise approximately 50,000 acres lo-
6 cated in northern Pope County, surrounding
7 Bell Smith Springs Natural Area, in the area
8 generally known as “Opportunity Area 6”.

9 (C) QUARREL CREEK.—Certain lands in
10 the Shawnee National Forest in Illinois, which
11 comprise approximately 490 acres located in
12 northern Pope County, in the Quarrel Creek
13 watershed, in the area generally known as
14 “Quarrel Creek”.

15 (10) MICHIGAN: TRAP HILLS.—Certain lands in
16 the Ottawa National Forest, Bergland Ranger Dis-
17 trict, totaling approximately 37,120 acres, known as
18 the “Trap Hills”, located approximately 5 miles
19 from the town of Bergland, Ontonagon County,
20 Michigan.

21 (11) MINNESOTA.—

22 (A) TROUT LAKE AND SUOMI HILLS.—Cer-
23 tain lands in the Chippewa National Forest,
24 comprising approximately 12,000 acres, known

1 as “Trout Lake/Suomi Hills” in Itasca County,
2 Minnesota.

3 (B) LULLABY WHITE PINE RESERVE.—
4 Certain lands in the Superior National Forest
5 in Minnesota, Gunflint Ranger District, which
6 comprise approximately 2,518 acres, in the
7 South Brule Opportunity Area, northwest of
8 Grand Marais in Cook County, Minnesota,
9 known as the “Lullaby White Pine Reserve”.

10 (12) MISSOURI: ELEVEN POINT-BIG SPRINGS
11 AREA.—Certain lands in the Mark Twain National
12 Forest in Missouri, Eleven Point Ranger District,
13 totaling approximately 200,000 acres, comprised of
14 the administrative area of the Eleven Point Ranger
15 District, known as the “Eleven Point-Big Sprints
16 Area”.

17 (13) MONTANA: MOUNT BUSHNELL.—Certain
18 lands in the Lolo National Forest in Montana, which
19 comprise approximately 41,000 acres located ap-
20 proximately 5 miles southwest of the town of
21 Thompson Falls in the area generally known as
22 “Mount Bushnell”.

23 (14) NEW MEXICO.—

24 (A) ANGOSTURA.—Certain loans in the
25 east half of the Carson National Forest in New

1 Mexico, Camino Real Ranger District, totaling
2 approximately 10,000 acres located in Town-
3 ship 21, Ranges 12 and 13, known as “Angos-
4 tura”. The area’s approximate boundaries are
5 as follows: the northeast boundary is formed by
6 Highway 518, the southeast boundary consists
7 of the Angostura Creek watershed boundary,
8 the southern boundary is Trail 19 and the
9 Pecos Wilderness, and on the west, the bound-
10 ary is formed by the Agua Piedra Creek water-
11 shed.

12 (B) LA MANGA.—Certain lands in the
13 western half of the Carson National Forest, El
14 Rito Ranger District, New Mexico, Vallecitos
15 Sustained Yield Unit, comprising approximately
16 5,400 acres, known as “La Manga”. The parcel
17 is in Township 27, Range 6 and bounded on the
18 north by the Tierra Amarilla Land Grant, on
19 the south by Canada Escondida, on the west by
20 the Sustained Yield Unit boundary and the
21 Tierra Amarilla Land Grant, and on the east
22 by the Rio Vallecitos.

23 (C) ELK MOUNTAIN.—Certain lands in the
24 Santa Fe National Forest, New Mexico, com-
25 prising approximately 7,220 acres, known as

“Elk Mountain” and located in Townships 17 and 18 and Ranges 12 and 13. The area is bounded on the north by the Pecos Wilderness, the Cow Creek Watershed forms the eastern boundary and the Cow Creek itself, forms the western boundary. The southern boundary is formed by Rito de la Osha.

(D) JEMEZ HIGHLANDS.—Certain lands in the Jemez Ranger District of the Santa Fe National Forest, totaling approximately 54,400 acres, known as the “Jemez Highlands”, located primarily in Sandoval County, New Mexico.

(15) NORTH CAROLINA.—

(A) CENTRAL NANTAHALA CLUSTER, NORTH CAROLINA AREAS.—Certain lands in the Nantahala National Forest, Tusquitee, Cheoah, and Wayah Ranger Districts, totaling approximately 107,000 acres, known as the “Central Nantahala Cluster, North Carolina Areas”. The cluster is comprised of the following nine parcels: Tusquitee Bald, Shooting Creek Bald, Cheoah Bald, Piercy Bald, Wesser Bald, Tellico Bald, Split White Oak, Siler Bald, and Southern Nantahala Extensions. The cluster is lo-

1 cated near the town of Murphy, Franklin,
 2 Bryson City, Andrews, and Beechertown, Cher-
 3 okee, Macon, Clay and Swain Counties, North
 4 Carolina.

