

106TH CONGRESS  
1ST SESSION

# S. 1368

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 land, and to designate certain Federal land as ancient forests, roadless areas, watershed protection areas, special areas, and Federal boundary areas where logging and other intrusive activities are prohibited.

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## IN THE SENATE OF THE UNITED STATES

JULY 14, 1999

Mr. TORRICELLI (for himself, Mr. KERRY, and Mr. CLELAND) 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 land, and to designate certain Federal land as ancient forests, roadless areas, watershed protection areas, special areas, and Federal boundary areas where logging and other intrusive activities are prohibited.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

TITLE I—LAND MANAGEMENT

Sec. 101. Committee of scientists.

Sec. 102. Administration and management.

Sec. 103. Conforming amendments.

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

Sec. 201. Findings.

Sec. 202. Definitions.

Sec. 203. Designation of special areas.

Sec. 204. Restrictions on management activities in ancient forests, roadless  
areas, watershed protection areas, special areas, and Federal  
boundary areas.

TITLE III—EFFECTIVE DATE

Sec. 301. In general.

Sec. 302. Effect on existing contracts.

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

7 (a) FINDINGS.—Congress finds that—

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

14 (2) even-age logging causes substantial alter-  
15 ations in native biodiversity by—

1 (A) emphasizing the production of a lim-  
 2 ited number of commercial species, and often  
 3 only a single species, of trees on each site;

4 (B) manipulating the vegetation toward  
 5 greater relative density of the commercial spe-  
 6 cies;

7 (C) suppressing competing species; and

8 (D) requiring the planting, on numerous  
 9 sites, of a commercial strain of the species that  
 10 reduces the relative diversity of other genetic  
 11 strains of the species that were traditionally lo-  
 12 cated on the same sites;

13 (3) even-age logging—

14 (A) frequently leads to the death of immo-  
 15 bile species and the very young of mobile spe-  
 16 cies of wildlife; and

17 (B) depletes the habitat of deep-forest spe-  
 18 cies of animals, including endangered species  
 19 and threatened species;

20 (4) even-age logging—

21 (A) exposes the soil to direct sunlight and  
 22 the impact of precipitation;

23 (B) disrupts the soil surface;

24 (C) compacts organic layers; and

1 (D) disrupts the run-off restraining capa-  
2 bilities of roots and low-lying vegetation, result-  
3 ing in soil erosion, the leaching of nutrients, a  
4 reduction in the biological content of soil, and  
5 the impoverishment of soil;

6 (5) all of the consequences described in para-  
7 graph (4) have a long-range deleterious effect on all  
8 land resources, including timber production;

9 (6) even-age logging aggravates global warming  
10 by—

11 (A) decreasing the capability of the soil to  
12 retain carbon; and

13 (B) during the critical periods of felling  
14 and site preparation, reducing the capacity of  
15 the biomass to process and to store carbon,  
16 with a resultant loss of stored carbon to the at-  
17 mosphere;

18 (7) even-age logging renders soil increasingly  
19 sensitive to acid deposits by causing a decline of soil  
20 wood and coarse woody debris;

21 (8) a decline of solid wood and coarse woody  
22 debris reduces the capacity of soil to retain water  
23 and nutrients, which in turn increases soil heat and  
24 impairs soil's ability to maintain protective carbon  
25 compounds on the soil surface;

1 (9) even-age logging results in—

2 (A) increased stream sedimentation and  
3 the silting of stream bottoms;

4 (B) a decline in water quality;

5 (C) the impairment of life cycles and  
6 spawning processes of aquatic life from benthic  
7 organisms to large fish; and

8 (D) as a result of the effects described in  
9 subparagraphs (A) through (C), a depletion of  
10 the sport and commercial fisheries of the  
11 United States;

12 (10) even-age logging increases harmful sec-  
13 ondary effects, including blowdowns, invasions by  
14 weed species, and heavier losses to predators and  
15 competitors;

16 (11) by reducing the number of deep, canopied,  
17 variegated, permanent forests, even-age logging—

18 (A) limits areas where the public can sat-  
19 isfy an expanding need for recreation; and

20 (B) decreases the recreational value of  
21 land;

22 (12) even-age logging replaces forests described  
23 in paragraph (11) with a surplus of clearings that  
24 grow into relatively impenetrable thickets of sap-  
25 lings, and then into monoculture tree plantations;

1           (13) human beings depend on native biological  
2 resources, including plants, animals, and micro-orga-  
3 nisms, for food, medicine, shelter, and other impor-  
4 tant products, and as a source of intellectual and  
5 scientific knowledge, recreation, and aesthetic pleas-  
6 ure;

7           (14) alteration of native biodiversity has serious  
8 consequences for human welfare, as demonstrated by  
9 the irretrievable loss to the United States of re-  
10 sources for research and agricultural, medicinal, and  
11 industrial development;

12           (15) alteration of biodiversity in Federal forests  
13 adversely affects the functions of ecosystems and  
14 critical ecosystem processes that moderate climate,  
15 govern nutrient cycles and soil conservation and pro-  
16 duction, control pests and diseases, and degrade  
17 wastes and pollutants;

18           (16) the negative impact of even-age logging on  
19 the natural resources of the United States and the  
20 quality of life of the people of the United States is  
21 substantial, severe, and avoidable;

22           (17) by substituting selection management, as  
23 prescribed in this Act, for the even-age system, the  
24 Federal agencies with jurisdiction over even-age log-  
25 ging would substantially reduce devastation to the

1 environment and improve the quality of life of the  
2 people of the United States;

3 (18) by protecting native biodiversity, as pre-  
4 scribed in this Act, Federal agencies would maintain  
5 vital native ecosystems and improve the quality of  
6 life of the people of the United States;

7 (19) selection logging—

8 (A) is more job intensive, and therefore  
9 provides more employment than even-age log-  
10 ging to manage the same quantity of timber  
11 production; and

12 (B) produces higher quality sawlogs than  
13 even-age logging; and

14 (20) the court remedies available to enforce  
15 Federal forest laws are inadequate, and should be  
16 strengthened by providing for injunctions, declara-  
17 tory judgments, statutory damages, and reasonable  
18 costs of suit.

19 (b) PURPOSES.—The purposes of this Act are, on all  
20 Federal land, to conserve native biodiversity and protect  
21 all native ecosystems against losses that result from—

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

1           (2) logging in ancient forests, roadless areas,  
 2           watershed protection areas, special areas, and Fed-  
 3           eral boundary areas.

## 4       **TITLE I—LAND MANAGEMENT**

### 5   **SEC. 101. COMMITTEE OF SCIENTISTS.**

6           Section 6 of the Forest and Rangeland Renewable  
 7   Resources Planning Act of 1974 (16 U.S.C. 1604) is  
 8   amended by striking subsection (h) and inserting the fol-  
 9   lowing:

10       “(h) COMMITTEE OF SCIENTISTS.—

11           “(1) IN GENERAL.—To carry out subsection  
 12       (g), the Secretary shall appoint a committee com-  
 13       posed of scientists that—

14           “(A) are not officers or employees of the  
 15       Forest Service, of any other public entity, or of  
 16       any entity engaged in whole or in part in the  
 17       production of wood or wood products; and

18           “(B) have not contracted with or rep-  
 19       resented any entity described in subparagraph  
 20       (A) during the 5-year period ending on the date  
 21       of the proposed appointment to the committee.

22       “(2) DUTIES.—The committee shall provide sci-  
 23       entific and technical advice and counsel on proposed  
 24       guidelines and procedures and all other issues involv-  
 25       ing forestry and native biodiversity to promote an ef-



1       fective interdisciplinary approach to forestry and na-  
2       tive biodiversity.

3               “(3) TERMINATION.—The committee shall ter-  
4       minate on the date that is 10 years after the date  
5       of enactment of the Act to Save America’s Forests.”

6   **SEC. 102. ADMINISTRATION AND MANAGEMENT.**

7       The Forest and Rangeland Renewable Resources  
8       Planning Act of 1974 is amended by adding after section  
9       6 (16 U.S.C. 1601–8) the following:

10   **“SEC. 6A. CONSERVATION OF NATIVE BIODIVERSITY.**

11       “(a) APPLICABILITY.—This section applies to the ad-  
12       ministration and management of—

13               “(1) National Forest System land, under this  
14       Act;

15               “(2) Federal land, under the Federal Land Pol-  
16       icy and Management Act of 1976 (43 U.S.C. 1701  
17       et seq.);

18               “(3) National Wildlife Refuge System land,  
19       under the National Wildlife Refuge System Adminis-  
20       tration Act of 1966 (16 U.S.C. 668dd et seq.);

21               “(4) Indian land, under the National Indian  
22       Forest Resources Management Act (25 U.S.C. 3101  
23       et seq.); and

24               “(5) military land, under chapter 159 of title  
25       10, United States Code.

1       “(b) NATIVE BIODIVERSITY IN FORESTED AREAS.—

2   The Secretary shall provide for the conservation or res-  
 3   toration of native biodiversity in each stand and each wa-  
 4   tershed throughout each forested area, except during the  
 5   extraction stage of authorized mineral development or dur-  
 6   ing authorized construction projects, in which cases the  
 7   Secretary shall conserve native biodiversity to the max-  
 8   imum extent practicable.

9       “(c) RESTRICTION ON USE OF CERTAIN LOGGING  
 10   PRACTICES.—

11       “(1) DEFINITIONS.—In this subsection:

12               “(A) AGE DIVERSITY.—The term ‘age di-  
 13               versity’ means the naturally occurring range  
 14               and distribution of age classes within a given  
 15               species.

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

20               “(C) CLEARCUTTING.—The       term  
 21               ‘clearcutting’ means an even-age logging oper-  
 22               ation that removes all of the trees over a sub-  
 23               stantial portion of a stand at 1 time, as deter-  
 24               mined by the Secretary.

“(D) CONSERVATION.—The term ‘conservation’ means protective measures for maintaining 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 practicable in abundances and distributions that provide for their continued existence and normal functioning, including the viability of populations throughout their natural geographic distributions.

“(E) EVEN-AGE LOGGING OPERATION.—

“(i) IN GENERAL.—The term ‘even-age logging operation’ means any logging activity that—

“(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

1 “(III) cuts or removes more than  
 2 20 percent of the basal area of a  
 3 stand within 30 years.

4 “(ii) INCLUSION.—The term ‘even-age  
 5 logging operation’ includes the application  
 6 of clearcutting, seed-tree cutting,  
 7 shelterwood cutting, or any other logging  
 8 method in a manner inconsistent with se-  
 9 lection management.

