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

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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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Act to Save America's Forests''.

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

SEC. 2. PURPOSES AND FINDINGS.

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

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

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

(b) FINDINGS.—Congress finds the following:

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

(2) Even-age logging causes substantial alterations in native biodiversity by emphasizing the production of a limited number of commercial species of trees on each site, generally only one; by manipulating the vegetation toward greater relative density of such commercial species, by suppressing competing species, and by planting, on numerous sites, a commercial strain that was developed to reduce the relative diversity of genetic strains that previously occurred within the species on the same sites.

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

(4) Even-age logging exposes the soil to direct sunlight and the impact of rains, disrupts the surface, and compacts organic layers. It disrupts the run-off restraining capabilities of roots and low-lying vegetation, which results in soil erosion, the leaching out of nutrients, a reduction in the biological content of the soil, and the impoverishment of the soil. All these consequences have a long-range deleterious effect on all land resources, including timber production.

(5) Even-age logging decreases the capability of the soil to retain carbon and, during the critical periods of felling and site preparation, reduces the capacity of the biomass to process and to restore carbon, with a resultant of loss of such carbon to the atmosphere, thereby aggravating global warming.

(6) Even-age logging renders the soil increasingly sensitive to acid deposits by causing a decline of soil wood and coarse woody debris, thereby reducing the capacity of the soil to retain water and nutrients, which increases soil heat and impairs the soil's ability to maintain protective carbon compounds on its surface.

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

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

(8) Even-age logging increases harmful edge effects, including blowdowns, invasions by weed species, and heavier losses to predators and competitors.

(9) Even-age logging decreases the land's recreational values, reducing deep, canopied, variegated, permanent forests, thereby limiting areas where the public can fulfill an expanding need for recreation. Even-age logging replaces such forests with a surplus of clearings that grow into relatively impenetrable thickets of saplings, and then into monoculture tree plantations.

(10) Human beings depend on native biological resources, including plants, animals, and micro-organisms, for food, medicine, shelter, and other important products, and as a source of intellectual and scientific knowledge, recreation, and aesthetic pleasure.

(11) Alteration of native biodiversity has serious consequences for human welfare as America

irretrievably loses resources for research and agricultural, medicinal, and industrial development.

(12) Alteration of biodiversity in Federal forests adversely affects the functions of ecosystems and critical ecosystem processes that moderate climate, govern nutrient cycles and soil conservation and production, control pests and diseases, and degrade wastes and pollutants.

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

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

(15) By protecting native biodiversity, as prescribed in this Act, Federal agencies would maintain vital native ecosystems and would improve the quality of life of the American people.

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

(17) The court remedies now available to enforce Federal forest laws are inadequate, and should be strengthened by providing for injunctions, declaratory judgments, statutory damages, and reasonable costs of suit.

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

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

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.

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

''(B) In each stand and each watershed throughout each forested area, the Secretary shall provide for the conservation or restoration of native biodiversity except during the extraction stage of authorized mineral development or during authorized construction projects, in which events the Secretary shall conserve native biodiversity to the extent possible;''.

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

''(h) COMMITTEE OF SCIENTISTS.—(1) In carrying out the purposes of subsection (g) of this section, the Secretary shall appoint a committee of scientists who are not officers or employees of the Forest Service nor of any other public entity, nor of any entity engaged in whole or in part in the production of wood or wood products, and have not contracted with or represented any such entities within a period of 5 years prior to serving on such committee. The committee shall provide scientific and technical advice and counsel on proposed guidelines and procedures and all other issues involving forestry and native biodiversity to assure that an effective interdisciplinary approach is proposed and adopted. The committee

shall terminate after the expiration of 10 years from the date of the enactment of this paragraph.''.

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

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

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

''(3) For the purposes of this Act:

''(A) The term 'native biodiversity' means the full range of variety and variability within and among living organisms and the ecological complexes in which they would have occurred in the absence of significant human impact, and encompasses diversity within a species (genetic diversity, species diversity, or age diversity), within a community of species (within-community diversity), between communities

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

''(B) The terms 'conserve' and 'conservation' refer to protective measures for maintaining existing native biodiversity and active and passive measures for restoring diversity through management efforts, in order to protect, restore, and enhance as much of the variety of species and communities as possible in abundances and distributions that provide for their continued existence and normal functioning, including the viability of populations throughout their natural geographic distributions.

''(C) The term 'within-community diversity' means the distinctive assemblages of species and ecological processes that occur in different physical settings of the biosphere and distinct parts of the world.

''(D) The term 'genetic diversity' means the differences in genetic composition within and among populations of a given species.

''(E) The term 'species diversity' means the richness and variety of native species in a particular location of the world.

''(F) The term 'age diversity' means the naturally occurring range and distribution of age classes within a given species.

''(G) SELECTION MANAGEMENT.—(i) The term 'selection management' means a method of logging that emphasizes the periodic removal of trees, including mature, undesirable, and cull trees in a manner that insures—

''(I) the maintenance of continuous high forest cover where such cover naturally occurs,

''(II) the maintenance or natural regeneration of all native species in a stand, and

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

''(ii) Cutting methods that develop and maintain selection stands are—

''(I) individual-tree selection, in which individual trees of varying size and age classes are selected and logged in a generally uniform pattern throughout a stand, and

''(II) group selection, in which small 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,

''(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 any logging activity which—

"(I) creates 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,

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

"(III) cuts or removes more than 10 percent of the basal area of a stand within 15 years.

"(ii) Even-age logging and even-age management include the application of clearcutting, seed-tree cutting, shelterwood cutting, or any other logging method in a manner inconsistent with selection management.

"(J) The term 'clearcutting' means an even-age logging operation that removes all of the trees over a considerable area of a stand at one time.

"(K) The term 'seed-tree cut' means an even-age logging operation that leaves a small minority of seed trees in a stand for any period of time.

"(L) The term 'shelterwood cut' means an even-age logging operation that leaves a minority (larger than a seed-tree cut) of the stand as a seed

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

''(M) The term 'timber purposes' shall include the use, sale, lease, or distribution of trees, or the felling of trees or portions of trees except to create land space for a structure or other use.

''(N) The term 'basal area' means the area of the cross section of a tree stem, including the bark, at 4.5 feet above the ground.

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

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

''(B) The provisions of subsection (g)(3)(B) and this subsection shall be enforced by the Secretary of Agriculture and the Attorney General of the United States against any person who violates either of them.

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

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

''(ii) The court, after determining a violation of either of such subsections, shall impose a damage award of not less than $5,000, shall issue one or more injunctions and other equitable relief, and shall award to the plaintiffs reasonable costs of litigation including attorney's fees, witness fees and other necessary expenses.

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

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

''(E) The damage award shall be paid from the U.S. Treasury, as provided by Congress under section 1304 of title 31, United States Code, within 40 days after judgment to the person or persons designated to receive it, to be applied in protecting or restoring native biodiversity in or adjoining Federal land. Any award of costs of litigation 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 subsection (g)(3)(B) and this subsection. No notice is required to enforce this subsection.''.