5 (B) CHATTOOGA WATERSHED CLUSTER,
 6 NORTH CAROLINA AREAS.—Certain lands in the
 7 Nantahala National Forest, Highlands Ranger
 8 District, totaling approximately 8,000 acres,
 9 known as the “Chattooga Watershed Cluster,
 10 North Carolina Areas”. The cluster is com-
 11 prised of the Overflow (Blue Valley) and Terra-
 12 pin Mountain parcels. The cluster is located five
 13 miles from the town of Highlands, Macon and
 14 Jackson Counties, North Carolina.

15 (C) TENNESSEE BORDER CLUSTER, NORTH
 16 CAROLINA AREAS.—Certain lands in the
 17 Nantahala National Forest, Tusquitee and
 18 Cheoah Ranger Districts, totaling approxi-
 19 mately 28,000 acres, known as the “Tennessee
 20 Border Cluster, North Carolina Areas”. The
 21 cluster is comprised of the four following par-
 22 cels: Unicoi Mountains, Deaden Tree, Snow-
 23 bird, and Joyce Kilmer-Slickrock Extension.
 24 The cluster is located near the towns of Murphy

1 and Robbinsville, Cherokee and Graham Coun-
2 ties, North Carolina.

3 (D) BALD MOUNTAINS.—Certain lands in
4 the Pisgah National Forest, French Broad
5 Ranger District, totaling approximately 13,000
6 acres known as the “Bald Mountains”, located
7 12 miles northeast of Hot Springs, Madison
8 County, North Carolina.

9 (E) BIG IVY TRACT.—Certain lands in the
10 Pisgah National Forest in North Carolina,
11 which comprise approximately 14,000 acres, lo-
12 cated approximately 15 miles west of Mount
13 Mitchell in the area generally known as the
14 “Big Ivy Tract”.

15 (F) BLACK MOUNTAINS CLUSTER, NORTH
16 CAROLINA AREAS.—Certain lands in the Pisgah
17 National Forest, Toecane and Grandfather
18 Ranger Districts, totaling approximately 62,000
19 acres, known as the “Black Mountains Cluster,
20 North Carolina Areas”. The cluster is com-
21 prised of the following five parcels: Craggy
22 Mountains, Black Mountains, Jarrett Creek,
23 Mackey Mountain, and Woods Mountain. The
24 cluster is located near the towns of Burnsville,

1 Montreat and Marion, Buncombe, Yancey and
2 McDowell Counties, North Carolina.

3 (G) LINVILLE CLUSTER.—Certain lands in
4 the Pisgah National Forest, Grandfather Dis-
5 trict, totaling approximately 42,000 acres
6 known as the “Linville Cluster”. The Cluster is
7 comprised of the following seven parcels: Dob-
8 son Knob, Linville Gorge Extension, Steels
9 Creek, Sugar Knob, Harper Creek, Lost Cove
10 and Upper Wilson Creek. The cluster is located
11 near the towns of Marion, Morgantown, Spruce
12 Pine, Linville, and Blowing Rock, Burke,
13 McDowell, Avery and Caldwell Counties, North
14 Carolina.

15 (H) NOLICHUCKY, NORTH CAROLINA
16 AREA.—Certain lands in the Pisgah National
17 Forest, Toecane Ranger District, totaling ap-
18 proximately 4,000 acres, known as the
19 “Nolichucky, North Carolina Area”, located 25
20 miles northwest of Burnsville, Mitchell and
21 Yancey Counties, North Carolina.

22 (I) PISGAH CLUSTER, NORTH CAROLINA
23 AREAS.—Certain lands in the Pisgah National
24 Forest, Pisgah Ranger District, totaling ap-
25 proximately 52,000 acres, known as the “Pis-

gah 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 Ranger District, in the Wayne National Forest, Washington County, Ohio, known as “Archers Fork Complex”, comprising approximately 18,350 acres, located northeast of Newport and bounded by State Highway 26 to the northwest, State Highway 260 to the northeast, the Ohio

1 River to the southeast and Bear Run and
2 Danas Creek to the southwest.

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

10 (C) BUFFALO CREEK.—Certain lands in
11 the Ironton Ranger District of the Wayne Na-
12 tional Forest, Lawrence County, Ohio, known
13 as “Buffalo Creek”, comprising approximately
14 6500 acres, located four miles northwest of Wa-
15 terloo in Township 5 North, Range 17 West,
16 sections 3–10, 15–18.