10 “(F) GENETIC DIVERSITY.—The term ‘ge-  
 11 netic diversity’ means the differences in genetic  
 12 composition within and among populations of a  
 13 species.

14 “(G) NATIVE BIODIVERSITY.—

15 “(i) IN GENERAL.—The term ‘native  
 16 biodiversity’ means—

17 “(I) the full range of variety and  
 18 variability within and among living or-  
 19 ganisms; and

20 “(II) the ecological complexes in  
 21 which the living organisms would have  
 22 occurred in the absence of significant  
 23 human impact.

24 “(ii) INCLUSIONS.—The term ‘native  
 25 biodiversity’ includes diversity—

1 “(I) within a species (including  
2 genetic diversity, species diversity, and  
3 age diversity);

4 “(II) within a community of spe-  
5 cies;

6 “(III) between communities of  
7 species;

8 “(IV) within a total area, such as  
9 a watershed;

10 “(V) along a vertical plane from  
11 ground to sky, including application of  
12 the plant to all the other types of di-  
13 versity; and

14 “(VI) along the horizontal plane  
15 of the earth-surface, including appli-  
16 cation of the plane to all the other  
17 types of diversity.

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

22 “(I) SELECTION MANAGEMENT.—

23 “(i) IN GENERAL.—The term ‘selec-  
24 tion management’ means—

1 “(I) a method of logging that  
2 emphasizes the periodic removal of  
3 trees, including mature, undesirable,  
4 and cull trees, in a manner that  
5 ensures—

6 “(aa) the maintenance of  
7 continuous high forest cover  
8 where high forest cover naturally  
9 occurs;

10 “(bb) the maintenance or  
11 natural regeneration of all native  
12 species in a stand; and

13 “(cc) the growth and devel-  
14 opment of trees through a range  
15 of diameter or age classes to pro-  
16 vide a sustained yield of forest  
17 products; and

18 “(II) cutting methods that de-  
19 velop and maintain selection stands,  
20 including—

21 “(aa) individual-tree selec-  
22 tion, in which individual trees of  
23 varying size and age classes are  
24 selected and logged in a generally

1 uniform pattern throughout a  
2 stand; and

3 “(bb) group selection, in  
4 which small groups of trees are  
5 selected and logged.

6 “(ii) EXCLUSION.—

7 “(I) IN GENERAL.—Subject to  
8 subclause (II), the term ‘selection  
9 management’ does not include an  
10 even-age logging operation.

11 “(II) FELLING AGE; NATIVE BIO-  
12 DIVERSITY.—Subclause (I) does not—

13 “(aa) establish a 150-year  
14 projected felling age as the  
15 standard at which individual  
16 trees in a stand are to be cut; or

17 “(bb) limit native biodiver-  
18 sity to that which occurs within  
19 the context of a 150-year pro-  
20 jected felling age.

21 “(J) SHELTERWOOD CUT.—The term  
22 ‘shelterwood cut’ means an even-age logging op-  
23 eration that leaves—

24 “(i) a minority of the stand (larger  
25 than a seed-tree cut) as a seed source; or

1                   “(ii) a protection cover remaining  
2                   standing for any period of time.

3                   “(K) SPECIES DIVERSITY.—The term ‘spe-  
4                   cies diversity’ means the richness and variety of  
5                   native species in a particular location.

6                   “(L) STAND.—The term ‘stand’ means a  
7                   biological community of not to exceed 100 acres  
8                   with enough identity by location, topography, or  
9                   dominant species to be managed as a unit.

10                  “(M) TIMBER PURPOSES.—

11                   “(i) IN GENERAL.—The term ‘timber  
12                   purposes’ means the use, sale, lease, or  
13                   distribution of trees, including the felling  
14                   of trees or portions of trees.

15                   “(ii) EXCEPTION.—The term ‘timber  
16                   purposes’ does not include the felling of  
17                   trees or portions of trees to create land  
18                   space for a structure or other use.

19                   “(N) WITHIN-COMMUNITY DIVERSITY.—  
20                   The term ‘within-community diversity’ means  
21                   the distinctive assemblages of species and eco-  
22                   logical processes that occur in different physical  
23                   settings of the biosphere and distinct locations.

24                   “(2) PROHIBITION OF EVEN-AGE LOGGING OP-  
25                   ERATIONS.—Even-age logging operations shall be



1 prohibited in each stand and watershed throughout  
 2 each forested area.

3 “(3) NATIVE BIODIVERSITY.—On each stand on  
 4 which an even-age logging operation has been con-  
 5 ducted on or before the date of enactment of this  
 6 subsection, the Secretary shall—

7 “(A) prescribe a shift to selection manage-  
 8 ment; or

9 “(B) cease managing the stand for timber  
 10 purposes, in which case the Secretary shall—

11 “(i) undertake an active restoration of  
 12 the native biodiversity of the stand; or

13 “(ii) permit the stand to regain native  
 14 biodiversity.

15 “(4) ENFORCEMENT.—

16 “(A) FEDERAL ENFORCEMENT.—The Sec-  
 17 retary of Agriculture and the Attorney General  
 18 shall enforce the provisions of subsection  
 19 (g)(3)(B) and this subsection against any per-  
 20 son that violates 1 or more of the provisions.

21 “(B) CITIZEN SUITS.—

22 “(i) IN GENERAL.—A citizen harmed  
 23 by a violation of subsection (g)(3)(B) or  
 24 this subsection may bring an action for a  
 25 declaratory judgment, a temporary re-

1 straining order, an injunction, statutory  
2 damages, or other remedy against any al-  
3 leged violator, including the United States,  
4 in any district court of the United States.

5 “(ii) JUDICIAL RELIEF.—If a district  
6 court of the United States determines that  
7 a violation of subsection (g)(3)(B) or this  
8 subsection has occurred, the district  
9 court—

10 “(I) shall impose a damage  
11 award of not less than \$5,000;

12 “(II) may issue 1 or more injunc-  
13 tions or other forms of equitable re-  
14 lief; and

15 “(III) shall award to each pre-  
16 vailing party the reasonable costs of  
17 bringing the action, including attor-  
18 ney’s fees, witness fees, and other nec-  
19 essary expenses.

20 “(iii) STANDARD OF PROOF.—The  
21 standard of proof in all actions under this  
22 subparagraph shall be the preponderance  
23 of the evidence.

24 “(iv) TRIAL.—A trial for any action  
25 under this subsection shall be de novo.

1 “(C) PAYMENT OF DAMAGES.—

2 “(i) NON-FEDERAL VIOLATOR.—A  
3 damage award under subparagraph (B)(ii)  
4 shall be paid to the Treasury by a non-  
5 Federal violator or violators designated by  
6 the court.

7 “(ii) FEDERAL VIOLATOR.—

8 “(I) IN GENERAL.—Not later  
9 than 40 days after the date on which  
10 judgment is rendered, a damage  
11 award under subparagraph (B)(ii) for  
12 which the United States is determined  
13 to be liable shall be paid from the  
14 Treasury, as provided under section  
15 1304 of title 31, United States Code,  
16 to the person or persons designated to  
17 receive the damage award.

18 “(II) USE OF DAMAGE AWARD.—

19 A damage award described under sub-  
20 clause (I) shall be used by the recipi-  
21 ent to protect or restore native bio-  
22 diversity on Federal land or on land  
23 adjoining Federal land.

24 “(III) COURT COSTS.—Any  
25 award of costs of litigation and any

1                   award of attorney fees shall be paid  
 2                   by a Federal violator not later than  
 3                   40 days after the date on which judg-  
 4                   ment is rendered.

5                   “(F) WAIVER OF SOVEREIGN IMMUNITY.—

6                   “(i) IN GENERAL.—The United States  
 7                   (including agents and employees of the  
 8                   United States) waives its sovereign immu-  
 9                   nity in all respects in all actions under  
 10                  subsection (g)(3)(B) and this subsection.

11                  “(ii) NOTICE.—No notice is required  
 12                  to enforce this subsection.”.

13 **SEC. 103. CONFORMING AMENDMENTS.**

14                  Section 6(g)(3) of the Forest and Rangeland Renew-  
 15                  able Resource Planning Act of 1974 (16 U.S.C.  
 16                  1604(g)(3)) is amended—

17                  (1) in subparagraph (D), by inserting “and”  
 18                  after the semicolon at the end;

19                  (2) in subparagraph (E), by striking “; and”  
 20                  and inserting a period; and

21                  (3) by striking subparagraph (F).

1 **TITLE II—PROTECTION FOR AN-**  
2 **CIENT FORESTS, ROADLESS**  
3 **AREAS, WATERSHED PROTEC-**  
4 **TION AREAS, SPECIAL AREAS,**  
5 **AND FEDERAL BOUNDARY**  
6 **AREAS**

7 **SEC. 201. FINDINGS.**

8 Congress finds that—

9 (1) unfragmented forests on Federal land,  
10 unique and valuable assets to the general public, are  
11 damaged by extractive logging;

12 (2) less than 10 percent of the original  
13 unlogged forests of the United States remain, and  
14 the vast majority of the remnants of the original for-  
15 ests of the United States are located on Federal  
16 land;

17 (3) large, unfragmented forest watersheds pro-  
18 vide high-quality water supplies for drinking, agri-  
19 culture, industry, and fisheries across the United  
20 States;

21 (4) the most recent scientific studies indicate  
22 that several thousand species of plants and animals  
23 are dependent on large, unfragmented forest areas;

24 (5) many neotropical migratory songbird species  
25 are experiencing documented broad-scale population

1 declines and require large, unfragmented forests to  
2 ensure their survival;

3 (6) destruction of large-scale natural forests  
4 has resulted in a tremendous loss of jobs in the fish-  
5 ing, hunting, tourism, recreation, and guiding indus-  
6 tries, and has adversely affected sustainable non-  
7 timber forest products industries such as the collec-  
8 tion of mushrooms and herbs;

9 (7) extractive logging programs on Federal land  
10 are carried out at enormous financial costs to the  
11 Treasury and taxpayers of the United States;

12 (8) ancient forests continue to be threatened by  
13 logging and deforestation and are rapidly dis-  
14 appearing;

15 (9) ancient forests help regulate atmospheric  
16 balance, maintain biodiversity, and provide valuable  
17 scientific opportunity for monitoring the health of  
18 the planet;

19 (10) prohibiting extractive logging in the an-  
20 cient forests would create the best conditions for en-  
21 suring stable, well distributed, and viable popu-  
22 lations of the northern spotted owl, marbled  
23 murrelet, American marten, and other vertebrates,  
24 invertebrates, vascular plants, and nonvascular  
25 plants associated with those forests;

