

108TH CONGRESS
2D SESSION

H. R. 5312

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, and special areas where logging and other intrusive activities are prohibited.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2004

Ms. ESHOO (for herself, Mr. ACKERMAN, Mr. ANDREWS, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of New York, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. CONYERS, Mr. COOPER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DELAHUNT, Ms. DELAURO, Mr. DEUTSCH, Mr. EMANUEL, Mr. ENGEL, Mr. EVANS, Mr. FATTAH, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mr. KLECZKA, Mr. KUCINICH, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Mr. MEEHAN, Mr. MEEKS of New York, Mr. MENENDEZ, Ms. MILLENDER-McDONALD, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. RANGEL, Mr. ROTHMAN, Mr. RUSH, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Ms. WATERS, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined

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, and special areas where logging and other intrusive activities are prohibited.

•HR 5312 IH

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

Sec. 302. Effect on existing contracts.

Sec. 303. Wilderness act exclusion.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) Federal agencies that permit clearcutting
4 and other forms of even-age logging operations in-
5 clude the Forest Service, the United States Fish and
6 Wildlife Service, and the Bureau of Land Manage-
7 ment;

8 (2) clearcutting and other forms of even-age
9 logging operations cause substantial alterations in
10 native biodiversity by—

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

14 (B) manipulating the vegetation toward
15 greater relative density of the commercial spe-
16 cies;

17 (C) suppressing competing species; and

18 (D) requiring the planting, on numerous
19 sites, of a commercial strain of the species that
20 reduces the relative diversity of other genetic
21 strains of the species that were traditionally lo-
22 cated on the same sites;

1 (3) clearcutting and other forms of even-age
2 logging operations—

3 (A) frequently lead to the death of immo-
4 bile species and the very young of mobile spe-
5 cies of wildlife; and

6 (B) deplete the habitat of deep-forest spe-
7 cies of animals, including endangered species
8 and threatened species;

9 (4)(A) clearcutting and other forms of even-age
10 logging operations—

11 (i) expose the soil to direct sunlight and
12 the impact of precipitation;

13 (ii) disrupt the soil surface;

14 (iii) compact organic layers; and

15 (iv) disrupt the run-off restraining capa-
16 bilities of roots and low-lying vegetation, result-
17 ing in soil erosion, the leaching of nutrients, a
18 reduction in the biological content of soil, and
19 the impoverishment of soil; and

20 (B) all of the consequences described in sub-
21 paragraph (A) have a long-range deleterious effect
22 on all land resources, including timber production;

23 (5) clearcutting and other forms of even-age
24 logging operations aggravate global climate change
25 by—

1 (A) decreasing the capability of the soil to
2 retain carbon; and

3 (B) during the critical periods of felling
4 and site preparation, reducing the capacity of
5 the biomass to process and to store carbon,
6 with a resultant loss of stored carbon to the at-
7 mosphere;

8 (6) clearcutting and other forms of even-age
9 logging operations render soil increasingly sensitive
10 to acid deposits by causing a decline of soil wood
11 and coarse woody debris;

12 (7) a decline of solid wood and coarse woody
13 debris reduces the capacity of soil to retain water
14 and nutrients, which in turn increases soil heat and
15 impairs soil's ability to maintain protective carbon
16 compounds on the soil surface;

17 (8) clearcutting and other forms of even-age
18 logging operations result in—

19 (A) increased stream sedimentation and
20 the silting of stream bottoms;

21 (B) a decline in water quality;

22 (C) the impairment of life cycles and
23 spawning processes of aquatic life from benthic
24 organisms to large fish; and

1 (D) as a result of the effects described in
2 subparagraphs (A) through (C), a depletion of
3 the sport and commercial fisheries of the
4 United States;

5 (9) clearcutting and other forms of even-age
6 management of Federal forests disrupt natural dis-
7 turbance regimes that are critical to ecosystem func-
8 tion;

9 (10) clearcutting and other forms of even-age
10 logging operations increase harmful edge effects, in-
11 cluding—

12 (A) blowdowns;

13 (B) invasions by weed species; and

14 (C) heavier losses to predators and com-
15 petitors;

16 (11) by reducing the number of deep, canopied,
17 variegated, permanent forests, clearcutting and other
18 forms of even-age logging operations—

19 (A) limit areas where the public can satisfy
20 an expanding need for recreation; and

21 (B) decrease the recreational value of land;

22 (12) clearcutting and other forms of even-age
23 logging operations replace forests described in para-
24 graph (11) with a surplus of clearings that grow into

1 relatively impenetrable thickets of saplings, and then
2 into monoculture tree plantations;

3 (13) because of the harmful and, in many
4 cases, irreversible, damage to forest species and for-
5 est ecosystems caused by logging of Ancient and
6 roadless forests, clearcutting, and other forms of
7 even-age management, it is important that these
8 practices be halted based on the precautionary prin-
9 ciple;

10 (14) human beings depend on native biological
11 resources, including plants, animals, and micro-orga-
12 nisms—

13 (A) for food, medicine, shelter, and other
14 important products; and

15 (B) as a source of intellectual and sci-
16 entific knowledge, recreation, and aesthetic
17 pleasure;

18 (15) alteration of native biodiversity has serious
19 consequences for human welfare, as the United
20 States irretrievably loses resources for research and
21 agricultural, medicinal, and industrial development;