17 (D) LAKE VESUVIUS.—Certain lands in
18 the Ironton Ranger District of the Wayne Na-
19 tional Forest, Lawrence County, Ohio, compris-
20 ing approximately 4,900 acres, generally known
21 as “Lake Vesuvius”, located to the east of Etna
22 and bounded by State Highway 93 to the
23 southwest and State Highway 4 to the north-
24 west in Township 2 North, Range 18 West.

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

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

(G) WILDCAT HOLLOW.—Certain lands in the Athens Ranger District of the Wayne National Forest, Perry and Morgan Counties, Ohio, known as “Wildcat Hollow,” comprising approximately 4,500 acres, located one mile east of Corning in Township 12 North, Range 14 West, sections 1, 2, 11–14, 23, 24 and

1 Township 8 North, Range 13 West, sections 7,
2 18, 19.

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

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

19 (19) SOUTH CAROLINA.—

20 (A) BIG SHOALS, SOUTH CAROLINA
21 AREA.—Certain lands in the Sumter National
22 Forest, Andrew Pickens Ranger District,
23 Oconee County, South Carolina, comprising ap-
24 proximately 2,000 acres known as “Big Shoals,

1 South Carolina Area”. This area is located 15
2 miles south of Highlands, North Carolina.

3 (B) BRASSTOWN CREEK, 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 3,500 acres known as “Brasstown
8 Creek, South Carolina Area”. This area is lo-
9 cated approximately 15 miles west of West-
10 minster, South Carolina.

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

17 (D) DARK BOTTOMS.—Certain lands in the
18 Sumter National Forest, Andrew Pickens Rang-
19 er District, Oconee County, South Carolina,
20 comprising approximately 4,000 acres known as
21 “Dark Bottoms”. This area is located approxi-
22 mately 10 miles northwest of Westminster,
23 South Carolina.

24 (E) ELLICOTT ROCK EXTENSION, SOUTH
25 CAROLINA AREA.—Certain lands in the Sumter

1 National Forest, Andrew Pickens Ranger Dis-
 2 trict, Oconee County, South Carolina, compris-
 3 ing approximately 2,000 acres known as
 4 “Ellicott Rock Extension, South Carolina
 5 Area”. This area is located approximately 10
 6 miles south of Cashiers, North Carolina.

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

15 (G) PERSIMMON MOUNTAIN.—Certain
 16 lands in the Sumter National Forest, Andrew
 17 Pickens Ranger District, Oconee County, South
 18 Carolina, comprising approximately 7,000 acres
 19 known as “Persimmon Mountain”. This area is
 20 located approximately 12 miles south of Cash-
 21 iers, North Carolina.

22 (H) ROCK GORGE, SOUTH CAROLINA
 23 AREA.—Certain lands in the Sumter National
 24 Forest, Andrew Pickens Ranger District,
 25 Oconee County, South Carolina, comprising ap-

proximately 2,000 acres known as “Rock Gorge, South Carolina Area”. This area is located 12 miles southeast of Highlands, North Carolina.

(I) TAMASSEE.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 5,500 acres known as “Tamassee”. This area is located approximately 10 miles north of Walhalla, South Carolina.

(J) THRIFT’S FERRY, SOUTH CAROLINA AREA.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 5,000 acres known as “Thrift’s Ferry, South Carolina Area”. This area is located 10 miles east of Clayton, Georgia.

(20) SOUTH DAKOTA.—

(A) BLACK FOX AREA.—Certain lands in the Black Hills National Forest of South Dakota, totaling approximately 12,400 acres, located in the upper reaches of the Rapid Creek watershed known as the “Black Fox Area”. The area is roughly bounded by FDR 206 in the north, the steep slopes north of Forest

1 Road 231 form the southern boundary and a
 2 fork of Rapid Creek forms the western bound-
 3 ary.

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

15 (C) NORBECK PRESERVE.—Certain lands
 16 in the Black Hills National Forest of South Da-
 17 kota, totaling approximately 27,766 acres
 18 known as the “Norbeck Preserve” encompassed
 19 approximately by the following traverse. Start-
 20 ing at the southeast corner, the area boundary
 21 runs north along FDR 753 and U.S. Highway
 22 Alt. 16, then along SD 244 to the junction of
 23 Palmer Creek Road, which serves generally as
 24 a northwest limit. It then heads south from the
 25 junction of Highway 87–89, southeast along