1           (11) prohibiting extractive logging in the an-  
2           cient forests would create the best conditions for en-  
3           suring stable, well distributed, and viable popu-  
4           lations of anadromous salmonids, resident  
5           salmonids, and bull trout;

6           (12) roadless areas are de facto wilderness that  
7           provide wildlife habitat and recreation;

8           (13) large unfragmented forests, contained in  
9           large part on roadless areas on Federal land, are  
10          among the last refuges for native animal and plant  
11          biodiversity, and are vital to maintaining viable pop-  
12          ulations of threatened, endangered, sensitive, and  
13          rare species;

14          (14) roads cause soil erosion, disrupt wildlife  
15          migration, and allow nonnative species of plants and  
16          animals to invade native forests;

17          (15) the mortality and reproduction patterns of  
18          forest dwelling animal populations are adversely af-  
19          fected by traffic-related fatalities that accompany  
20          roads;

21          (16) the exceptional recreational, biological, sci-  
22          entific, or economic assets of certain special forested  
23          areas on Federal land are valuable to the public of  
24          the United States and are damaged by extractive  
25          logging;

1           (17) in order to gauge the effectiveness and ap-  
2           propriateness of current and future resource man-  
3           agement activities, and to continue to broaden and  
4           develop our understanding of silvicultural practices,  
5           many special forested areas need to remain in a nat-  
6           ural, unmanaged state to serve as scientifically es-  
7           tablished baseline control forests;

8           (18) certain special forested areas provide habi-  
9           tat for the survival and recovery of endangered and  
10          threatened plant and wildlife species, such as grizzly  
11          bears, spotted owls, Pacific salmon, and Pacific yew,  
12          that are harmed by extractive logging;

13          (19) many special forested areas on Federal  
14          land are considered sacred sites by native peoples;

15          (20) ecological, economic, and aesthetic values  
16          on private property are damaged by logging and  
17          road building in Federal boundary areas; and

18          (21) as a legacy for the enjoyment, knowledge,  
19          and well-being of future generations, provisions must  
20          be made for the protection and perpetuation of the  
21          ancient forests, roadless areas, watershed protection  
22          areas, special areas, and Federal boundary areas of  
23          the United States.

24   **SEC. 202. DEFINITIONS.**

25       In this title:



1           (1) ANCIENT FOREST.—The term “ancient for-  
2       est” means—

3                   (A)    the    northwest    ancient    forest,  
4       including—

5                           (i) Federal land identified as late-suc-  
6                           cessional reserves, riparian reserves, and  
7                           key watersheds under the heading “Alter-  
8                           native 1” of the report entitled “Final  
9                           Supplemental    Environmental    Impact  
10                          Statement on Management of Habitat for  
11                          Late-Successional and Old-Growth Forest  
12                          Related Species Within the Range of the  
13                          Northern Spotted Owl, Vol. I.”, and dated  
14                          February 1994; and

15                           (ii) Federal land identified by the  
16                           term “medium and large conifer multi-sto-  
17                           ried, canopied forests” as defined in the re-  
18                           port described in clause (i);

19                   (B) the eastside Cascade ancient forest,  
20       including—

21                           (i) Federal land identified as “Late-  
22                           Succession/Old-growth Forest (LS/OG)”  
23                           depicted on maps for the Colville, Fre-  
24                           mont, Malheur, Ochoco, Umatilla,  
25                           Wallowa-Whitman and Winema National

1 Forests in the report entitled “Interim  
 2 Protection for Late-Successional Forests,  
 3 Fisheries, and Watersheds: National For-  
 4 ests East of the Cascade Crest, Oregon,  
 5 and Washington”, prepared by the  
 6 Eastside Forests Scientific Society Panel  
 7 (The Wildlife Society, Technical Review  
 8 94–2, August 1994);

9 (ii) Federal land east of the Cascade  
 10 crest in the States of Oregon and Wash-  
 11 ington, defined as “late successional and  
 12 old-growth forests” in the general defini-  
 13 tion on page 28 of the report described in  
 14 clause (i); and

15 (iii) Federal land classified as “Or-  
 16 egon Aquatic Diversity Areas”, as defined  
 17 in the report described in clause (i); and

18 (C) the Sierra Nevada ancient forest,  
 19 including—

20 (i) Federal land identified as “Areas  
 21 of Late-Successional Emphasis (ALSE)”  
 22 in the report entitled, “Final Report to  
 23 Congress: Status of the Sierra Nevada”,  
 24 prepared by the Sierra Nevada Ecosystem  
 25 Project (Wildland Resources Center Report

1                   #40, University of California, Davis, 1996/  
2                   97);

3                   (ii) Federal land identified as “Late-  
4                   Succession/Old-Growth Forests Rank 3, 4  
5                   or 5” in the report described in clause (i);  
6                   and

7                   (iii) Federal land identified as “Poten-  
8                   tial Aquatic Diversity Management Areas”  
9                   on the map on page 1497 of the report de-  
10                  scribed in clause (i).

11               (2) EXTRACTIVE LOGGING.—The term “extrac-  
12               tive logging” means the cutting or removal of any  
13               trees from Federal forest land for any purpose.

14               (3) FEDERAL BOUNDARY AREA.—The term  
15               “Federal boundary area” means land that is—

16                   (A) managed by the Forest Service, the  
17                   Bureau of Land Management, or the United  
18                   States Fish and Wildlife Service; and

19                   (B) located within 200 feet of a property  
20               line.

21               (4) IMPROVED ROAD.—The term “improved  
22               road” means any road maintained for travel by  
23               standard passenger type vehicles.

1           (5) ROADLESS AREA.—The term “roadless  
2       area” means a contiguous parcel of Federal land  
3       that is—

4           (A) devoid of improved roads, except as  
5       provided in subparagraph (B); and

6           (B) composed of—

7           (i) at least 1,000 acres west of the  
8       100th meridian (with up to ½ mile of im-  
9       proved roads per 1,000 acres);

10          (ii) at least 1,000 acres east of the  
11       100th meridian (with up to ½ mile of im-  
12       proved roads per 1,000 acres); or

13          (iii) less than 1,000 acres, but share  
14       a border that is not an improved road with  
15       a wilderness area, primitive area, or wil-  
16       derness study area.

17          (6) SECRETARY CONCERNED.—The term “Sec-  
18       retary concerned” means the head of each Federal  
19       agency having jurisdiction over Federal land in-  
20       cluded in an ancient forest, roadless area, watershed  
21       protection area, special area, or Federal boundary  
22       area.

23          (7) SPECIAL AREA.—The term “special area”  
24       means a certain area of Federal forest land des-  
25       ignated under section 3 that may not meet the defi-

1 nition of an ancient forest, roadless area, watershed  
 2 protection area, or Federal boundary area, but  
 3 that—

4 (A) possesses outstanding biological, sce-  
 5 nic, recreational, or cultural values; and

6 (B) is exemplary on a regional, national, or  
 7 international level.

8 (8) WATERSHED PROTECTION AREA.—The  
 9 term “watershed protection area” means Federal  
 10 land that extends—

11 (A) 300 feet from both sides of the active  
 12 stream channel of any permanently flowing  
 13 stream or river;

14 (B) 100 feet from both sides of the active  
 15 channel of any intermittent, ephemeral, or sea-  
 16 sonal stream, or any other nonpermanently  
 17 flowing drainage feature having a definable  
 18 channel and evidence of annual scour or deposi-  
 19 tion of flow-related debris;

20 (C) 300 feet from the edge of the max-  
 21 imum level of any natural lake or pond; or

22 (D) 150 feet from the edge of the max-  
 23 imum level of a constructed lake, pond, or res-  
 24 ervoir, or a natural or constructed wetland.

1 **SEC. 203. DESIGNATION OF SPECIAL AREAS.**

2 (a) IN GENERAL.—

3 (1) FINDING.—A special area shall possess at  
4 least 1 of the values described in paragraphs (2)  
5 through (5).

6 (2) BIOLOGICAL VALUES.—The biological values  
7 of a special area may include the presence of—

8 (A) threatened species or endangered spe-  
9 cies of plants or animals;

10 (B) rare or endangered ecosystems;

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

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

15 (E) migration corridors;

16 (F) areas of outstanding biodiversity;

17 (G) old growth forests;

18 (H) commercial fisheries; and

19 (I) sources of clean water such as key wa-  
20 tersheds.

21 (3) SCENIC VALUES.—The scenic values of a  
22 special area may include the presence of—

23 (A) unusual geological formations;

24 (B) designated wild and scenic rivers;

25 (C) unique biota; and

26 (D) vistas.

1           (4) RECREATIONAL VALUES.—The recreational  
2 values of a special area may include the presence  
3 of—

4           (A) designated national recreational trails  
5 or recreational areas;

6           (B) areas that are popular for such recre-  
7 ation and sporting activities as—

8           (i) hunting;

9           (ii) fishing;

10          (iii) camping;

11          (iv) hiking;

12          (v) aquatic recreation; and

13          (vi) winter recreation;

14          (C) Federal land in regions that are under-  
15 served in terms of recreation;

16          (D) land adjacent to designated wilderness  
17 areas; and

18          (E) solitude.

19       (5) CULTURAL VALUES.—The cultural values of  
20 a special area may include the presence of—

21           (A) sites with Native American religious  
22 significance; and

23           (B) historic or prehistoric archaeological  
24 sites eligible for listing on the national historic  
25 register.

1 (b) SIZE VARIATION.—A special area may vary in  
 2 size to encompass the outstanding biological, scenic, rec-  
 3 reational, or cultural value or values to be protected.

4 (c) DESIGNATION OF SPECIAL AREAS.—There are  
 5 designated the following special areas, which shall be sub-  
 6 ject to the management restrictions specified in section  
 7 204:

8 (1) ALABAMA: SIPSEY WILDERNESS.—Certain  
 9 land in the Bankhead National Forest in the State  
 10 of Alabama, totaling approximately 20,000 acres, lo-  
 11 cated directly west of Highway 33 and directly north  
 12 of County Road 60, including all of the Sipsey River  
 13 Watershed north of Cranal Road, known as the  
 14 “Sipsey Wilderness”.

15 (2) ALASKA.—

16 (A) TURNAGAIN ARM.—Certain land in the  
 17 Chugach National Forest, on the Kenai Penin-  
 18 sula in the State of Alaska, totaling approxi-  
 19 mately 100,000 acres, extending from sea level  
 20 to ridgetop surrounding the inlet of Turnagain  
 21 Arm, known as “Turnagain Arm”.