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

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

(a) CONSERVATION OF NATIVE BIODIVERSITY.—Section 202(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)) is amended—

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

(2) by inserting after paragraph (7) the following new paragraph (8):

''(8) In each stand and each watershed throughout each forested area, the Secretary shall provide for the conservation or restoration of native biodiversity except during the extraction stage of authorized mineral development or during authorized construction projects, in which events the Secretary shall conserve native biodiversity to the extent possible;''.

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

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

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

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

''(3) For the purposes of this Act:

''(A) The term 'native biodiversity' means the full range of variety and variability within and among living organisms and the ecological complexes in which they would have occurred in the absence of significant human impact, and encompasses diversity within a species (genetic diversity, species diversity, or age diversity), within a community of species (within-community diversity), between communities of species (between-communities), within a total area such as a watershed (total area), along a plane from ground to sky (vertical), and along the plane of the

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

''(B) The terms 'conserve' and 'conservation' refer to protective measures for maintaining existing native biodiversity and active and passive measures for restoring diversity through management efforts, in order to protect, restore, and enhance as much of the variety of species and communities as possible in abundances and distributions that provide for their continued existence and normal functioning, including the viability of populations throughout their natural geographic distributions.

''(C) The term 'within-community diversity' means the distinctive assemblages of species and ecological processes that occur indifferent physical settings of the biosphere and distinct parts of the world.

''(D) The term 'genetic diversity' means the differences in genetic composition within and among populations of a given species.

''(E) The term 'species diversity' means the richness and variety of native species in a particular location of the world.

''(F) The term 'age diversity' means the naturally occurring range and distribution of age classes within a given species.

''(G) SELECTION MANAGEMENT.—(i) The term 'selection management' means a method of logging that emphasizes the periodic removal of trees, including mature, undesirable, and cull trees in a manner that insures—

''(I) the maintenance of continuous high forest cover where such cover naturally occurs,

''(II) the maintenance or natural regeneration of all native species in a stand, and

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

''(ii) Cutting methods that develop and maintain selection stands are—

''(I) individual-tree selection, in which individual trees of varying size and age classes are selected and logged in a generally uniform pattern throughout a stand, and

''(II) group selection, in which small 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—

"(I) creates 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) cuts or removes more than 10 percent of the basal area of a stand within 15 years.

"(ii) Even-age logging and even-age management include the application of clearcutting, seed-tree cutting, shelterwood cutting, or any other logging method in a manner inconsistent with selection management.

"(J) The term 'clearcutting' means an even-age logging operation that removes all of the trees over a considerable area of a stand at one time.

"(K) The term 'seed-tree cut' means an even-age logging operation that leaves a small minority of seed trees in a stand for any period of time.

"(L) The term 'shelterwood cut' means an even-age logging operation that leaves a minority (larger than in a seed-tree cut) of the stand as a seed source or protection cover remaining standing for any period of time.

''(M) The term 'timber purposes' shall include the use, sale, lease, or distribution of trees, or the felling of trees or portions of trees except to create land space for a structure or other use.

''(N) The term 'basal area' means the area of the cross section of a tree stem, including the bark, at 4.5 feet above the ground.

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

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

''(B) The provisions of subsection (c)(8) and this subsection shall be enforced by the Secretary of the Interior and the Attorney General of the United States against any person who violates either of them.

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

''(ii) The court, after determining a violation of either of such subsections shall impose a damage award of not less than $5,000, shall issue one or more injunctions and other equitable relief, and shall award to the plaintiffs reasonable costs of litigation attorney's fees, witness fees and other necessary expenses.

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

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

''(E) The damage award shall be paid from the U.S. Treasury, as provided by Congress under section 1304 of title 31, United States Code, within 40 days after judgment to the person or persons designated to receive it, to be applied in protecting or restoring native biodiversity in or adjoining Federal land. Any award of costs of litigation 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 subsection (c)(8) and this subsection. No notice is required to enforce this subsection.''.

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

SEC. 103. AMENDMENT OF NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT OF 1966 RELATING TO THE NATIONAL WILDLIFE REFUGE SYSTEM.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended by adding at the end the following:

''(j) CONSERVATION OF NATIVE BIODIVERSITY.—In each stand and each watershed throughout each forested area within the System, the Secretary shall provide for the conservation or restoration of native biodiversity, except during the extraction stage of authorized mineral development or during authorized construction projects, in which events the Secretary shall conserve native biodiversity to the extent possible.

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

''(2) On each stand already under even-age management, the Secretary shall (A) prescribe a shift to selection

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

''(3) For the purposes of this subsection:

''(A) The term 'native biodiversity' means the full range of variety and variability within and among living organisms and the ecological complexes in which they would have occurred in the absence of significant human impact, and encompasses diversity within a species (genetic diversity, species diversity, or age diversity), within a community of species (within-community diversity), between communities of species (between-communities), within a total area such as a watershed (total area), along a plane from ground to sky (vertical), and along the plane of the earth-surface (horizontal). Vertical and horizontal diversity apply to all the other aspects of diversity.

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

ing the viability of populations throughout their natural geographic distributions.

''(C) The term 'within-community diversity' means the distinctive assemblages of species and ecological processes that occur in different physical settings of the biosphere and distinct parts of the world.

''(D) The term 'genetic diversity' means the differences in genetic composition within and among populations of a given species.

''(E) The term 'species diversity' means the richness and variety of native species in a particular location of the world.

''(F) The term 'age diversity' means the naturally occurring range and distribution of age classes within a given species.

''(G) SELECTION MANAGEMENT.—(i) The term 'selection management' means a method of logging that emphasizes the periodic removal of trees, including mature, undesirable, and cull trees in a manner that insures—

''(I) the maintenance of continuous high forest cover where such cover naturally occurs,

''(II) the maintenance or natural regeneration of all native species in a stand, and

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

"(ii) Cutting methods that develop and maintain selection stands are—

"(I) individual-tree selection, in which individual trees of varying size and age classes are selected and logged in a generally uniform pattern throughout a stand, and

"(II) group selection, in which small 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,

"(II) create 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 any logging activity which—

''(I) creates 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,

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

''(III) cuts or removes more than 10 percent of the basal area of a stand within 15 years.

''(ii) Even-age logging and even-age management include the application of clearcutting, seed-tree cutting, shelterwood cutting, or any other logging method in a manner inconsistent with selection management.

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

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

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

''(M) the term 'timber purposes' shall include the use, sale, lease, or distribution of trees, or the felling of trees or portions of trees except to create land space for a structure or other use.

''(N) The term 'basal area' means the area of the cross section of a tree stem, including the bark, at 4.5 feet above the ground.

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

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

''(B) The provisions of subsection (j) and this subsection shall be enforced by the Secretary of the Interior and the Attorney General of the United States against any person who violates either of them.

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

''(ii) The court, after determining a violation of either of such subsections, shall impose a damage award of not less than $5,000, shall issue one or more injunctions and other equitable relief, and shall award to the plaintiffs reasonable costs of litigation including attorney's fees, witness fees and other necessary expenses.