1 Highway 87, and east back to FDR 753. A cor-
 2 ridor of private land along FDR 345 is ex-
 3 cluded.

4 (D) PILGER MOUNTAIN AREA.—Certain
 5 lands in the Black Hills National Forest of
 6 South Dakota, comprising approximately
 7 12,600 acres, known as the “Pilger Mountain
 8 Area” and located in the Elk Mountains on the
 9 southwest edge of the Black Hills. This area is
 10 roughly bounded by Forest Roads 318 and 319
 11 on the east and northeast, Road 312 on the
 12 north and northwest, and private land to the
 13 southwest.

14 (E) STAGEBARN CANYONS.—Certain lands
 15 in the Black Hills National Forest, South Da-
 16 kota, known as “Stagebarn Canyons”, which
 17 comprise approximately 7,300 acres located ap-
 18 proximately 10 miles west of Rapid City, South
 19 Dakota.

20 (21) TENNESSEE.—

21 (A) BALD MOUNTAINS CLUSTER, TEN-
 22 NESSEE AREAS.—Certain lands in the
 23 Nolichucky and Unaka Ranger Districts of the
 24 Cherokee National Forest, Cocke, Green, Wash-
 25 ington and Unicoi Counties, Tennessee, com-

1 prising approximately 46,133 acres known as
 2 the “Bald Mountains Cluster, Tennessee
 3 Areas”. This Cluster is comprised of the follow-
 4 ing parcels known as: Laurel Hollow Mountain,
 5 Devil’s Backbone, Laurel Mountain, Walnut
 6 Mountain, Wolf Creek, Meadow Creek Moun-
 7 tain, Brush Creek Mountain, Paint Creek, Bald
 8 Mountain and Sampson Mountain Extension.
 9 These parcels are located near the towns of
 10 Newport, Hot Springs, Greeneville and Erwin,
 11 Tennessee.

12 (B) BIG FROG/COHUTTA CLUSTER.—Cer-
 13 tain lands in the Cherokee National Forest,
 14 Polk County, Tennessee, Ocoee, Hiwassee, and
 15 Tennessee Ranger Districts, comprising ap-
 16 proximately 28,800 acres known as the “Big
 17 Frog/Cohutta Cluster”. This Cluster is com-
 18 prised of the following parcels: Big Frog Exten-
 19 sions, Little Frog Extensions, Smith Mountain
 20 and Rock Creek. These parcels are located near
 21 the towns of Copperhill, Ducktown, Turtletown
 22 and Benton, Tennessee.

23 (C) CITICO CREEK WATERSHED CLUSTER
 24 TENNESSEE AREAS.—Certain lands in the
 25 Tellico Ranger District of the Cherokee Na-

1 tional Forest, Monroe County, Tennessee, com-
 2 prising approximately 14,256 acres known as
 3 the “Citico Creek Watershed Cluster, Tennessee
 4 Areas”. This Cluster is comprised of the follow-
 5 ing parcels known as: Flats Mountain, Miller
 6 Ridge, Cowcamp Ridge and Joyce Kilmer-
 7 Slickrock Extension. These parcels are located
 8 near the town of Tellico Plains, Tennessee.

9 (D) IRON MOUNTAINS CLUSTER.—Certain
 10 lands in the Cherokee National Forest,
 11 Watauga Ranger District, totaling approxi-
 12 mately 58,090 acres known as the “Iron Moun-
 13 tains Cluster”. The cluster is comprised of the
 14 following 8 parcels: Big Laurel Branch Addi-
 15 tion, Hickory Flat Branch, Flint Mill, Lower
 16 Iron Mountain, Upper Iron Mountain, London
 17 Bridge, Beaverdam Creek, and Rodgers Ridge.
 18 The Cluster is located near the towns of Bristol
 19 and Elizabethton, Sullivan and Johnson Coun-
 20 ties, Tennessee.

21 (E) NORTHERN UNICOI MOUNTAINS CLUS-
 22 TER.—Certain lands in the Tellico Ranger Dis-
 23 trict of the Cherokee National Forest, Monroe
 24 County, Tennessee, comprising approximately
 25 30,453 acres known as the “Northern Unicoi

Mountain Cluster”. The Cluster is comprised of the following parcels known as: Bald River Gorge Extension, Upper Bald River, Sycamore Creek and Brushy Ridge. These parcels are located near the town of Tellico Plains, Tennessee.