22 (B) HONKER DIVIDE.—Certain land in the  
 23 Tongass National Forest in the State of Alaska,  
 24 totaling approximately 75,000 acres, located on  
 25 north central Prince of Wales Island, com-



prising 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 land in the Kaibab National Forest in the State of Arizona that is included in the Grand Canyon Game Preserve, totaling 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 land in the Ouachita National Forest, Mena Ranger District, in Polk County, in the State of Arkansas, totaling approximately 7,000 acres, known as “Cow Creek Drainage, Arkansas”, and bounded approximately—

(i) to the north, by County Road 95;

(ii) to the south, by County Road 157;

(iii) to the east, by County Road 48;

and

1 (iv) to the west, by the Arkansas-  
2 Oklahoma border.

3 (B) LEADER AND BRUSH MOUNTAINS.—  
4 Certain land in the Ouachita National Forest,  
5 in Montgomery and Polk Counties in the State  
6 of Arkansas, totaling approximately 120,000  
7 acres, known as “Leader and Brush Moun-  
8 tains”, located in the vicinity of the Blaylock  
9 Creek Watershed between Long Creek and the  
10 South Fork of the Saline River.

11 (C) POLK CREEK AREA.—Certain land in  
12 the Ouachita National Forest, Mena Ranger  
13 District, in the State of Arkansas, totaling ap-  
14 proximately 20,000 acres, bounded by Arkansas  
15 Highway 4 and Forest Roads 73 and 43,  
16 known as the “Polk Creek area”.

17 (D) LOWER BUFFALO RIVER WATER-  
18 SHED.—Certain land in the Ozark National  
19 Forest, Sylamore Ranger District, totaling ap-  
20 proximately 6,000 acres, including Forest Serv-  
21 ice land not already designated as Wilderness  
22 Areas, located in the watershed of Big Creek  
23 southwest of the Leatherwood Wilderness Area  
24 in Searey and Marion Counties, Arkansas, and

1 known as the “Lower Buffalo River Water-  
2 shed”.

3 (E) UPPER BUFFALO RIVER WATER-  
4 SHED.—Certain land in the Ozark National  
5 Forest, Buffalo Ranger District, totaling ap-  
6 proximately 220,000 acres, comprised of Forest  
7 Service land not already designated as Wilder-  
8 ness Areas, known as the “Upper Buffalo River  
9 Watershed”, located approximately 35 miles  
10 from the town of Harrison, in Madison, New-  
11 ton, and Searcy Counties, in the State of Ar-  
12 kansas, upstream of the confluence of the Buf-  
13 falo River and Richland Creek in the water-  
14 sheds of—

- 15 (i) the Buffalo River;
- 16 (ii) the various streams comprising
- 17 the Headwaters of the Buffalo River;
- 18 (iii) Richland Creek;
- 19 (iv) Little Buffalo Headwaters;
- 20 (v) Edgmon Creek;
- 21 (vi) Big Creek; and
- 22 (vii) Cane Creek.

23 (5) CALIFORNIA: GIANT SEQUOIA PRESERVE.—  
24 Certain land in the Sequoia and Sierra National  
25 Forests in the State of California, known as the

1 “Giant Sequoia Preserve”, comprised of 3 discontin-  
 2 uous parcels and approximately 442,425 acres, lo-  
 3 cated in Fresno, Tulare, and Kern Counties in the  
 4 Southern Sierra Nevada mountain range,  
 5 including—

6 (A) the Kings River Unit (145,600 acres)  
 7 and nearby Redwood Mountain Unit (11,730  
 8 acres), located approximately 25 miles east of  
 9 the city of Fresno; and

10 (B) the South Unit (285,095 acres), lo-  
 11 cated approximately 15 miles east of the city of  
 12 Porterville.

13 (6) COLORADO: COCHETOPA HILLS.—Certain  
 14 land in the Gunnison Basin area in the State of Col-  
 15 orado, known as the “Cochetopa Hills”, adminis-  
 16 tered by the Gunnison, Grand Mesa, Uncompahgre,  
 17 and Rio Grand National Forests, totaling approxi-  
 18 mately 500,000 acres, spanning the continental di-  
 19 vide south and east of the city of Gunnison in  
 20 Saguache County in the State of Colorado, and in-  
 21 cluding the—

22 (A) Elk and West Elk Mountains;

23 (B) Grand Mesa;

24 (C) Uncompahgre Plateau;

25 (D) northern San Juan Mountains;

1 (E) La Garitas Mountains; and

2 (F) Cochetopa Hills.

3 (7) GEORGIA.—

4 (A) ARMUCHEE CLUSTER.—Certain land  
5 in the Chattahoochee National Forest,  
6 Armuchee Ranger District, known as the  
7 “Armuchee Cluster”, totaling approximately  
8 19,700 acres, comprised of 3 parcels known as  
9 Rocky Face, Johns Mountain and Hidden  
10 Creek, located approximately 10 miles south-  
11 west of Dalton and 14 miles north of Rome,  
12 in Whitfield, Walker, Chattooga, Floyd, and  
13 Gordon Counties, in the State of Georgia.

14 (B) BLUE RIDGE CORRIDOR CLUSTER,  
15 GEORGIA AREAS.—Certain land in the Chat-  
16 tahoochee National Forest, Chestatee Ranger  
17 District, totaling approximately 15,000 acres,  
18 known as the “Blue Ridge Corridor Cluster,  
19 Georgia Areas”, comprised of 5 parcels known  
20 as Horse Gap, Hogback Mountain, Blackwell  
21 Creek, Little Cedar Mountain, and Black  
22 Mountain, located approximately 15 to 20 miles  
23 north of the town of Dahlonega, and Union and  
24 Lumpkin Counties, in the State of Georgia.

1 (C) CHATTOOGA WATERSHED CLUSTER,  
 2 GEORGIA AREAS.—Certain land in the Chat-  
 3 tahoochee National Forest, Tallulah Ranger  
 4 District, totaling 63,500 acres, known as the  
 5 “Chattooga Watershed Cluster, Georgia Areas”,  
 6 comprised of 7 areas known as Rabun Bald,  
 7 Three Forks, Ellicott Rock Extension, Rock  
 8 Gorge, Big Shoals, Thrift’s Ferry, and Five  
 9 Falls, located in Rabun County, Georgia near  
 10 the towns of Clayton, in the State of Georgia,  
 11 near the town of Dillard, South Carolina.

12 (D) COHUTTA CLUSTER.—Certain land in  
 13 the Chattahoochee National Forest, Cohutta  
 14 Ranger District, totaling approximately 28,000  
 15 acres, known as the “Cohutta Cluster”, com-  
 16 prised of 4 parcels known as Cohutta Exten-  
 17 sions, Grassy Mountain, Emery Creek, and  
 18 Mountaintown, and located near the towns of  
 19 Chatsworth and Ellijay, in Murray, Fannin,  
 20 and Gilmer Counties, in the State of Georgia.

21 (E) DUNCAN RIDGE CLUSTER.—Certain  
 22 land in the Chattahoochee National Forest,  
 23 Brasstown and Toccoa Ranger Districts, total-  
 24 ing approximately 17,000 acres, known as the  
 25 “Duncan Ridge Cluster”, comprised of the par-

cels known as Licklog Mountain, Duncan Ridge, Board Camp, and Cooper Creek Scenic Area Extension, and located approximately 10 to 15 miles south of the town of Blairsville in Union and Fannin Counties, in the State of Georgia.

(F) ED JENKINS NATIONAL RECREATION AREA CLUSTER.—Certain land in the Chattahoochee National Forest, Toccoa and Chestatee Ranger Districts, totaling approximately 19,300 acres, known as the “Ed Jenkins National Recreation Area Cluster”, comprised of the Springer Mountain, Mill Creek, and Toonowee parcels, and located 30 miles north of the town of Dahlonega, in Fannin, Dawson, and Lumpkin Counties, in the State of Georgia.

(G) GAINESVILLE RIDGES CLUSTER.—Certain land in the Chattahoochee National Forest, Chattooga Ranger District, totaling approximately 14,200 acres, known as the “Gainesville Ridges Cluster”, comprised of 3 parcels known as Panther Creek, Tugaloo Uplands, and Middle Fork Broad River, and located approximately 10 miles from the town of Toccoa, in

1 Habersham and Stephens Counties, in the  
2 State of Georgia.

3 (H) NORTHERN BLUE RIDGE CLUSTER,  
4 GEORGIA AREAS.—Certain land in the Chat-  
5 tahoochee National Forest, Brasstown and  
6 Tallulah Ranger Districts, totaling approxi-  
7 mately 46,000 acres, known as the “Northern  
8 Blue Ridge Cluster, Georgia Areas”, comprised  
9 of 8 areas known as Andrews Cove, Anna Ruby  
10 Falls Scenic Area Extension, High Shoals, Tray  
11 Mountain Extension, Kelly Ridge-Moccasin  
12 Creek, Buzzard Knob, Southern Nantahala Ex-  
13 tension, and Patterson Gap, and located ap-  
14 proximately 5 to 15 miles north of Helen, 5 to  
15 15 miles southeast of Hiawasse, north of Clay-  
16 ton, and west of Dillard, in White, Towns and  
17 Rabun Counties, in the State of Georgia.

18 (I) RICH MOUNTAIN CLUSTER.—Certain  
19 land in the Chattahoochee National Forest,  
20 Toccoa Ranger District, totaling approximately  
21 9,500 acres, known as the “Rich Mountain  
22 Cluster”, comprised of the parcels known as  
23 Rich Mountain Extension and Rocky Mountain,  
24 located 10 to 15 miles northeast of the town of



1 Ellijay, in Gilmer and Fannin Counties, in the  
2 State of Georgia.

3 (J) WILDERNESS HEARTLANDS CLUSTER,  
4 GEORGIA AREAS.—Certain land in the Chat-  
5 tahoochee National Forest, Chestatee,  
6 Brasstown and Chattooga Ranger Districts, to-  
7 taling approximately 16,500 acres, known as  
8 the “Wilderness Heartlands Cluster, Georgia  
9 Areas”, comprised of 4 parcels known as the  
10 Blood Mountain Extensions, Raven Cliffs Ex-  
11 tensions, Mark Trail Extensions, and  
12 Brasstown Extensions, and located near the  
13 towns of Dahlonega, Cleveland, Helen, and  
14 Blairsville, in Lumpkin, Union, White, and  
15 Towns Counties, in the State of Georgia.