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

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

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

ment to the person or persons designated to receive it, to be applied in protecting or restoring native biodiversity in or adjoining Federal land. Any award of costs of litigation 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 subsection (j) and this subsection. No notice is required to enforce this subsection.''.

SEC. 104. AMENDMENT OF NATIONAL INDIAN FOREST RESOURCES MANAGEMENT ACT RELATING TO INDIAN LANDS.

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

''(c) CONSERVATION OF NATIVE BIODIVERSITY.—In each stand and each watershed throughout each forested area on Indian lands, the Secretary shall provide for the conservation or restoration of native biodiversity except during the extraction state of authorized mineral development or during authorized construction projects, in which events the Secretary shall conserve native biodiversity to the extent possible;''.

''(d) RESTRICTION ON USE OF CERTAIN LOGGING PRACTICES.—(1) In each stand and watershed throughout

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

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

''(3) For the purposes of this section:

''(A) The term 'native biodiversity' means the full range of variety and variability within and among living organisms and the ecological complexes in which they would have occurred in the absence of significant human impact, and encompasses diversity within a species (genetic diversity, species diversity, or age diversity), within a community of species (within-community diversity), between communities of species (between-communities), within a total area such as a watershed (total area), along a plane from ground to sky (vertical), and along the plane of the earth-surface (horizontal). Vertical and horizontal diversity apply to all the other aspects of diversity.

''(B) The terms 'conserve' and 'conservation' refer to protective measures for maintaining existing native biodiversity and active and passive measures

for restoring diversity through management efforts, in order to protect, restore, and enhance as much of the variety of species and communities as possible in abundances and distributions that provide for their continued existence and normal functioning, including the viability of populations throughout their natural geographic distributions.

''(C) The term 'within-community diversity' means the distinctive assemblages species and ecological processes that occur in different physical settings of the biosphere and distinct parts of the world.

''(D) The term 'genetic diversity' means the differences in genetic composition within and among populations of a given species.

''(E) The term 'species diversity' means the richness and variety of native species in a particular location of the world.

''(F) The term 'age diversity' means the naturally occurring range and distribution of age classes within a given species.

(G) SELECTION MANAGEMENT.—(i) The term 'selection management' means a method of logging that emphasizes the periodic removal of trees, in-

cluding mature, undesirable, and cull trees in a manner that insures—

"(I) the maintenance of continuous high forest cover where such cover naturally occurs,

"(II) the maintenance or natural regeneration of all native species in a stand, and

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

"(ii) Cutting methods that develop and maintain selection stands are—

"(I) individual-tree selection, in which individual trees of varying size and age classes are selected and logged in a generally uniform pattern throughout a stand, and

"(II) group selection, in which small 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,

"(II) create 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' means any logging activity which—

"(I) creates 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,

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

''(III) cuts or removes more than 10 percent of the basal area of a stand within 15 years.

''(ii) Even-age logging and even-age management include the application of clearcutting, seed-tree cutting, shelterwood cutting, or any other logging method in a manner inconsistent with selection management.

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

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

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

''(M) The term 'timber purposes' shall include the use, sale, lease, or distribution of trees, or the felling of trees or portions of trees except to create land space for a structure or other use.

''(N) The term 'basal tree' means the area of the cross section of a tree stem, including the bark, at 4.5 feet above the ground.

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

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

''(B) The provisions of subsection (c) and this subsection shall be enforced by the Secretary of the Interior and the Attorney General of the United States against any person who violates either of them.

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

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

sonable costs of litigation including attorney's fees, witness fees and other necessary expenses.

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

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

''(E) The damage award shall be paid from the U.S. Treasury, as provided by Congress under section 1304 of title 31, United States Code, within 40 days after judgment to the person or persons designated to receive it, to be applied in protecting or restoring native biodiversity in or adjoining Federal land. Any award of costs of litigation 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 subsection (c) and this subsection. No notice is required to enforce this subsection.''.

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

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2694. Conservation of native biodiversity

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

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

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

''(3) In this section:

''(A) The term 'native biodiversity' means the full range of variety and variability within and among living organisms and the ecological complexes in which they would have occurred in the absence of significant human impact, and encompasses diversity within a species (genetic diversity, species diversity, or age diversity), within a community of species (within-community diversity), between communities of species (between-communities), within a total area such as a watershed (total area), along a plane from ground to sky (vertical), and along the plane of the earth-surface (horizontal). Vertical and horizontal diversity apply to all the other aspects of diversity.

''(B) The terms 'conserve' and 'conservation' refer to protective measures for maintaining existing native biodiversity and active and passive measures for restoring diversity through management efforts, in order to protect, restore, and enhance as much of the variety of species and communities as possible in abundances and distributions that provide for their continued existence and normal functioning, including the viability of populations throughout their natural geographical distributions.

''(C) The term 'within-community diversity' means the distinctive assemblages of species and ec-

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

''(D) The term 'genetic diversity' means the differences in genetic composition within and among populations of a given species.

''(E) The term 'species diversity' means the richness and variety of native species in a particular location of the world.

''(F) The term 'age diversity' means the naturally occurring range and distribution of age classes within a given species.''

''(G) SELECTION MANAGEMENT.—(i) The term 'selection management' means a method of logging that emphasizes the periodic removal of trees, including mature, undesirable, and cull trees in a manner that insures—

''(I) the maintenance of continuous high forest cover where such cover naturally occurs,

''(II) the maintenance or natural regeneration of all native species in a stand, and

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

''(ii) Cutting methods that develop and maintain selection stands are—

''(I) individual-tree selection, in which individual trees of varying size and age classes are selected and logged in a generally uniform pattern throughout a stand, and

''(II) group selection, in which small 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,

''(II) create 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 any logging activity which—

''(I) creates 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,

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

''(III) cuts or removes more than 10 percent of the basal area of a stand within 15 years.

''(ii) Even-age logging and even-age management include the application of clearcutting, seed-tree cutting, shelterwood cutting, or any other logging method in a manner inconsistent with selection management.

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

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

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

''(M) The term 'timber purposes' shall include the use, sale, lease, or distribution of trees, or the felling of trees or portions of trees except to create land space for a structure or other use.

''(N) The term 'basal tree' means the area of the cross section of a tree stem, including the bark, at 4.5 feet above the ground.

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

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

''(B) The provisions of this section shall be enforced by the Secretary of Defense and the Attorney General of the United States against any person who violates this section.

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

''(ii) The court, after determining a violation of this section, shall impose a damage award of not less than $5,000, shall issue one or more injunctions and other equitable relief, and shall award to the plaintiffs reasonable costs of litigation including attorney's fees, witness fees and other necessary expenses.

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

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

''(E) The damage award shall be paid from the U.S. Treasury, as provided by Congress under section 1304 of title 31, United States Code, within 40 days after judgment to the person or persons designated to receive it, to be applied in protecting or restoring native biodiversity 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:

(A) The term ''Northwest Ancient Forests'' refers to—

(i) Federal lands identified as Late-Successional Reserves, Riparian Reserves, and Key Watersheds under the heading ''Alternative 1'' of the report ''Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl, Vol. I.'', dated February 1994; and

(ii) Federal lands identified by the term ''Medium and Large Conifer Multi-Storied, Canopied Forests'' as defined in ''Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Related Species Within the Range of the Northern Spotted Owl, Vol. I.'', dated February 1994.