(F) ROAN MOUNTAIN CLUSTER.—Certain lands in the Cherokee National Forest, Unaka and Watauga Ranger Districts, totaling approximately 23,725 acres known as the “Roan Mountain Cluster”. The Cluster is comprised of the following seven parcels: Strawberry Mountain, Highlands of Roan, Ripshin Ridge, Doe River Gorge Scenic Area, White Rocks Mountain, Slide Hollow and Watauga Reserve. The Cluster is located approximately eight to twenty miles south of the town of Elizabethton, Unicoi, Carter and Johnson Counties, Tennessee.

(G) SOUTHERN UNICOI MOUNTAINS CLUSTER.—Certain lands in the Hiwassee Ranger District of the Cherokee National Forest, Polk, Monroe and McMinn Counties, Tennessee, comprising approximately 11,251 acres known as the “Southern Unicoi Mountains Cluster”. This Cluster is comprised of the following parcels

known as: Gee Creek Extension, Coker Creek and Buck Bald. These parcels are located near the towns Etowah, Benton and Turtletown, Tennessee.

(H) UNAKA MOUNTAINS CLUSTER, TENNESSEE AREAS.—Certain lands in the Cherokee National Forest, Unaka Ranger District, totaling approximately 15,669 acres known as the “Unaka Mountains Cluster, Tennessee Areas”.

The cluster is comprised of the Nolichucky, Unaka Mountain Extension and Stone Mountain parcels. The cluster is located approximately eight miles from Erwin, Unicoi and Carter Counties, Tennessee.

(22) TEXAS: LONGLEAF RIDGE.—Certain lands in the Angelina National Forest, Jasper and Angelina Counties, Texas, comprising approximately 30,000 acres bounded on the west by Upland Island Wilderness Area, on the south by the Neches River, and on the northeast by Sam Rayburn Reservoir, generally known as “Longleaf Ridge”.

(23) VERMONT.—

(A) GLASTENBURY AREA.—Certain lands in the Green Mountain National Forest in Vermont, which comprise approximately 35,000

1 acres, located 3 miles northeast of Bennington,
 2 bounded by Kelly Stand Road to the North,
 3 Forest Road 71 to the east, Route 9 to the
 4 south and route 7 to the west, generally known
 5 as the “Glastenbury Area”.

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

14 (C) ROBERT FROST MOUNTAIN AREA.—
 15 Certain lands in the Green Mountain National
 16 Forest, Vermont, comprising approximately
 17 8,500 acres, known as “Robert Frost Mountain
 18 Area”, northeast of Middlebury, consisting of
 19 the Forest Service lands bounded on the west
 20 by Route 116, on the north by Bristol Notch
 21 Road, on the east by Lincoln/Ripton Road and
 22 on the south by Route 125.

23 (24) VIRGINIA.—

24 (A) BEAR CREEK.—Certain lands known
 25 as “Bear Creek”, in the Jefferson National

1 Forest, Wythe Ranger District, north of Rural
2 Retreat, Smyth and Wythe Counties, Virginia.

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

9 (C) DISMAL CREEK.—Certain lands known
10 as “Dismal Creek” totaling approximately
11 6,000 acres in the Jefferson National Forest,
12 Blacksburg Ranger District, north of State
13 Route 42, Giles and Bland Counties, Virginia.

14 (D) STONE COAL CREEK.—Certain lands
15 known as “Stone Coal Creek”, totaling approxi-
16 mately 2,000 acres in the Jefferson National
17 Forest, New Castle Ranger District, Craig and
18 Botetourt Counties, Virginia.

19 (E) WHITE OAK RIDGE: TERRAPIN MOUN-
20 TAIN.—Certain lands known as “White Oak
21 Ridge—Terrapin Mountain”, totaling approxi-
22 mately 8,000 acres, Glenwood Ranger District
23 of the Jefferson National Forest, east of the
24 Blue Ridge Parkway, Botetourt and Rockbridge
25 Counties, Virginia.

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

6 (G) WILSON MOUNTAIN.—Certain lands
 7 known as “Wilson Mountain”, comprising ap-
 8 proximately 5,100 acres in the Jefferson Na-
 9 tional Forest, Glenwood Ranger District, east
 10 of Interstate 81, Botetourt and Rockbridge
 11 Counties, Virginia.