16 (8) IDAHO.—

17 (A) COVE/MALLARD.—Certain land in the  
18 Nez Perce National Forest in the State of  
19 Idaho, totaling approximately 94,000 acres, lo-  
20 cated approximately 30 miles southwest of the  
21 town of Elk City, and west of the town of Dixie,  
22 in the area generally known as “Cove/Mallard”.

23 (B) MEADOW CREEK.—Certain land in the  
24 Nez Perce National Forest in the State of  
25 Idaho, totaling approximately 180,000 acres, lo-

1 cated approximately 8 miles east of the town of  
 2 Elk City in the area generally known as “Mead-  
 3 ow Creek”.

4 (C) FRENCH CREEK/PATRICK BUTTE.—  
 5 Certain land in the Payette National Forest in  
 6 the State of Idaho, totaling approximately  
 7 141,000 acres, located approximately 20 miles  
 8 north of the town of McCall in the area gen-  
 9 erally known as “French Creek/Patrick Butte”.

10 (9) ILLINOIS.—

11 (A) CRIPPS BEND.—Certain land in the  
 12 Shawnee National Forest in the State of Illi-  
 13 nois, totaling approximately 39 acres, located in  
 14 Jackson County in the Big Muddy River water-  
 15 shed, in the area generally known as “Cripps  
 16 Bend”.

17 (B) OPPORTUNITY AREA 6.—Certain land  
 18 in the Shawnee National Forest in the State of  
 19 Illinois, totaling approximately 50,000 acres, lo-  
 20 cated in northern Pope County surrounding  
 21 Bell Smith Springs Natural Area, in the area  
 22 generally known as “Opportunity Area 6”.

23 (C) QUARREL CREEK.—Certain land in the  
 24 Shawnee National Forest in the State of Illi-  
 25 nois, totaling approximately 490 acres, located

1 in northern Pope County in the Quarrel Creek  
 2 watershed, in the area generally known as  
 3 “Quarrel Creek”.

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

10 (11) MINNESOTA.—

11 (A) TROUT LAKE AND SUOMI HILLS.—Cer-  
 12 tain land in the Chippewa National Forest, to-  
 13 taling approximately 12,000 acres, known as  
 14 “Trout Lake/Suomi Hills” in Itasca County, in  
 15 the State of Minnesota.

16 (B) LULLABY WHITE PINE RESERVE.—  
 17 Certain land in the Superior National Forest in  
 18 the State of Minnesota, Gunflint Ranger Dis-  
 19 trict, totaling approximately 2,518 acres, in the  
 20 South Brule Opportunity Area, northwest of  
 21 Grand Marais in Cook County, Minnesota,  
 22 known as the “Lullaby White Pine Reserve”.

23 (12) MISSOURI: ELEVEN POINT-BIG SPRINGS  
 24 AREA.—Certain land in the Mark Twain National  
 25 Forest in the State of Missouri, Eleven Point Rang-

1 er District, totaling approximately 200,000 acres,  
 2 comprised of the administrative area of the Eleven  
 3 Point Ranger District, known as the “Eleven Point-  
 4 Big Springs Area”.

5 (13) MONTANA: MOUNT BUSHNELL.—Certain  
 6 land in the Lolo National Forest in the State of  
 7 Montana, totaling approximately 41,000 acres, lo-  
 8 cated approximately 5 miles southwest of the town  
 9 of Thompson Falls in the area generally known as  
 10 “Mount Bushnell”.

11 (14) NEW MEXICO.—

12 (A) ANGOSTURA.—Certain land in the  
 13 eastern half of the Carson National Forest in  
 14 the State of New Mexico, Camino Real Ranger  
 15 District, totaling approximately 10,000 acres,  
 16 located in Township 21, Ranges 12 and 13,  
 17 known as “Angostura”, and bounded—

18 (i) to the northeast, by Highway 518;

19 (ii) to the southeast, by the Angostura  
 20 Creek watershed boundary;

21 (iii) to the southern side, by Trail 19  
 22 and the Pecos Wilderness; and

23 (iv) to the west, by the Agua Piedra  
 24 Creek watershed.

(B) LA MANGA.—Certain land in the western half of the Carson National Forest, El Rito Ranger District, in the State of New Mexico, at the Vallecitos Sustained Yield Unit, totaling approximately 5,400 acres, known as “La Manga”, in Township 27, Range 6, and bounded—

(i) to the north, by the Tierra Amarilla Land Grant;

(ii) to the south, by Canada Escondida;

(iii) to the west, by the Sustained Yield Unit boundary and the Tierra Amarilla Land Grant; and

(iv) to the east, by the Rio Vallecitos.

(C) ELK MOUNTAIN.—Certain land in the Santa Fe National Forest in the State of New Mexico, totaling approximately 7,220 acres, known as “Elk Mountain” located in Townships 17 and 18 and Ranges 12 and 13, and bounded—

(i) to the north, by the Pecos Wilderness;

(ii) to the east, by the Cow Creek Watershed;

1 (iii) to the west, by the Cow Creek;

2 and

3 (iv) to the south, by Rito de la Osha.

4 (D) JEMEZ HIGHLANDS.—Certain land in  
5 the Jemez Ranger District of the Santa Fe Na-  
6 tional Forest, totaling approximately 54,400  
7 acres, known as the “Jemez Highlands”, lo-  
8 cated primarily in Sandoval County, in the  
9 State of New Mexico.

10 (15) NORTH CAROLINA.—

11 (A) CENTRAL NANTAHALA CLUSTER,  
12 NORTH CAROLINA AREAS.—Certain land in the  
13 Nantahala National Forest, Tusquitee, Cheoah,  
14 and Wayah Ranger Districts, totaling approxi-  
15 mately 107,000 acres, known as the “Central  
16 Nantahala Cluster, North Carolina Areas”,  
17 comprised of 9 parcels known as Tusquitee  
18 Bald, Shooting Creek Bald, Cheoah Bald,  
19 Piercy Bald, Wesser Bald, Tellico Bald, Split  
20 White Oak, Siler Bald, and Southern  
21 Nantahala Extensions, and located near the  
22 towns of Murphy, Franklin, Bryson City, An-  
23 drews, and Beechertown, in Cherokee, Macon,  
24 Clay and Swain Counties, in the State of North  
25 Carolina.

1 (B) CHATTOOGA WATERSHED CLUSTER,  
2 NORTH CAROLINA AREAS.—Certain land in the  
3 Nantahala National Forest, Highlands Ranger  
4 District, totaling approximately 8,000 acres,  
5 known as the “Chattooga Watershed Cluster,  
6 North Carolina Areas”, comprised of the Over-  
7 flow (Blue Valley) and Terrapin Mountain par-  
8 cels, and located 5 miles from the town of  
9 Highlands, in Macon and Jackson Counties, in  
10 the State of North Carolina.

11 (C) TENNESSEE BORDER CLUSTER, NORTH  
12 CAROLINA AREAS.—Certain land in the  
13 Nantahala National Forest, Tusquitee and  
14 Cheoah Ranger Districts, totaling approxi-  
15 mately 28,000 acres, known as the “Tennessee  
16 Border Cluster, North Carolina Areas”, com-  
17 prised of the 4 parcels known as the Unicoi  
18 Mountains, Deaden Tree, Snowbird, and Joyce  
19 Kilmer-Slickrock Extension, and located near  
20 the towns of Murphy and Robbinsville, in Cher-  
21 okee and Graham Counties, in the State of  
22 North Carolina.

23 (D) BALD MOUNTAINS.—Certain land in  
24 the Pisgah National Forest, French Broad  
25 Ranger District, totaling approximately 13,000

1           acres known as the “Bald Mountains”, located  
 2           12 miles northeast of the town of Hot Springs,  
 3           in Madison County, in the State of North Caro-  
 4           lina.

5                   (E) BIG IVY TRACT.—Certain land in the  
 6           Pisgah National Forest in the State of North  
 7           Carolina, totaling approximately 14,000 acres,  
 8           located approximately 15 miles west of Mount  
 9           Mitchell in the area generally known as the  
 10          “Big Ivy Tract”.

11                   (F) BLACK MOUNTAINS CLUSTER, NORTH  
 12          CAROLINA AREAS.—Certain land in the Pisgah  
 13          National Forest, Toecane and Grandfather  
 14          Ranger Districts, totaling approximately 62,000  
 15          acres, known as the “Black Mountains Cluster,  
 16          North Carolina Areas”, comprised of 5 parcels  
 17          known as Craggy Mountains, Black Mountains,  
 18          Jarrett Creek, Mackey Mountain, and Woods  
 19          Mountain, and located near the towns of Burns-  
 20          ville, Montreat and Marion, in Buncombe,  
 21          Yancey and McDowell Counties, in the State of  
 22          North Carolina.

23                   (G) LINVILLE CLUSTER.—Certain land in  
 24          the Pisgah National Forest, Grandfather Dis-  
 25          trict, totaling approximately 42,000 acres,



known as the “Linville Cluster”, comprised of 7 parcels known as Dobson Knob, Linville Gorge Extension, Steels Creek, Sugar Knob, Harper Creek, Lost Cove and Upper Wilson Creek, and located near the towns of Marion, Morgantown, Spruce Pine, Linville, and Blowing Rock, in Burke, McDowell, Avery and Caldwell Counties, in the State of North Carolina.

(H) NOLICHUCKY, NORTH CAROLINA AREA.—Certain land 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, in Mitchell and Yancey Counties, in the State of North Carolina.

(I) PISGAH CLUSTER, NORTH CAROLINA AREAS.—Certain land in the Pisgah National Forest, Pisgah Ranger District, totaling approximately 52,000 acres, known as the “Pisgah Cluster, North Carolina Areas”, comprised of 5 parcels known as Shining Rock and Middle Prong Extensions, Daniel Ridge, Cedar Rock Mountain, South Mills River, and Laurel Moun-

tain, and located 5 to 12 miles north of the town of Brevard and southwest of the city of Asheville, in Haywood, Transylvania, and Henderson Counties, in the State of North Carolina.

(J) WILDCAT.—Certain land 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, in Haywood County, in the State of North Carolina.

(16) OHIO.—

(A) ARCHERS FORK COMPLEX.—Certain land in the Marietta Unit of the Athens Ranger District, in the Wayne National Forest, in Washington County, in the State of Ohio, known as “Archers Fork Complex”, totaling approximately 18,350 acres, located northeast of Newport and bounded—

(i) to the northwest, by State Highway 26;

(ii) to the northeast, by State Highway 260;

(iii) to the southeast, by the Ohio River; and

1 (iv) to the southwest, by Bear Run  
2 and Danas Creek.