(B) The term ''Eastside Cascade Ancient Forests'' refers to—

(i) Federal lands identified as ''Late-Succession/Old-growth Forest (LS/OG)''

depicted on maps for the Colville, Fremont, Malheur, Ochoco, Umatilla, Wallowa-Whitman and Winema National Forests in the document entitled ''Interim Protection for Late-Successional Forests, Fisheries, and Watersheds: National Forests East of the Cascade Crest, Oregon, and Washington'', prepared by the Eastside Forests Scientific Society Panel (The Wildlife Society, Technical Review 94–2, August 1994):

(ii) Federal lands, east of the Cascade crest in Oregon and Washington defined as ''late successional and old-growth forests'' in the general definition on page 28 of the report entitled'' Interim Protection for Late-Successional Forests, Fisheries, and Watersheds: National Forests East of the Cascade Crest, Oregon, and Washington''; and

(iii) Federal lands classified as ''Oregon Aquatic Diversity Areas'' as defined in the report entitled Interim Protection for Late-Successional Forests, Fisheries, and Watersheds: National Forests East of

the Cascade Crest, Oregon, and Washington''.

(C) The term ''Sierra Nevada Ancient Forests'' refers to—

(i) Federal lands identified as ''Areas of Late-Successional Emphasis (ALSE)'' in the document entitled ''Final Report to Congress: Status of the Sierra Nevada'', prepared by the Sierra Nevada Ecosystem Project (Wildland Resources Center Report #40, University of California, Davis, 1996/97);

(ii) Federal lands identified as ''Late-Succession/Old-Growth Forests Rank 3, 4 or 5'' in the document entitled ''Final Report to Congress: Status of the Sierra Nevada''; and

(iii) Federal lands identified as ''Potential Aquatic Diversity Management Areas'' in the map on page 1497 of the document entitled ''Final Report to Congress: Status of the Sierra Nevada, Volume II''.

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

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

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

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

(C) are less than 5,000 acres, but share a border that is not an improved road with an existing Wilderness Area, Primitive Area, or Wilderness Study Area.

(5) WATERSHED PROTECTION AREAS.—The term ''Watershed Protection Areas'' refers to Federal lands

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

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

eral or seasonal stream, or any other non-permanently flowing drainage feature having a definable channel and evidence of annual scour or deposition of flow-related debris, or

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

(D) extending 150 feet from the edge of the maximum level of constructed lakes, ponds, or reservoirs and natural or constructed wetlands including.

(6) SPECIAL AREAS.—The term ''Special Areas'' means certain areas of Federal land designated in section 202.

(7) FEDERAL BOUNDARY AREAS.—The term ''Federal Boundary Areas'' means lands managed by the Forest Service, Bureau of Land Management, or Fish & Wildlife Service, within 200 feet of a property line.

(8) SECRETARY CONCERNED.—The term ''Secretary concerned'' means the head of the Federal agency having jurisdiction over Federal lands included within an Ancient Forest, Roadless Area, Watershed Protection Area, Special Area, or Federal Boundary Area.

(b) FINDINGS.—Congress finds the following:

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

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

(3) Large, unfragmented forest watersheds provide high-quality water supplies for drinking, agriculture, industry, and fisheries across the United States.

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

(5) Many neotropical migratory songbird species are currently experiencing documented broad-scale population declines and require large, unfragmented forests to ensure their survival.

(6) Destruction of large-scale natural forests has resulted in a tremendous loss of jobs in the fishing, hunting, tourism, recreation, and guiding industries, and has adversely affected

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

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

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

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

(10) Prohibiting extractive logging in the Ancient Forests would create the best conditions for ensuring stable, well distributed, and viable populations of the northern spotted owl, marbled murrelet, American marten, and other vertebrates, invertebrates, vascular plants, and nonvascular plants, and nonvascular plants associated with those forests.

(11) Prohibiting extractive logging in the Ancient Forests would create the best conditions for ensuring stable, well distributed, and viable populations of anadromous salmonids, resident salmonids; and bull trout.

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

(13) Roadless areas contain many of the largest unfragmented forests on Federal lands. Large unfragmented forests are among the last refuges for native animal and plant biodiversity, and are vital to maintaining viable populations of threatened, endangered, sensitive, and rare species.

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

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

(16) The exceptional recreational, biological, scientific, or economic assets of certain special forested areas on Federal lands are valuable to the American public and are damaged by extractive logging in these areas.

(17) In order to gauge the effectiveness and appropriateness of current and future resource management activities, and to continue to broaden and develop our understanding of silvicultural practices, many special forested areas need to remain in a nat-

ural, unmanaged state to serve as scientifically established baseline contract forests.

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

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

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

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

SEC. 202. DESIGNATION OF SPECIAL AREAS.

(a) DESCRIPTION OF SPECIAL AREAS.—

(1) IN GENERAL.—Special areas are parcels of Federal forest land that possess outstanding biological, scenic, recreational, or cultural values, exemplary on a regional, national, or international level, yet may not meet the definitions of Ancient Forests,

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

(2) BIOLOGICAL VALUES.—Biological values include—

(A) the presence of threatened or endangered species of plants or animals;

(B) rare or endangered ecosystems;

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

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

(E) migration corridors;

(F) areas of outstanding biodiversity;

(G) old growth forests;

(H) commercial fisheries; and

(I) sources of clean water such as key watersheds.

(3) SCENIC VALUES.—Scenic values include—

(A) unusual geological formations;

(B) designated wild and scenic rivers;

(C) unique biota; and

(D) vistas.

(4) RECREATIONAL VALUES.—Recreational values include—

(A) designated National Recreational Trails or Recreational Areas;

(B) popular areas for recreation and sports including—

(i) hunting;

(ii) fishing;

(iii) camping;

(iv) hiking;

(v) aquatic recreation; and

(vi) winter recreation;

(C) Federal lands in regions that are underserved in terms of recreation;

(D) lands adjacent to designated Wilderness Areas; and

(E) solitude.

(5) CULTURAL VALUES.—Cultural values include—

(A) sites with Native American religious significance; and

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

(b) SIZE VARIATION.—Special areas may vary in size to encompass the outstanding biological, scenic, recreational, or cultural value or values to be protected.

(c) DESIGNATION OF SPECIAL AREAS.—For purposes of this title, there are hereby designated the following Special Areas, which shall be subject to the management restrictions specified in section 203(c):

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

(2) ALASKA.—

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

(B) HONKER DIVIDE.—Certain lands in the Tongass National Forest in Alaska, which comprise approximately 75,000 acres, located on north central Prince of Wales Island, comprising the Thorne River and Hatchery Creek watersheds, stretching approximately 40 miles northwest from the vicinity of the town of

Thorne Bay to the vicinity of the town of Coffman Cove, generally known as the ''Honker Divide''.