12 (H) FEATHERCAMP.—Certain lands lo-
 13 cated in the Mt. Rodgers Recreation Area of
 14 the Jefferson National Forest, comprising
 15 4,974 acres, known as “Feathercamp”, in
 16 Washington County, Virginia, located northeast
 17 of the town of Damascus and north of State
 18 Route 58 on the Feathercamp ridge.

19 (25) WISCONSIN.—

20 (A) FLYNN LAKE.—Certain lands in the
 21 Chequamegon National Forest, Washburn
 22 Ranger District, totaling approximately 5,700
 23 acres within the Flynn Lake Semi-primitive
 24 Non-motorized Area, known as “Flynn Lake”.

1 The site is located in Bayfield County, Wiscon-
2 sin.

3 (B) GHOST LAKE CLUSTER.—Certain
4 lands in the Chequamegon National Forest,
5 Great Divide Ranger District, totaling approxi-
6 mately 6,000 acres, known as “Ghost Lake
7 Cluster” and including parcels known as Ghost
8 Lake, Perch Lake, Lower Teal River, Foo
9 Lake, and Bulldog Springs. The cluster is lo-
10 cated in Sawyer County, Wisconsin.

11 (C) LAKE OWENS CLUSTER.—Certain
12 lands in the Chequamegon National Forest,
13 Great Divide and Washburn Ranger Districts,
14 totaling approximately 3,600 acres, known as
15 “Lake Owens Cluster” and including parcels
16 known as or near Lake Owens, Sage, Hidden,
17 and Deer Lick Lakes, Eighteenmile Creek, and
18 Northeast and Sugarbush Lakes. The Cluster is
19 in Bayfield County, Wisconsin.

20 (D) MEDFORD CLUSTER.—Certain lands
21 in the Chequamegon National Forest, Medford-
22 Park Falls Ranger District, totaling approxi-
23 mately 23,000 acres, known as the “Medford
24 Cluster”, and including parcels known as Coun-
25 ty E Hardwoods, Silver Creek/Mondeaux River

1 Bottoms, Lost Lake Esker, North and South
 2 Fork Yellow Rivers, Bear Creek, Brush Creek,
 3 Chequamegon Waters, John's and Joseph
 4 Creeks, Hay Creek Pine-Flatwoods, 558 Hard-
 5 woods, Richter Lake, and Lower Yellow River.
 6 The Cluster is located in Taylor County, Wis-
 7 consin.

8 (E) PARK FALLS CLUSTER.—Certain lands
 9 in the Chequamegon National Forest, Medford-
 10 Park Falls Ranger District, totaling approxi-
 11 mately 23,000 acres, known as “Park Falls
 12 Cluster”, and including parcels known as Six-
 13 teen Lakes, Chippewa Trail, Tucker and Amik
 14 Lakes, Lower Rice Creek, Doering Tract,
 15 Foulds Creek, Bootjack Conifers, Pond, Mud
 16 and Riley Lake Peatlands, Little Willow
 17 Drumlin, and Elk River. The Cluster is located
 18 in Price and Vilas Counties, Wisconsin.

19 (F) PENOKEE MOUNTAIN CLUSTER.—Cer-
 20 tain lands in the Chequamegon National For-
 21 est, Great Divide Ranger District, totaling ap-
 22 proximately 23,000 acres, known as “Penokee
 23 Mountain Cluster”, and including parcels
 24 known as or near St. Peters Dome, Brunswelier
 25 River Gorge, Lake Three, Marengo River and

1 Brunsweler River Semi-primitive Non-motor-
 2 ized Areas, Hell Hole Creek, and the North
 3 Country Trail Hardwoods. The Cluster is lo-
 4 cated in Ashland and Bayfield Counties, Wis-
 5 consin.

6 (G) SOUTHEAST GREAT DIVIDE CLUS-
 7 TER.—Certain lands in the Chequamegon Na-
 8 tional Forest, Medford Park Falls Ranger Dis-
 9 trict, totaling approximately 25,000 acres,
 10 known as the “Southeast Great Divide Clus-
 11 ter”, and including parcels known as or near
 12 Snoose Lake, Cub Lake, Springbrook Hard-
 13 woods, upper Moose River, East Fork Chippewa
 14 River, upper Torch River, Venison Creek, upper
 15 Brunet River, Bear Lake Slough, and Noname
 16 Lake. The Cluster is located in Ashland and
 17 Sawyer Counties, Wisconsin.