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

10 (C) BUFFALO CREEK.—Certain land in the  
11 Ironton Ranger District of the Wayne National  
12 Forest, Lawrence County, Ohio, known as  
13 “Buffalo Creek”, totaling approximately 6500  
14 acres, located 4 miles northwest of Waterloo in  
15 Township 5 North, Range 17 West, sections 3  
16 through 10 and 15 through 18.

17 (D) LAKE VESUVIUS.—Certain land in the  
18 Ironton Ranger District of the Wayne National  
19 Forest, in Lawrence County, in the State of  
20 Ohio, totaling approximately 4,900 acres, gen-  
21 erally known as “Lake Vesuvius”, located to  
22 the east of Etna in Township 2 North, Range  
23 18 West, and bounded—

24 (i) to the southwest, by State High-  
25 way 93; and

1 (ii) to the northwest, by State High-  
 2 way 4.

3 (E) MORGAN SISTERS.—Certain land in  
 4 the Ironton Ranger District of the Wayne Na-  
 5 tional Forest, in Lawrence County, in the State  
 6 of Ohio, known as “Morgan Sisters”, totaling  
 7 approximately 2,500 acres, located 1 mile east  
 8 of Gallia and bounded by State Highway 233 in  
 9 Township 6 North, Range 17 West, sections 13,  
 10 14, 23 and 24 and Township 5 North, Range  
 11 16 West, sections 18 and 19.

12 (F) UTAH RIDGE.—Certain land in the  
 13 Athens Ranger District of the Wayne National  
 14 Forest, in Athens County, in the State of Ohio,  
 15 known as “Utah Ridge”, totaling approximately  
 16 9,000 acres, located 1 mile northwest of  
 17 Chauncey and bounded—

18 (i) to the southeast, by State Highway  
 19 682 and State Highway 13;

20 (ii) to the southwest, by US Highway  
 21 33 and State Highway 216; and

22 (iii) to the north, by State Highway  
 23 665.

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

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

(17) OKLAHOMA: COW CREEK DRAINAGE, OKLAHOMA.—Certain land in the Ouachita National Forest, Mena Ranger District, in Le Flore County, in the State of Oklahoma, totaling approximately 3,000 acres, known as “Cow Creek Drainage, Oklahoma”, and bounded approximately—

(A) to the west, by the Beech Creek National Scenic Area;

(B) to the north, by State Highway 63;

(C) to the east, by the Arkansas-Oklahoma border; and

(D) to the south, by County Road 9038 on the south.

(18) OREGON: APPLGATE WILDERNESS.—Certain land in the Siskiyou National Forest and Rogue River National Forest in the State of Oregon, totaling approximately 20,000 acres, and located approximately 20 miles southwest of the town of Grants

1 Pass and 10 miles south of the town of Williams, in  
2 the area generally known as the “Applegate Wilder-  
3 ness”.

4 (19) SOUTH CAROLINA.—

5 (A) BIG SHOALS, SOUTH CAROLINA  
6 AREA.—Certain land in the Sumter National  
7 Forest, Andrew Pickens Ranger District, in  
8 Oconee County, in the State of South Carolina,  
9 totaling approximately 2,000 acres, known as  
10 “Big Shoals, South Carolina Area”, and located  
11 15 miles south of Highlands, North Carolina.

12 (B) BRASSTOWN CREEK, SOUTH CAROLINA  
13 AREA.—Certain land in the Sumter National  
14 Forest, Andrew Pickens Ranger District, in  
15 Oconee County, in the State of South Carolina,  
16 totaling approximately 3,500 acres, known as  
17 “Brasstown Creek, South Carolina Area”, and  
18 located approximately 15 miles west of West-  
19 minster, South Carolina.

20 (C) CHAUGA.—Certain land in the Sumter  
21 National Forest, Andrew Pickens Ranger Dis-  
22 trict, in Oconee County, in the State of South  
23 Carolina, totaling approximately 16,000 acres,  
24 known as “Chauga”, and located approximately  
25 10 miles west of Walhalla, South Carolina.

1 (D) DARK BOTTOMS.—Certain land in the  
2 Sumter National Forest, Andrew Pickens Rang-  
3 er District, in Oconee County, in the State of  
4 South Carolina, totaling approximately 4,000  
5 acres, known as “Dark Bottoms”, and located  
6 approximately 10 miles northwest of West-  
7 minster, South Carolina.

8 (E) ELLICOTT ROCK EXTENSION, SOUTH  
9 CAROLINA AREA.—Certain land in the Sumter  
10 National Forest, Andrew Pickens Ranger Dis-  
11 trict, in Oconee County, in the State of South  
12 Carolina, totaling approximately 2,000 acres,  
13 known as “Ellicott Rock Extension, South  
14 Carolina Area”, located approximately 10 miles  
15 south of Cashiers, North Carolina.

16 (F) FIVE FALLS, SOUTH CAROLINA  
17 AREA.—Certain land in the Sumter National  
18 Forest, Andrew Pickens Ranger District, in  
19 Oconee County, in the State of South Carolina,  
20 totaling approximately 3,500 acres, known as  
21 “Five Falls, South Carolina Area”, and located  
22 approximately 10 miles southeast of Clayton,  
23 Georgia.

24 (G) PERSIMMON MOUNTAIN.—Certain land  
25 in the Sumter National Forest, Andrew Pickens

Ranger District, in Oconee County, in the State of South Carolina, totaling approximately 7,000 acres, known as “Persimmon Mountain”, and located approximately 12 miles south of Cashiers, North Carolina.

(H) ROCK GORGE, SOUTH CAROLINA AREA.—Certain land in the Sumter National Forest, Andrew Pickens Ranger District, in Oconee County, in the State of South Carolina, totaling approximately 2,000 acres, known as “Rock Gorge, South Carolina Area”, and located 12 miles southeast of Highlands, North Carolina.

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

(J) THRIFT’S FERRY, SOUTH CAROLINA AREA.—Certain land in the Sumter National Forest, Andrew Pickens Ranger District, in Oconee County, in the State of South Carolina, totaling approximately 5,000 acres, known as



1           “Thrift’s Ferry, South Carolina Area”, and lo-  
2           cated 10 miles east of Clayton, Georgia.

3           (20) SOUTH DAKOTA.—

4                 (A) BLACK FOX AREA.—Certain land in  
5           the Black Hills National Forest in the State of  
6           South Dakota, totaling approximately 12,400  
7           acres, located in the upper reaches of the Rapid  
8           Creek watershed, known as the “Black Fox  
9           Area”, and roughly bounded—

10                         (i) to the north, by FDR 206;

11                         (ii) to the south, by the steep slopes  
12           north of Forest Road 231; and

13                         (iii) to the west, by a fork of Rapid  
14           Creek.

15                 (B) BREAKNECK AREA.—Certain land in  
16           the Black Hills National Forest in the State of  
17           South Dakota, totaling 6,700 acres, located  
18           along the northeast edge of the Black Hills in  
19           the vicinity of the Black Hills National Ceme-  
20           tery and the Bureau of Land Management’s  
21           Fort Meade Recreation Area, known as the  
22           “Breakneck Area”, and generally—

23                         (i) bounded by Forest Roads 139 and  
24           169 on the north, west, and south; and

1 (ii) demarcated along the eastern and  
 2 western boundaries by the ridge-crests di-  
 3 viding the watershed.

4 (C) NORBECK PRESERVE.—Certain land in  
 5 the Black Hills National Forest in the State of  
 6 South Dakota, totaling approximately 27,766  
 7 acres, known as the “Norbeck Preserve”, and  
 8 encompassed approximately by a boundary that,  
 9 starting at the southeast corner—

10 (i) runs north along FDR 753 and  
 11 United States Highway Alt. 16, then along  
 12 SD 244 to the junction of Palmer Creek  
 13 Road, which serves generally as a north-  
 14 west limit;

15 (ii) heads south from the junction of  
 16 Highways 87 and 89;

17 (iii) runs southeast along Highway  
 18 87; and

19 (iv) runs east back to FDR 753,  
 20 excluding a corridor of private land along  
 21 FDR 345.

22 (D) PILGER MOUNTAIN AREA.—Certain  
 23 land in the Black Hills National Forest in the  
 24 State of South Dakota, totaling approximately  
 25 12,600 acres, known as the “Pilger Mountain

Area”, located in the Elk Mountains on the southwest edge of the Black Hills, and roughly bounded—

(i) to the east and northeast, by Forest Roads 318 and 319;

(ii) to the north and northwest, by Road 312; and

(iii) to the southwest, by private land.

(E) STAGEBARN CANYONS.—Certain land in the Black Hills National Forest in the State of South Dakota, known as “Stagebarn Canyons”, totaling approximately 7,300 acres, and located approximately 10 miles west of Rapid City, South Dakota.

(21) TENNESSEE.—

(A) BALD MOUNTAINS CLUSTER, TENNESSEE AREAS.—Certain land in the Nolichucky and Unaka Ranger Districts of the Cherokee National Forest, in Cocke, Green, Washington and Unicoi Counties, in the State of Tennessee, totaling approximately 46,133 acres, known as the “Bald Mountains Cluster, Tennessee Areas”, and comprised of the parcels known as Laurel Hollow Mountain, Devil’s Backbone, Laurel Mountain, Walnut Mountain,

1 Wolf Creek, Meadow Creek Mountain, Brush  
2 Creek Mountain, Paint Creek, Bald Mountain  
3 and Sampson Mountain Extension, located near  
4 the towns of Newport, Hot Springs, Greeneville  
5 and Erwin, Tennessee.

6 (B) BIG FROG/COHUTTA CLUSTER.—Cer-  
7 tain land in the Cherokee National Forest, in  
8 Polk County, Ocoee, Hiwassee, and Tennessee  
9 Ranger Districts, in the State of Tennessee, to-  
10 taling approximately 28,800 acres, known as  
11 the “Big Frog/Cohutta Cluster”, comprised of  
12 the parcels known as Big Frog Extensions, Lit-  
13 tle Frog Extensions, Smith Mountain and Rock  
14 Creek, located near the towns of Copperhill,  
15 Ducktown, Turtletown and Benton, Tennessee.