(3) ARIZONA: NORTH RIM OF THE GRAND CANYON.—Certain lands in the Kaibab National Forest, Arizona, included in the Grand Canyon Game Preserve, which comprise approximately 500,000 acres, abutting the northern side of the Grand Canyon in the area generally known as the ''North Rim of the Grand Canyon''.

(4) ARKANSAS.—

(A) COW CREEK DRAINAGE, ARKANSAS.—Certain lands in the Ouachita National Forest, Mena Ranger District, Polk County, Arkansas, comprising approximately 7,000 acres, bounded approximately by the following landmarks: on the north by County Road 95; on the south by County Road 157; on the east by County Road 48 and on the west by the Arkansas-Oklahoma border, known as ''Cow Creek Drainage, Arkansas''.

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

which comprise approximately 120,000 acres located in the vicinity of the Blaylock Creek Watershed between Long Creek and the South Fork of the Saline River.

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

(D) LOWER BUFFALO RIVER WATERSHED.—Certain lands in the Ozark National Forest, Sylamore Ranger District, totaling approximately 6,000 acres, known as ''The Lower Buffalo River Watershed''. The area is comprised of those Forest Service lands, not already designated as Wilderness, located in the watershed of Big Creek, southwest of the Leatherwood Wilderness Area in Searcy and Marion Counties, Arkansas.

(E) UPPER BUFFALO RIVER WATERSHED.—Certain lands in the Ozark National Forest, Buffalo Ranger District, totaling approximately 220,000 acres known as the ''Upper Buffalo River Watershed''. This area is

located approximately 35 miles from the town of Harrison, in Madison, Newton and Searcy Counties, Arkansas. The Upper Buffalo River Watershed is comprised of those Forest Service lands, not already designated as Wilderness Areas, upstream of the confluence of the Buffalo River and Richland Creek and located in the following watersheds: Buffalo River, the various streams comprising the Headwaters of the Buffalo River, Richland Creek, Little Buffalo Headwaters, Edgmon Creek, Big Creek and Cane Creek.

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

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

(7) GEORGIA.—

(A) ARMUCHEE CLUSTER.—Certain lands in the Chattahoochee National Forest, Armuchee Ranger District, totaling approximately 19,700 acres, known as the ''Armuchee Cluster''. The cluster is comprised of three parcels known as Rocky Face, Johns Mountain and Hidden Creek. The cluster is located approximately 10 miles southwest of Dalton and 14 miles north of Rome, Whitfield, Walker, Chattooga, Floyd, and Gordon Counties, Georgia.

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

tahoochee National Forest, Chestatee Ranger District, totaling approximately 15,000 acres, known as the ''Blue Ridge Corridor Cluster, Georgia Areas''. The cluster is comprised of the following 5 parcels: Horse Gap, Hogback Mountain, Blackwell Creek, Little Cedar Mountain, and Black Mountain. The cluster is located approximately 15 to 20 miles north of the town of Dahlonega, Union and Lumpkin Counties, Georgia.

(C) CHATTOOGA WATERSHED CLUSTER, GEORGIA AREAS.—Certain lands in the Chattahoochee National Forest, Tallulah Ranger District, comprising 63,500 acres known as the ''Chattooga Watershed Cluster, Georgia Areas''. This cluster is comprised of 7 areas, located in Rabun County, Georgia, known as the following: Rabun Bald, Three Forks, Ellicott Rock Extension, Rock Gorge, Big Shoals, Thrift's Ferry, and Five Falls. The towns of Clayton, Georgia, and Dillard, South Carolina are situated nearby.

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

acres, known as the ''Cohutta Cluster'. The cluster is comprised of four parcels known as Cohuttta Extensions, Grassy Mountain, Emery Creek, and Mountaintown. The cluster is located near the towns of Chatsworth and Ellijay, Murray, Fannin, and Gilmer Counties, Georgia.

(E) DUNCAN RIDGE CLUSTER.—Certain lands in the Chattahoochee National Forest, Brasstown and Toccoa Ranger Districts, comprising approximately 17,000 acres known as the ''Duncan Ridge Cluster''. The cluster is comprised of the following four parcels: Licklog Mountain, Duncan Ridge, Board Camp, and Cooper Creek Scenic Area Extension. The cluster is located approximately 10 to 15 miles south of the town of Blairsville in Union and Fannin Counties, Georgia.

(F) ED JENKINS NATIONAL RECREATION AREA CLUSTER.—Certain lands in the Chattahoochee National Forest, Toccoa and Chestatee Ranger Districts, totaling approximately 19,300 acres, known as the ''Ed Jenkins National Recreation Area Cluster''. The cluster is comprised of the Springer Mountain, Mill Creek, and Toonowee parcels. The cluster is lo-

cated 30 miles north of the town of Dahlonega, Fannin, Dawson, and Lumpkin Counties, Georgia.

(G) GAINESVILLE RIDGES CLUSTER.—Certain lands in the Chattahoochee National Forest, Chattooga Ranger District, totaling approximately 14,200 acres, known as the ''Gainesville Ridges Cluster''. The cluster is comprised of the following three parcels: Panther Creek, Tugaloo Uplands, and Middle Fork Broad River. The cluster is located approximately 10 miles from the town of Toccoa, Habersham and Stephens Counties, Georgia.

(H) NORTHERN BLUE RIDGE CLUSTER, GEORGIA AREAS.—Certain lands in the Chattahoochee National Forest, Brasstown and Tallulah Ranger Districts, totaling approximately 46,000 acres, known as the ''Northern Blue Ridge Cluster, Georgia Areas''. The cluster is comprised of the following eight areas: Andrews Cove, Anna Ruby Falls Scenic Area Extension, High Shoals, Tray Mountain Extension, Kelly Ridge-Moccasin Creek, Buzzard Knob, Southern Nantahala Extension, and Patterson Gap. The cluster is located approxi-

mately 5 to 15 miles north of Helen, 5 to 15 miles southeast of Hiawassee, 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,

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

(8) IDAHO.—

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

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

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

(9) ILLINOIS.—

(A) CRIPPS BEND.—Certain lands in the Shawnee National Forest in Illinois, which comprise approximately 39 acres in Jackson County

in the Big Muddy River watershed, in the area generally known as ''Cripps Bend''.

(B) OPPORTUNITY AREA 6.—Certain lands in the Shawnee National Forest in Illinois, which comprise approximately 50,000 acres located in northern Pope County, surrounding Bell Smith Springs Natural Area, in the area generally known as ''Opportunity Area 6''.

(C) QUARREL CREEK.—Certain lands in the Shawnee National Forest in Illinois, which comprise approximately 490 acres located in northern Pope County, in the Quarrel Creek watershed, in the area generally known as ''Quarrel Creek''.

(10) MICHIGAN: TRAP HILLS.—Certain lands in the Ottawa National Forest, Bergland Ranger District, totaling approximately 37,120 acres, known as the ''Trap Hills'', located approximately 5 miles from the town of Bergland, Ontonagon County, Michigan.