18 (H) DIAMOND ROOF CLUSTER.—Certain
 19 lands in the Nicolet National Forest, Lake-
 20 wood-Laona Ranger District, totaling approxi-
 21 mately 6,000 acres, known as “Diamond Roof
 22 Cluster”, including parcels known as McCaslin
 23 Creek, Ada Lake, Section 10 Lake, and Dia-
 24 mond Roof. The Cluster is located in Forest,
 25 Langlade and Oconto Counties, Wisconsin.

1 (I) ARGONNE FOREST CLUSTER.—Certain
 2 lands in the Nicolet National Forest, Eagle
 3 River-Florence Ranger District, totaling ap-
 4 proximately 12,000 acres, known as “Argonne
 5 Forest Cluster”, and including parcels known
 6 as Argonne Experimental Forest, Scott Creek,
 7 Atkins Lake, and Island Swamp. The Cluster is
 8 located in Forest County, Wisconsin.

9 (J) BONITA GRADE.—Certain lands in the
 10 Nicolet National Forest, Lakewood-Laona
 11 Ranger District, totaling approximately 1,200
 12 acres, known as “Bonita Grade”, and including
 13 parcels near Mountain Lakes, Temple Lake,
 14 and Second South Branch, First South Branch,
 15 and South Branch Oconto River. The Cluster is
 16 located in Langlade County, Wisconsin.

17 (K) FRANKLIN AND BUTTERNUT LAKES
 18 CLUSTER.—Certain lands in the Nicolet Na-
 19 tional Forest, Eagle River-Florence Ranger
 20 District, totaling approximately 12,000 acres,
 21 known as “Franklin and Butternut Lakes Clus-
 22 ter”, and including parcels known as Bose Lake
 23 Hemlocks, Luna White Deer, Echo Lake,
 24 Franklin and Butternut Lakes, Wolf Lake,
 25 Upper Ninemile, Meadow, and Bailey Creeks.

1 The Cluster is located in Forest and Onieda
2 Counties, Wisconsin.

3 (L) LAUTERMAN LAKE AND KIEPER
4 CREEK.—Certain lands in the Nicolet National
5 Forest, Eagle River-Florence Ranger District,
6 totaling approximately 2,500 acres, known as
7 “Lauterman Lake and Kieper Creek”, located
8 in Florence County, Wisconsin.

9 (26) WYOMING: SAND CREEK AREA.—Certain
10 lands in the Black Hills National Forest, totaling
11 approximately 8,300 acres known as the “Sand
12 Creek area”, located in Crook County, Wyoming.
13 This area is situated in the far northwest corner of
14 the Black Hills. Beginning in the northwest corner
15 and proceeding counterclockwise, the boundary for
16 the Sand Creek Area roughly follows forest Roads
17 863, 866, 866.1B, a line linking 866.1B to 802.1B,
18 802.1B, 802.1, an unnamed road, Spotted Tail
19 Creek (excluding all private lands), 8219.1, a line
20 connecting 829.1 with 864, 852.1 and a line con-
21 necting 852.1 with 863.

22 (d) COMMITTEE OF SCIENTISTS.—

23 (1) ESTABLISHMENT.—The Secretaries con-
24 cerned shall appoint a committee consisting of sci-
25 entists who—

1 (A) are not officers or employees of the
2 Federal Government;

3 (B) are not officers or employees of any
4 entity engaged in whole or in part in the pro-
5 duction of wood or wood products; and

6 (C) have not contracted with or rep-
7 resented any such entities within a 5-year pe-
8 riod prior to serving on the committee.

9 (2) RECOMMENDATIONS FOR ADDITIONAL SPE-
10 CIAL AREAS.—Within 2 years of the date of the en-
11 actment of this Act, the committee shall provide
12 Congress with recommendations for additional Spe-
13 cial Areas.

14 (3) CANDIDATE AREAS.—Candidate areas for
15 recommendation as additional Special Area shall
16 have outstanding biological values that are exem-
17 plary on a regional, national, or international level.
18 Biological values include—

19 (A) the presence of threatened or endan-
20 gered species of plants or animals;

21 (B) rare or endangered ecosystems;

22 (C) key habitats necessary for the recovery
23 of endangered or threatened species;

24 (D) recovery or restoration areas of rare or
25 under represented forest ecosystems;

- 1 (E) migration corridors;
- 2 (F) areas of outstanding biodiversity;
- 3 (G) old growth forests;
- 4 (H) commercial fisheries; and
- 5 (I) sources of clean water such as key wa-
- 6 tersheds.

7 (4) GOVERNING PRINCIPLE—The commit-

8 tee shall adhere to the principles of conserva-

9 tion biology in identifying Special Areas based

10 on biological values.