16 (C) CITICO CREEK WATERSHED CLUSTER  
17 TENNESSEE AREAS.—Certain land in the  
18 Tellico Ranger District of the Cherokee Na-  
19 tional Forest, in Monroe County, in the State  
20 of Tennessee, totaling approximately 14,256  
21 acres, known as the “Citico Creek Watershed  
22 Cluster, Tennessee Areas”, comprised of the  
23 parcels known as Flats Mountain, Miller Ridge,  
24 Cowcamp Ridge and Joyce Kilmer-Slickrock

1           Extension, and located near the town of Tellico  
2           Plains, in the State of Tennessee.

3           (D) IRON MOUNTAINS CLUSTER.—Certain  
4           land in the Cherokee National Forest, Watauga  
5           Ranger District, totaling approximately 58,090  
6           acres, known as the “Iron Mountains Cluster”,  
7           comprised of 8 parcels known as Big Laurel  
8           Branch Addition, Hickory Flat Branch, Flint  
9           Mill, Lower Iron Mountain, Upper Iron Moun-  
10          tain, London Bridge, Beaverdam Creek, and  
11          Rodgers Ridge, located near the towns of Bris-  
12          tol and Elizabethton, in Sullivan and Johnson  
13          Counties, in the State of Tennessee.

14          (E) NORTHERN UNICOI MOUNTAINS CLUS-  
15          TER.—Certain land in the Tellico Ranger Dis-  
16          trict of the Cherokee National Forest, in Mon-  
17          roe County, in the State of Tennessee, totaling  
18          approximately 30,453 acres, known as the  
19          “Northern Unicoi Mountain Cluster”, com-  
20          prised of the parcels known as Bald River  
21          Gorge Extension, Upper Bald River, Sycamore  
22          Creek and Brushy Ridge, and located near the  
23          town of Tellico Plains, Tennessee.

24          (F) ROAN MOUNTAIN CLUSTER.—Certain  
25          land in the Cherokee National Forest, Unaka

1 and Watauga Ranger Districts, totaling ap-  
2 proximately 23,725 acres known as the “Roan  
3 Mountain Cluster”, comprised of the 7 parcels  
4 known as Strawberry Mountain, Highlands of  
5 Roan, Ripshin Ridge, Doe River Gorge Scenic  
6 Area, White Rocks Mountain, Slide Hollow and  
7 Watauga Reserve, and located approximately 8  
8 to 20 miles south of the town of Elizabethton,  
9 in Unicoi, Carter and Johnson Counties, in the  
10 State of Tennessee.

11 (G) SOUTHERN UNICOI MOUNTAINS CLUS-  
12 TER.—Certain land in the Hiwassee Ranger  
13 District of the Cherokee National Forest, in  
14 Polk, Monroe, and McMinn Counties, in the  
15 State of Tennessee, totaling approximately  
16 11,251 acres, known as the “Southern Unicoi  
17 Mountains Cluster”, comprised of the parcels  
18 known as Gee Creek Extension, Coker Creek  
19 and Buck Bald, and located near the towns  
20 Etowah, Benton and Turtletown, Tennessee.

21 (H) UNAKA MOUNTAINS CLUSTER, TEN-  
22 NESSEE AREAS.—Certain land in the Cherokee  
23 National Forest, Unaka Ranger District, total-  
24 ing approximately 15,669 acres, known as the  
25 “Unaka Mountains Cluster, Tennessee Areas”,

1           comprised of the Nolichucky, Unaka Mountain  
 2           Extension and Stone Mountain parcels and lo-  
 3           cated approximately 8 miles from Erwin, in  
 4           Unicoi and Carter Counties, in the State of  
 5           Tennessee.

6           (22) TEXAS: LONGLEAF RIDGE.—Certain land  
 7           in the Angelina National Forest, Jasper and  
 8           Angelina Counties, Texas, totaling approximately  
 9           30,000 acres, generally known as “Longleaf Ridge”,  
 10          and bounded—

11                   (A) to the west, by Upland Island Wilder-  
 12                   ness Area;

13                   (B) to the south, by the Neches River; and

14                   (C) to the northeast, by Sam Rayburn  
 15           Reservoir.

16          (23) VERMONT.—

17                   (A) GLASTENBURY AREA.—Certain land in  
 18           the Green Mountain National Forest, in the  
 19           State of Vermont, totaling approximately  
 20           35,000 acres, located 3 miles northeast of  
 21           Bennington, generally known as the  
 22           “Glastenbury Area”, and bounded—

23                           (i) to the north, by Kelly Stand Road;

24                           (ii) to the east, by Forest Road 71;

25                           (iii) to the south, by Route 9; and

1 (iv) to the west, by Route 7.

2 (B) LAMB BROOK.—Certain land in the  
3 Green Mountain National Forest, in the State  
4 of Vermont, totaling approximately 5,500 acres,  
5 located 3 miles southwest of Wilmington, gen-  
6 erally known as “Lamb Brook”, and bounded—

7 (i) to the west, by Route 8;

8 (ii) to the south, by Route 100;

9 (iii) to the north, by Route 9; and

10 (iv) to the east, by land owned by  
11 New England Power Company.

12 (C) ROBERT FROST MOUNTAIN AREA.—  
13 Certain land in the Green Mountain National  
14 Forest, in the State of Vermont, totaling ap-  
15 proximately 8,500 acres, known as “Robert  
16 Frost Mountain Area”, located northeast of  
17 Middlebury, consisting of the Forest Service  
18 land bounded—

19 (i) to the west, by Route 116;

20 (ii) to the north, by Bristol Notch  
21 Road;

22 (iii) to the east, by Lincoln/Ripton  
23 Road; and

24 (iv) to the south, by Route 125.

25 (24) VIRGINIA.—



1           (A) BEAR CREEK.—Certain land in the  
2           Jefferson National Forest, Wythe Ranger Dis-  
3           trict, known as “Bear Creek”, and located  
4           north of Rural Retreat, in Smyth and Wythe  
5           Counties, in the State of Virginia.

6           (B) CAVE SPRINGS.—Certain land in the  
7           Jefferson National Forest, Clinch Ranger Dis-  
8           trict, totaling approximately 3,000 acres, known  
9           as “Cave Springs”, and located between State  
10          Route 621 and the North Fork of the Powell  
11          River, in Lee County, in the State of Virginia.

12          (C) DISMAL CREEK.—Certain land totaling  
13          approximately 6,000 acres, in the Jefferson Na-  
14          tional Forest, Blacksburg Ranger District,  
15          known as “Dismal Creek”, and located north of  
16          State Route 42, in Giles and Bland Counties, in  
17          the State of Virginia.

18          (D) STONE COAL CREEK.—Certain land in  
19          the Jefferson National Forest, New Castle  
20          Ranger District, totaling approximately 2,000  
21          acres, known as “Stone Coal Creek”, and lo-  
22          cated in Craig and Botetourt Counties, in the  
23          State of Virginia.

24          (E) WHITE OAK RIDGE: TERRAPIN MOUN-  
25          TAIN.—Certain land in the Glenwood Ranger

1 District of the Jefferson National Forest,  
2 known as “White Oak Ridge—Terrapin Moun-  
3 tain”, totaling approximately 8,000 acres, and  
4 located east of the Blue Ridge Parkway, in  
5 Botetourt and Rockbridge Counties, in the  
6 State of Virginia.

7 (F) WHITETOP MOUNTAIN.—Certain land  
8 in the Jefferson National Forest, Mt. Rodgers  
9 Recreation Area, totaling 3,500 acres, known as  
10 “Whitetop Mountain”, and located in Wash-  
11 ington, Smyth and Grayson Counties, in the  
12 State of Virginia.

13 (G) WILSON MOUNTAIN.—Certain land  
14 known as “Wilson Mountain”, in the Jefferson  
15 National Forest, Glenwood Ranger District, to-  
16 taling approximately 5,100 acres, and located  
17 east of Interstate 81, in Botetourt and  
18 Rockbridge Counties, in the State of Virginia.

19 (H) FEATHERCAMP.—Certain land located  
20 in the Mt. Rodgers Recreation Area of the Jef-  
21 ferson National Forest, totaling 4,974 acres,  
22 known as “Feathercamp”, located northeast of  
23 the town of Damascus and north of State Route  
24 58 on the Feathercamp ridge, in Washington  
25 County, in the State of Virginia.

1 (25) WISCONSIN.—

2 (A) FLYNN LAKE.—Certain land in the  
3 Chequamegon National Forest, Washburn  
4 Ranger District, totaling approximately 5,700  
5 acres, known as “Flynn Lake”, and located in  
6 the Flynn Lake semi-primitive non-motorized  
7 area, in Bayfield County, in the State of Wis-  
8 consin.

9 (B) GHOST LAKE CLUSTER.—Certain land  
10 in the Chequamegon National Forest, Great Di-  
11 vide Ranger District, totaling approximately  
12 6,000 acres, known as “Ghost Lake Cluster”,  
13 including parcels known as Ghost Lake, Perch  
14 Lake, Lower Teal River, Foo Lake, and Bull-  
15 dog Springs, and located in Sawyer County, in  
16 the State of Wisconsin.

17 (C) LAKE OWENS CLUSTER.—Certain land  
18 in the Chequamegon National Forest, Great Di-  
19 vide and Washburn Ranger Districts, totaling  
20 approximately 3,600 acres, known as “Lake  
21 Owens Cluster”, including parcels known as or  
22 near Lake Owens, Sage, Hidden, and Deer Lick  
23 Lakes, Eighteenmile Creek, and Northeast and  
24 Sugarbush Lakes, and located in Bayfield  
25 County, in the State of Wisconsin.

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

14          (E) PARK FALLS CLUSTER.—Certain land  
 15          in the Chequamegon National Forest, Medford-  
 16          Park Falls Ranger District, totaling approxi-  
 17          mately 23,000 acres, known as “Park Falls  
 18          Cluster”, including parcels known as Sixteen  
 19          Lakes, Chippewa Trail, Tucker and Amik  
 20          Lakes, Lower Rice Creek, Doering Tract,  
 21          Foulds Creek, Bootjack Conifers, Pond, Mud  
 22          and Riley Lake Peatlands, Little Willow  
 23          Drumlin, and Elk River, and located in Price  
 24          and Vilas Counties, in the State of Wisconsin.

1 (F) PENOKEE MOUNTAIN CLUSTER.—Cer-  
 2 tain land in the Chequamegon National Forest,  
 3 Great Divide Ranger District, totaling approxi-  
 4 mately 23,000 acres, known as “Penokee Moun-  
 5 tain Cluster”, including parcels known as or  
 6 near St. Peters Dome, Brunsweler River  
 7 Gorge, Lake Three, Marengo River and  
 8 Brunsweler River semi-primitive non-motorized  
 9 areas, Hell Hole Creek, and the North Country  
 10 Trail Hardwoods, and located in Ashland and  
 11 Bayfield Counties, in the State of Wisconsin.