(11) MINNESOTA.—

(A) TROUT LAKE AND SUOMI HILLS.—Certain lands in the Chippewa National Forest, comprising approximately 12,000 acres, known

as ''Trout Lake/Suomi Hills'' in Itasca County, Minnesota.

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

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

(13) MONTANA: MOUNT BUSHNELL.—Certain lands in the Lolo National Forest in Montana, which comprise approximately 41,000 acres located approximately 5 miles southwest of the town of Thompson Falls in the area generally known as ''Mount Bushnell''.

(14) NEW MEXICO.—

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

Mexico, Camino Real Ranger District, totaling approximately 10,000 acres located in Township 21, Ranges 12 and 13, known as ''Angostura''. The area's approximate boundaries are as follows: the northeast boundary is formed by Highway 518, the southeast boundary consists of the Angostura Creek watershed boundary, the southern boundary is Trail 19 and the Pecos Wilderness, and on the west, the boundary is formed by the Agua Piedra Creek watershed.

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

(C) ELK MOUNTAIN.—Certain lands in the Santa Fe National Forest, New Mexico, comprising 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-

cated near the town of Murphy, Franklin, Bryson City, Andrews, and Beechertown, Cherokee, Macon, Clay and Swain Counties, North Carolina.

(B) CHATTOOGA WATERSHED CLUSTER, NORTH CAROLINA AREAS.—Certain lands in the Nantahala National Forest, Highlands Ranger District, totaling approximately 8,000 acres, known as the ''Chattooga Watershed Cluster, North Carolina Areas''. The cluster is comprised of the Overflow (Blue Valley) and Terrapin Mountain parcels. The cluster is located five miles from the town of Highlands, Macon and Jackson Counties, North Carolina.

(C) TENNESSEE BORDER CLUSTER, NORTH CAROLINA AREAS.—Certain lands in the Nantahala National Forest, Tusquitee and Cheoah Ranger Districts, totaling approximately 28,000 acres, known as the ''Tennessee Border Cluster, North Carolina Areas''. The cluster is comprised of the four following parcels: Unicoi Mountains, Deaden Tree, Snowbird, and Joyce Kilmer-Slickrock Extension. The cluster is located near the towns of Murphy

and Robbinsville, Cherokee and Graham Counties, North Carolina.

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

(E) BIG IVY TRACT.—Certain lands in the Pisgah National Forest in North Carolina, which comprise approximately 14,000 acres, located approximately 15 miles west of Mount Mitchell in the area generally known as the ''Big Ivy Tract''.

(F) BLACK MOUNTAINS CLUSTER, NORTH CAROLINA AREAS.—Certain lands in the Pisgah National Forest, Toecane and Grandfather Ranger Districts, totaling approximately 62,000 acres, known as the ''Black Mountains Cluster, North Carolina Areas''. The cluster is comprised of the following five parcels: Craggy Mountains, Black Mountains, Jarrett Creek, Mackey Mountain, and Woods Mountain. The cluster is located near the towns of Burnsville,

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

(G) LINVILLE CLUSTER.—Certain lands in the Pisgah National Forest, Grandfather District, totaling approximately 42,000 acres known as the ''Linville Cluster''. The Cluster is comprised of the following seven parcels: Dobson Knob, Linville Gorge Extension, Steels Creek, Sugar Knob, Harper Creek, Lost Cove and Upper Wilson Creek. The cluster is located near the towns of Marion, Morgantown, Spruce Pine, Linville, and Blowing Rock, Burke, McDowell, Avery and Caldwell Counties, North Carolina.

(H) NOLICHUCKY, NORTH CAROLINA AREA.—Certain lands in the Pisgah National Forest, Toecane Ranger District, totaling approximately 4,000 acres, known as the ''Nolichucky, North Carolina Area'', located 25 miles northwest of Burnsville, Mitchell and Yancey Counties, North Carolina.

(I) PISGAH CLUSTER, NORTH CAROLINA AREAS.—Certain lands in the Pisgah National Forest, Pisgah Ranger District, totaling approximately 52,000 acres, known as the ''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

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

(B) BLUEGRASS RIDGE.—Certain lands in the Ironton Ranger District on the Wayne National Forest, Lawrence County, Ohio, known as ''Bluegrass Ridge'', comprising approximately 4,000 acres, located three miles east of Etna in Township 4 North, Range 17 West, Sections 19–23, 27–30.

(C) BUFFALO CREEK.—Certain lands in the Ironton Ranger District of the Wayne National Forest, Lawrence County, Ohio, known as ''Buffalo Creek'', comprising approximately 6500 acres, located four miles northwest of Waterloo in Township 5 North, Ranger 17 West, sections 3–10, 15–18.

(D) LAKE VESUVIUS.—Certain lands in the Ironton Ranger District of the Wayne National Forest, Lawrence County, Ohio, comprising approximately 4,900 acres, generally known as ''Lake Vesuvius'', located to the east of Etna and bounded by State Highway 93 to the southwest and State Highway 4 to the northwest 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

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

(17) OKLAHOMA: COW CREEK DRAINAGE, OKLAHOMA.—Certain lands in the Ouachita National Forest, Mena Ranger District, Le Flore County, Oklahoma, comprising approximately 3,000 acres, bounded approximately by the Beech Creek National Scenic Area on the west, State Highway 63 on the north and the Arkansas-Oklahoma border on the east, and County Road 9038 on the south, known as ''Cow Creek Drainage, Oklahoma''.

(18) OREGON: APPLEGATE WILDERNESS.—Certain lands in the Siskiyou National Forest and Rogue River National Forest in Oregon, which comprise approximately 20,000 acres, located approximately 20 miles southwest of the town of Grants Pass and 10 miles south of Williams, in the area generally known as the ''Applegate Wilderness''.

(19) SOUTH CAROLINA.—

(A) BIG SHOALS, SOUTH CAROLINA AREA.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 2,000 acres known as ''Big Shoals,

South Carolina Area''. This area is located 15 miles south of Highlands, North Carolina.

(B) BRASSTOWN CREEK, SOUTH CAROLINA AREA.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 3,500 acres known as ''Brasstown Creek, South Carolina Area''. This area is located approximately 15 miles west of Westminster, South Carolina.

(C) CHAUGA.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 16,000 acres known as ''Chauga''. This area is located approximately 10 miles west of Walhalla, South Carolina.

(D) DARK BOTTOMS.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 4,000 acres known as ''Dark Bottoms''. This area is located approximately 10 miles northwest of Westminster, South Carolina.

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

National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 2,000 acres known as ''Ellicott Rock Extension, South Carolina Area''. This area is located approximately 10 miles south of Cashiers, North Carolina.

(F) FIVE FALLS, SOUTH CAROLINA AREA.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 3,500 acres known as ''Five Falls, South Carolina Area''. This area is located approximately 10 miles southeast of Clayton, Georgia.

(G) PERSIMMON MOUNTAIN.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 7,000 acres known as ''Persimmon Mountain''. This area is located approximately 12 miles south of Cashiers, North Carolina.