11 **SEC. 203. RESTRICTIONS ON MANAGEMENT ACTIVITIES IN**

12 **ANCIENT FORESTS, ROADLESS AREAS, WA-**

13 **TERSHERD PROTECTION AREAS, SPECIAL**

14 **AREAS, AND FEDERAL BOUNDARY AREAS.**

15 (a) RESTRICTION OF MANAGEMENT ACTIVITIES IN

16 ANCIENT FORESTS.—With respect to Ancient Forests on

17 Federal lands, the following prohibitions shall apply:

- 18 (1) No roads shall be constructed or recon-
- 19 structed.
- 20 (2) No extractive logging shall be permitted.
- 21 (3) No improvements for the purpose of extrac-
- 22 tive logging shall be permitted.

23 (b) RESTRICTION OF MANAGEMENT ACTIVITIES IN

24 ROADLESS AREAS.—With respect to Roadless Areas on

1 Federal lands except military installations, the following
2 prohibitions shall apply:

3 (1) No roads shall be constructed or recon-
4 structed.

5 (2) No extractive logging shall be permitted.

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

8 (c) RESTRICTION OF MANAGEMENT ACTIVITIES IN
9 WATERSHED PROTECTION AREAS.—With respect to Wa-
10 tershed Protection Areas on Federal lands except military
11 installations, the following prohibitions shall apply:

12 (1) No roads shall be constructed or recon-
13 structed.

14 (2) No extractive logging shall be permitted.

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

17 (d) RESTRICTION OF MANAGEMENT ACTIVITIES IN
18 SPECIAL AREAS.—With respect to Special Areas on Fed-
19 eral lands, the following prohibitions shall apply:

20 (1) No roads shall be constructed or recon-
21 structed.

22 (2) No extractive logging shall be permitted.

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

1 (e) RESTRICTION OF MANAGEMENT ACTIVITIES IN
2 FEDERAL BOUNDARY AREAS.—With respect to Federal
3 Boundary Areas on Federal lands, the following prohibi-
4 tions shall apply:

5 (1) No roads shall be constructed or recon-
6 structed.

7 (2) No extractive logging shall be permitted.

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

10 (f) MAINTENANCE OF EXISTING ROADS.—The above
11 restrictions on the reconstruction of roads on Federal
12 lands in Ancient Forests, Roadless Areas, Watershed Pro-
13 tection Areas, Special Areas, and Federal Boundary Areas
14 does not prohibit the maintenance of an improved road,
15 or any road accessing private inholdings, with the excep-
16 tion that any roads which the Secretary concerned deter-
17 mines to have been abandoned before the enactment of
18 this act shall not be maintained or reconstructed.

19 (g) ENFORCEMENT.—

20 (1) PURPOSE AND FINDING.—The purpose of
21 this subsection is to foster the widest possible en-
22 forcement of this section. Congress finds that all
23 people of the United States are injured by actions
24 on lands to which this section applies.

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

5 (3) CITIZEN SUITS.—Any citizen harmed by a
6 violation of this Act may enforce any provision of
7 this section by bringing an action for declaratory
8 judgment, temporary restraining order, injunction,
9 statutory damages, and other remedies against any
10 alleged violator including the United States, in any
11 district court of the United States.

12 (4) STANDARD OF PROOF.—The standard of
13 proof in all actions brought under this subsection
14 shall be the preponderance of the evidence and the
15 trial shall be de novo.

16 (5) DAMAGE AWARD.—The court, after deter-
17 mining a violation of this section, shall impose a
18 damage award of not less than \$5,000, shall issue
19 one or more injunctions and other equitable relief,
20 and shall award to the plaintiffs reasonable costs of
21 litigation including attorney's fees, witness fees and
22 other necessary expenses. The damage award shall
23 be paid by the violator or violators designated by the
24 court to the United States Treasury. The damage
25 award shall be paid from the United States Treas-

1 ury, as provided by Congress under section 1304 of
2 title 31, United States Code, within 40 days after
3 judgment to the person or persons designated to re-
4 ceive it, to be applied in protecting or restoring na-
5 tive biodiversity in or adjoining Federal land. Any
6 award of costs of litigation and any award of attor-
7 ney fees shall be paid within 40 days after judg-
8 ment.

9 (6) WAIVER.—The United States, including its
10 agents and employees waives its sovereign immunity
11 in all respects in all actions under this subsection.
12 No notice is required to enforce this subsection.

○