12 (G) SOUTHEAST GREAT DIVIDE CLUS-  
 13 TER.—Certain land in the Chequamegon Na-  
 14 tional Forest, Medford Park Falls Ranger Dis-  
 15 trict, totaling approximately 25,000 acres,  
 16 known as the “Southeast Great Divide Clus-  
 17 ter”, including parcels known as or near Snoose  
 18 Lake, Cub Lake, Springbrook Hardwoods,  
 19 upper Moose River, East Fork Chippewa River,  
 20 upper Torch River, Venison Creek, upper Bru-  
 21 net River, Bear Lake Slough, and Noname  
 22 Lake, and located in Ashland and Sawyer  
 23 Counties, in the State of Wisconsin.

24 (H) DIAMOND ROOF CLUSTER.—Certain  
 25 land in the Nicolet National Forest, Lakewood-

1 Laona Ranger District, totaling approximately  
 2 6,000 acres, known as “Diamond Roof Clus-  
 3 ter”, including parcels known as McCaslin  
 4 Creek, Ada Lake, Section 10 Lake, and Dia-  
 5 mond Roof, and located in Forest, Langlade  
 6 and Oconto Counties, in the State of Wisconsin.

7 (I) ARGONNE FOREST CLUSTER.—Certain  
 8 land in the Nicolet National Forest, Eagle  
 9 River-Florence Ranger District, totaling ap-  
 10 proximately 12,000 acres, known as “Argonne  
 11 Forest Cluster”, including parcels known as Ar-  
 12 gonne Experimental Forest, Scott Creek, Atkins  
 13 Lake, and Island Swamp, and located in Forest  
 14 County, in the State of Wisconsin.

15 (J) BONITA GRADE.—Certain land in the  
 16 Nicolet National Forest, Lakewood-Laona  
 17 Ranger District, totaling approximately 1,200  
 18 acres, known as “Bonita Grade”, including par-  
 19 cels near Mountain Lakes, Temple Lake, and  
 20 Second South Branch, First South Branch, and  
 21 South Branch Oconto River, and located in  
 22 Langlade County, in the State of Wisconsin.

23 (K) FRANKLIN AND BUTTERNUT LAKES  
 24 CLUSTER.—Certain land in the Nicolet National  
 25 Forest, Eagle River-Florence Ranger District,

1 totaling approximately 12,000 acres, known as  
 2 “Franklin and Butternut Lakes Cluster”, in-  
 3 cluding parcels known as Bose Lake Hemlocks,  
 4 Luna White Deer, Echo Lake, Franklin and  
 5 Butternut Lakes, Wolf Lake, Upper Ninemile,  
 6 Meadow, and Bailey Creeks, and located in  
 7 Forest and Onieda Counties, in the State of  
 8 Wisconsin.

9 (L) LAUTERMAN LAKE AND KIEPER  
 10 CREEK.—Certain land in the Nicolet National  
 11 Forest, Eagle River-Florence Ranger District,  
 12 totaling approximately 2,500 acres, known as  
 13 “Lauterman Lake and Kieper Creek”, and lo-  
 14 cated in Florence County, in the State of Wis-  
 15 consin.

16 (26) WYOMING: SAND CREEK AREA.—

17 (A) IN GENERAL.—Certain land in the  
 18 Black Hills National Forest, totaling approxi-  
 19 mately 8,300 acres known as the “Sand Creek  
 20 area”, located in Crook County, in the State of  
 21 Wyoming, and situated in the far northwest  
 22 corner of the Black Hills.

23 (B) BOUNDARY.—Beginning in the north-  
 24 west corner and proceeding counterclockwise,

1 the boundary for the Sand Creek Area roughly  
 2 follows—

- 3 (i) forest Roads 863, 866, 866.1B;
- 4 (ii) a line linking forest roads 866.1B  
 5 and 802.1B;
- 6 (iii) forest road 802.1B;
- 7 (iv) forest road 802.1;
- 8 (v) an unnamed road;
- 9 (vi) Spotted Tail Creek (excluding all  
 10 private land);
- 11 (vii) forest road 829.1;
- 12 (viii) a line connecting forest roads  
 13 829.1 and 864;
- 14 (ix) forest road 852.1; and
- 15 (x) a line connecting forest roads  
 16 852.1 and 863.

17 (d) COMMITTEE OF SCIENTISTS.—

18 (1) ESTABLISHMENT.—The Secretaries con-  
 19 cerned shall appoint a committee consisting of sci-  
 20 entists who—

- 21 (A) are not officers or employees of the  
 22 Federal Government;
- 23 (B) are not officers or employees of any  
 24 entity engaged in whole or in part in the pro-  
 25 duction of wood or wood products; and



1           (C) have not contracted with or rep-  
2           resented any entity described in subparagraph  
3           (A) or (B) in a period beginning 5 years before  
4           the date on which the scientist is appointed to  
5           the committee.

6           (2) RECOMMENDATIONS FOR ADDITIONAL SPE-  
7           CIAL AREAS.—Not later than 2 years of the date of  
8           the enactment of this Act, the committee shall pro-  
9           vide Congress with recommendations for additional  
10          special areas.

11          (3) CANDIDATE AREAS.—

12           (A) IN GENERAL.—Candidate areas for  
13           recommendation as additional special area shall  
14           have outstanding biological values that are ex-  
15           emplary on a regional, national, and inter-  
16           national level, including the presence of—

17                   (i) threatened or endangered species  
18                   of plants or animals;

19                   (ii) rare or endangered ecosystems;

20                   (iii) key habitats necessary for the re-  
21                   covery of endangered or threatened species;

22                   (iv) recovery or restoration areas of  
23                   rare or underrepresented forest eco-  
24                   systems;

25                   (v) migration corridors;

- 1 (vi) areas of outstanding biodiversity;
- 2 (vii) old growth forests;
- 3 (viii) commercial fisheries; and
- 4 (ix) sources of clean water such as key
- 5 watersheds.

6 (4) GOVERNING PRINCIPLE—The committee  
 7 shall adhere to the principles of conservation biology  
 8 in identifying special areas based on biological val-  
 9 ues.

10 **SEC. 204. RESTRICTIONS ON MANAGEMENT ACTIVITIES IN**  
 11 **ANCIENT FORESTS, ROADLESS AREAS, WA-**  
 12 **TERSHERD PROTECTION AREAS, SPECIAL**  
 13 **AREAS, AND FEDERAL BOUNDARY AREAS.**

14 (a) RESTRICTION OF MANAGEMENT ACTIVITIES.—  
 15 On Federal land located in ancient forests, roadless areas  
 16 (except military installations), watershed protection areas  
 17 (except military installations), special areas, and Federal  
 18 boundary areas—

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

24 (b) MAINTENANCE OF EXISTING ROADS.—

1           (1) IN GENERAL.—Except as provided in para-  
2       graph (2), the restrictions described in subsection  
3       (a) shall not prohibit the maintenance of an im-  
4       proved road, or any road accessing private  
5       inholdings.

6           (2) ABANDONED ROADS.—Any road that the  
7       Secretary concerned determines to have been aban-  
8       doned before the date of enactment of this Act shall  
9       not be maintained or reconstructed.

10       (c) ENFORCEMENT.—

11           (1) FEDERAL ENFORCEMENT.—The Secretary  
12       concerned and the Attorney General of the United  
13       States shall enforce this section against any person  
14       that violates this section.

15           (2) CITIZEN SUITS.—

16           (A) IN GENERAL.—A citizen harmed by a  
17       violation of this section may enforce this section  
18       by bringing an action for a declaratory judg-  
19       ment, a temporary restraining order, an injunc-  
20       tion, statutory damages, or other remedy  
21       against any alleged violator, including the  
22       United States, in any district court of the  
23       United States.

1 (B) JUDICIAL RELIEF.—If a district court  
 2 of the United States determines that a violation  
 3 of this section has occurred, the district court—

4 (i) shall impose a damage award of  
 5 not less than \$5,000;

6 (ii) may issue 1 or more injunctions  
 7 or other forms of equitable relief; and

8 (iii) shall award to each prevailing  
 9 party the reasonable costs of bringing the  
 10 action, including attorney's fees, witness  
 11 fees, and other necessary expenses.

12 (C) STANDARD OF PROOF.—The standard  
 13 of proof in all actions under this paragraph  
 14 shall be the preponderance of the evidence.

15 (D) TRIAL.—A trial for any action under  
 16 this section shall be de novo.

17 (E) PAYMENT OF DAMAGES.—

18 (i) NON-FEDERAL VIOLATOR.—A  
 19 damage award under subparagraph (B)(i)  
 20 shall be paid by a non-Federal violator or  
 21 violators designated by the court to the  
 22 Treasury.

23 (ii) FEDERAL VIOLATOR.—

24 (I) IN GENERAL.—Not later than  
 25 40 days after the date on which judg-

1           ment is rendered, a damage award  
2           under subparagraph (B)(i) for which  
3           the United States is determined to be  
4           liable shall be paid from the Treasury,  
5           as provided under section 1304 of title  
6           31, United States Code, to the person  
7           or persons designated to receive the  
8           damage award.

9                   (II) USE OF DAMAGE AWARD.—A  
10           damage award described under sub-  
11           clause (I) shall be used by the recipi-  
12           ent to protect or restore native bio-  
13           diversity on Federal land or on land  
14           adjoining Federal land.

15                   (III) COURT COSTS.—Any award  
16           of costs of litigation and any award of  
17           attorney fees shall be paid by a Fed-  
18           eral violator not later than 40 days  
19           after the date on which judgment is  
20           rendered.

21           (3) WAIVER OF SOVEREIGN IMMUNITY.—

22                   (A) IN GENERAL.—The United States (in-  
23           cluding agents and employees of the United  
24           States) waives its sovereign immunity in all re-  
25           spects in all actions under this section.

1 (B) NOTICE.—No notice is required to en-  
2 force this subsection.

3 **TITLE III—EFFECTIVE DATE**

4 **SEC. 301. IN GENERAL.**

5 This Act and the amendments made by this Act take  
6 effect on the date of enactment of this Act.

7 **SEC. 302. EFFECT ON EXISTING CONTRACTS.**

8 This Act and the amendments made by this Act shall  
9 not apply to any contract for the sale of timber that was  
10 entered into on or before the date of enactment of this  
11 Act.