(H) ROCK GORGE, SOUTH CAROLINA AREA.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, 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

Road 231 form the southern boundary and a fork of Rapid Creek forms the western boundary.

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

(C) NORBECK PRESERVE.—Certain lands in the Black Hills National Forest of South Dakota, totaling approximately 27,766 acres known as the ''Norbeck Preserve'' encompassed approximately by the following traverse. Starting at the southeast corner, the area boundary runs north along FDR 753 and U.S. Highway Alt. 16, then along SD 244 to the junction of Palmer Creek Road, which serves generally as a northwest limit. It then heads south from the junction of Highway 87–89, southeast along

Highway 87, and east back to FDR 753. A corridor of private land along FDR 345 is excluded.

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

(E) STAGEBARN CANYONS.—Certain lands in the Black Hills National Forest, South Dakota, known as ''Stagebarn Canyons'', which comprise approximately 7,300 acres located approximately 10 miles west of Rapid City, South Dakota.

(21) TENNESSEE.—

(A) BALD MOUNTAINS CLUSTER, TENNESSEE AREAS.—Certain lands in the Nolichucky and Unaka Ranger Districts of the Cherokee National Forest, Cocke, Green, Washington and Unicoi Counties, Tennessee, com-

prising approximately 46,133 acres known as the ''Bald Mountains Cluster, Tennessee Areas''. This Cluster is comprised of the following parcels known as: Laurel Hollow Mountain, Devil's Backbone, Laurel Mountain, Walnut Mountain, Wolf Creek, Meadow Creek Mountain, Brush Creek Mountain, Paint Creek, Bald Mountain and Sampson Mountain Extension. These parcels are located near the towns of Newport, Hot Springs, Greeneville and Erwin, Tennessee.

(B) BIG FROG/COHUTTA CLUSTER.—Certain lands in the Cherokee National Forest, Polk County, Tennessee, Ocoee, Hiwassee, and Tennessee Ranger Districts, comprising approximately 28,800 acres known as the ''Big Frog/Cohutta Cluster''. This Cluster is comprised of the following parcels: Big Frog Extensions, Little Frog Extensions, Smith Mountain and Rock Creek. These parcels are located near the towns of Copperhill, Ducktown, Turtletown and Benton, Tennessee.

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

tional Forest, Monroe County, Tennessee, comprising approximately 14,256 acres known as the ''Citico Creek Watershed Cluster, Tennessee Areas''. This Cluster is comprised of the following parcels known as: Flats Mountain, Miller Ridge, Cowcamp Ridge and Joyce Kilmer-Slickrock Extension. These parcels are located near the town of Tellico Plains, Tennessee.

(D) IRON MOUNTAINS CLUSTER.—Certain lands in the Cherokee National Forest, Watauga Ranger District, totaling approximately 58,090 acres known as the ''Iron Mountains Cluster''. The cluster is comprised of the following 8 parcels: Big Laurel Branch Addition, Hickory Flat Branch, Flint Mill, Lower Iron Mountain, Upper Iron Mountain, London Bridge, Beaverdam Creek, and Rodgers Ridge. The Cluster is located near the towns of Bristol and Elizabethton, Sullivan and Johnson Counties, Tennessee.

(E) NORTHERN UNICOI MOUNTAINS CLUSTER.—Certain lands in the Tellico Ranger District of the Cherokee National Forest, Monroe County, Tennessee, comprising approximately 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

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

(B) LAMB BROOK.—Certain lands in the Green Mountain National Forest in Vermont, which comprise approximately 5,500 acres, located 3 miles southwest of Wilmington, bounded on the west and south Routes 8 and 100, on the north by Route 9, and on the east by New England Power Company lands, generally known as ''Lamb Brook''.

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

(24) VIRGINIA.—

(A) BEAR CREEK.—Certain lands known as ''Bear Creek'', in the Jefferson National

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

(B) CAVE SPRINGS.—Certain lands known as ''Cave Springs'' in the Jefferson National Forest, Clinch Ranger District, comprising approximately 3,000 acres located between State Route 621 and the North Fork of the Powell River, Lee County, Virginia.

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

(D) STONE COAL CREEK.—Certain lands known as ''Stone Coal Creek'', totaling approximately 2,000 acres in the Jefferson National Forest, New Castle Ranger District, Craig and Botetourt Counties, Virginia.

(E) WHITE OAK RIDGE: TERRAPIN MOUNTAIN.—Certain lands known as ''White Oak Ridge—Terrapin Mountain'', totaling approximately 8,000 acres, Glenwood Ranger District of the Jefferson National Forest, east of the Blue Ridge Parkway, Botetourt and Rockbridge Counties, Virginia.

(F) WHITETOP MOUNTAIN.—Certain lands in the Jefferson National Forest, Mt. Rodgers Recreation Area, comprising 3,500 acres in Washington, Smyth and Grayson Counties, Virginia, known as ''Whitetop Mountain''.

(G) WILSON MOUNTAIN.—Certain lands known as ''Wilson Mountain'', comprising approximately 5,100 acres in the Jefferson National Forest, Glenwood Ranger District, east of Interstate 81, Botetourt and Rockbridge Counties, Virginia.

(H) FEATHERCAMP.—Certain lands located in the Mt. Rodgers Recreation Area of the Jefferson National Forest, comprising 4,974 acres, known as ''Feathercamp'', in Washington County, Virginia, located northeast of the town of Damascus and north of State Route 58 on the Feathercamp ridge.

(25) WISCONSIN.—

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

The site is located in Bayfield County, Wisconsin.

(B) GHOST LAKE CLUSTER.—Certain lands in the Chequamegon National Forest, Great Divide Ranger District, totaling approximately 6,000 acres, known as ''Ghost Lake Cluster'' and including parcels known as Ghost Lake, Perch Lake, Lower Teal River, Foo Lake, and Bulldog Springs. The cluster is located in Sawyer County, Wisconsin.

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

(D) MEDFORD CLUSTER.—Certain lands in the Chequamegon National Forest, Medford-Park Falls Ranger District, totaling approximately 23,000 acres, known as the ''Medford Cluster'', and including parcels known as County E Hardwoods, Silver Creek/Mondeaux River

Bottoms, Lost Lake Esker, North and South Fork Yellow Rivers, Bear Creek, Brush Creek, Chequamegon Waters, John's and Joseph Creeks, Hay Creek Pine-Flatwoods, 558 Hardwoods, Richter Lake, and Lower Yellow River. The Cluster is located in Taylor County, Wisconsin.

(E) PARK FALLS CLUSTER.—Certain lands in the Chequamegon National Forest, Medford-Park Falls Ranger District, totaling approximately 23,000 acres, known as ''Park Falls Cluster'', and including parcels known as Sixteen Lakes, Chippewa Trail, Tucker and Amik Lakes, Lower Rice Creek, Doering Tract, Foulds Creek, Bootjack Conifers, Pond, Mud and Riley Lake Peatlands, Little Willow Drumlin, and Elk River. The Cluster is located in Price and Vilas Counties, Wisconsin.

(F) PENOKEE MOUNTAIN CLUSTER.—Certain lands in the Chequamegon National Forest, Great Divide Ranger District, totaling approximately 23,000 acres, known as ''Penokee Mountain Cluster'', and including parcels known as or near St. Peters Dome, Brunsweiler River Gorge, Lake Three, Marengo River and

Brunsweiler River Semi-primitive Non-motorized Areas, Hell Hole Creek, and the North Country Trail Hardwoods. The Cluster is located in Ashland and Bayfield Counties, Wisconsin.

(G) SOUTHEAST GREAT DIVIDE CLUSTER.—Certain lands in the Chequamegon National Forest, Medford Park Falls Ranger District, totaling approximately 25,000 acres, known as the ''Southeast Great Divide Cluster'', and including parcels known as or near Snoose Lake, Cub Lake, Springbrook Hardwoods, upper Moose River, East Fork Chippewa River, upper Torch River, Venison Creek, upper Brunet River, Bear Lake Slough, and Noname Lake. The Cluster is located in Ashland and Sawyer Counties, Wisconsin.

(H) DIAMOND ROOF CLUSTER.—Certain lands in the Nicolet National Forest, Lakewood-Laona Ranger District, totaling approximately 6,000 acres, known as ''Diamond Roof Cluster'', including parcels known as McCaslin Creek, Ada Lake, Section 10 Lake, and Diamond Roof. The Cluster is located in Forest, Langlade and Oconto Counties, Wisconsin.

(I) ARGONNE FOREST CLUSTER.—Certain lands in the Nicolet National Forest, Eagle River-Florence Ranger District, totaling approximately 12,000 acres, known as ''Argonne Forest Cluster'', and including parcels known as Argonne Experimental Forest, Scott Creek, Atkins Lake, and Island Swamp. The Cluster is located in Forest County, Wisconsin.

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

(K) FRANKLIN AND BUTTERNUT LAKES CLUSTER.—Certain lands in the Nicolet National Forest, Eagle River-Florence Ranger District, totaling approximately 12,000 acres, known as ''Franklin and Butternut Lakes Cluster'', and including parcels known as Bose Lake Hemlocks, Luna White Deer, Echo Lake, Franklin and Butternut Lakes, Wolf Lake, Upper Ninemile, Meadow, and Bailey Creeks.

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

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

(26) WYOMING: SAND CREEK AREA.—Certain lands in the Black Hills National Forest, totaling approximately 8,300 acres known as the ''Sand Creek area'', located in Crook County, Wyoming. This area is situated in the far northwest corner of the Black Hills. Beginning in the northwest corner and proceeding counterclockwise, the boundary for the Sand Creek Area roughly follows forest Roads 863, 866, 866.1B, a line linking 866.1B to 802.1B, 802.1B, 802.1, an unnamed road, Spotted Tail Creek (excluding all private lands), 8219.1, a line connecting 829.1 with 864, 852.1 and a line connecting 852.1 with 863.

(d) COMMITTEE OF SCIENTISTS.—

(1) ESTABLISHMENT.—The Secretaries concerned shall appoint a committee consisting of scientists who—

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

(B) are not officers or employees of any entity engaged in whole or in part in the production of wood or wood products; and

(C) have not contracted with or represented any such entities within a 5-year period prior to serving on the committee.

(2) RECOMMENDATIONS FOR ADDITIONAL SPECIAL AREAS.—Within 2 years of the date of the enactment of this Act, the committee shall provide Congress with recommendations for additional Special Areas.

(3) CANIDIDATE AREAS.—Candidate areas for recommendation as additional Special Area shall have outstanding biological values that are exemplary on a regional, national, or international level. Biological values include—

(A) the presence of threatened or endangered species of plants or animals;

(B) rare or endangered ecosystems;

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

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

(E) migration corridors;

(F) areas of outstanding biodiversity;

(G) old growth forests;

(H) commercial fisheries; and

(I) sources of clean water such as key watersheds.

(4) GOVERNING PRINCIPLE—The committee shall adhere to the principles of conservation biology in identifying Special Areas based on biological values.

SEC. 203. RESTRICTIONS ON MANAGEMENT ACTIVITIES IN ANCIENT FORESTS, ROADLESS AREAS, WATERSHED PROTECTION AREAS, SPECIAL AREAS, AND FEDERAL BOUNDARY AREAS.

(a) RESTRICTION OF MANAGEMENT ACTIVITIES IN ANCIENT FORESTS.—With respect to Ancient Forests on Federal lands, the following prohibitions shall apply:

(1) No roads shall be constructed or reconstructed.

(2) No extractive logging shall be permitted.

(3) No improvements for the purpose of extractive logging shall be permitted.

(b) RESTRICTION OF MANAGEMENT ACTIVITIES IN ROADLESS AREAS.—With respect to Roadless Areas on

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

(1) No roads shall be constructed or reconstructed.

(2) No extractive logging shall be permitted.

(3) No improvements for the purpose of extractive logging shall be permitted.

(c) RESTRICTION OF MANAGEMENT ACTIVITIES IN WATERSHED PROTECTION AREAS.—With respect to Watershed Protection Areas on Federal lands except military installations, the following prohibitions shall apply:

(1) No roads shall be constructed or reconstructed.

(2) No extractive logging shall be permitted.

(3) No improvements for the purpose of extractive logging shall be permitted.

(d) RESTRICTION OF MANAGEMENT ACTIVITIES IN SPECIAL AREAS.—With respect to Special Areas on Federal lands, the following prohibitions shall apply:

(1) No roads shall be constructed or reconstructed.

(2) No extractive logging shall be permitted.

(3) No improvements for the purpose of extractive logging shall be permitted.

(e) RESTRICTION OF MANAGEMENT ACTIVITIES IN FEDERAL BOUNDARY AREAS.—With respect to Federal Boundary Areas on Federal lands, the following prohibitions shall apply:

(1) No roads shall be constructed or reconstructed.

(2) No extractive logging shall be permitted.

(3) No improvements for the purpose of extractive logging shall be permitted.

(f) MAINTENANCE OF EXISTING ROADS.—The above restrictions on the reconstruction of roads on Federal lands in Ancient Forests, Roadless Areas, Watershed Protection Areas, Special Areas, and Federal Boundary Areas does not prohibit the maintenance of an improved road, or any road accessing private inholdings, with the exception that any roads which the Secretary concerned determines to have been abandoned before the enactment of this act shall not be maintained or reconstructed.

(g) ENFORCEMENT.—

(1) PURPOSE AND FINDING.—The purpose of this subsection is to foster the widest possible enforcement of this section. Congress finds that all people of the United States are injured by actions on lands to which this section applies.

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

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

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

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

ury, as provided by Congess under section 1304 of title 31, United States Code, within 40 days after judgment to the person or persons designated to receive it, to be applied in protecting or restoring native biodiversity in or adjoining Federal land. Any award of costs of litigation and any award of attorney fees shall be paid within 40 days after judgment.

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

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