22 (16) alteration of biodiversity in Federal forests
23 adversely affects the functions of ecosystems and
24 critical ecosystem processes that—

25 (A) moderate climate;

1 (B) govern nutrient cycles and soil con-
2 servation and production;

3 (C) control pests and diseases; and

4 (D) degrade wastes and pollutants;

5 (17)(A) clearcutting and other forms of even-
6 age management operations have significant delete-
7 rious effects on native biodiversity, by reducing habi-
8 tat and food for cavity-nesting birds and insectivores
9 such as the 3-toed woodpecker and hairy woodpecker
10 and for neotropical migratory bird species; and

11 (B) the reduction in habitat and food supply
12 could disrupt the lines of dependency among species
13 and their food resources and thereby jeopardize crit-
14 ical ecosystem function, including limiting outbreaks
15 of destructive insect populations; for example—

16 (i) the 3-toed woodpecker requires clumped
17 snags in spruce-fir forests, and 99 percent of its
18 winter diet is composed of insects, primarily
19 spruce beetles; and

20 (ii) a 3-toed woodpecker can consume as
21 much as 26 percent of the brood of an endemic
22 population of spruce bark beetle and reduce
23 brood survival of the population by 70 to 79
24 percent;

1 (18) the harm of clearcutting and other forms
2 of even-age logging operations on the natural re-
3 sources of the United States and the quality of life
4 of the people of the United States is substantial, se-
5 vere, and avoidable;

6 (19) by substituting selection management, as
7 required by this Act, for clearcutting and other
8 forms of even-age logging operations, the Federal
9 agencies involved with those logging operations
10 would substantially reduce devastation to the envi-
11 ronment and improve the quality of life of the people
12 of the United States;

13 (20) selection management—

14 (A) retains natural forest structure and
15 function;

16 (B) focuses on long-term rather than
17 short-term management;

18 (C) works with, rather than against, the
19 checks and balances inherent in natural proc-
20 esses; and

21 (D) permits the normal, natural processes
22 in a forest to allow the forest to go through the
23 natural stages of succession to develop a forest
24 with old growth ecological functions;

1 (21) by protecting native biodiversity, as re-
2 quired by this Act, Federal agencies would maintain
3 vital native ecosystems and improve the quality of
4 life of the people of the United States;

5 (22) selection logging—

6 (A) is more job intensive, and therefore
7 provides more employment than clearcutting
8 and other forms of even-age logging operations
9 to manage the same quantity of timber produc-
10 tion; and

11 (B) produces higher quality sawlogs than
12 clearcutting and other forms of even-age log-
13 ging operations; and

14 (23) the judicial 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) PURPOSE.—The purpose of this Act is to conserve
20 native biodiversity and protect all native ecosystems on all
21 Federal land against losses that result from—

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

24 (2) logging in Ancient forests, roadless areas,
25 watershed protection areas, and special areas.

1 **TITLE I—LAND MANAGEMENT**

2 **SEC. 101. COMMITTEE OF SCIENTISTS.**

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

7 “(h) COMMITTEE OF SCIENTISTS.—

8 “(1) IN GENERAL.—To carry out subsection
9 (g), the Secretary shall appoint a committee com-
10 posed of scientists—

11 “(A) who are not officers or employees of
12 the Forest Service, of any other public entity,
13 or of any entity engaged in whole or in part in
14 the production of wood or wood products;

15 “(B) not more than one-third of whom
16 have contracted with or represented any entity
17 described in subparagraph (A) during the 5-
18 year period ending on the date of the proposed
19 appointment to the committee; and

20 “(C) not more than one-third of whom are
21 foresters.

22 “(2) QUALIFICATIONS OF FORESTERS.—A for-
23 ester appointed to the committee shall be an indi-
24 vidual with—

1 “(A) extensive training in conservation bi-
2 ology; and

3 “(B) field experience in selection manage-
4 ment.

5 “(3) DUTIES.—The committee shall provide sci-
6 entific and technical advice and counsel on proposed
7 guidelines and procedures and all other issues involv-
8 ing forestry and native biodiversity to promote an ef-
9 fective interdisciplinary approach to forestry and na-
10 tive biodiversity.

11 “(4) TERMINATION.—The committee shall ter-
12 minate on the date that is 10 years after the date
13 of enactment of the Act to Save America’s For-
14 ests.”.

15 **SEC. 102. CONTINUOUS FOREST INVENTORY.**

16 (a) IN GENERAL.—Not later than 2 years after the
17 date of enactment of this Act, each of the Chief of the
18 Forest Service, the Director of the United States Fish and
19 Wildlife Service, and the Director of the Bureau of Land
20 Management (referred to individually as an “agency
21 head”) shall prepare a continuous inventory of forest land
22 administered by those agency heads, respectively.

23 (b) REQUIREMENTS.—A continuous forest inventory
24 shall constitute a long-term monitoring and inventory sys-
25 tem that—

1 (1) is contiguous throughout affected Federal
2 forest land; and

3 (2) is based on a set of permanent plots that
4 are inventoried every 10 years to—

5 (A) assess the impacts that human activi-
6 ties are having on management of the eco-
7 system;

8 (B) gauge—

9 (i) floristic and faunistic diversity,
10 abundance, and dominance; and

11 (ii) economic and social value; and

12 (C) monitor changes in the age, structure,
13 and diversity of species of trees and other vege-
14 tation.

15 (c) DECENNIAL INVENTORIES.—Each decennial in-
16 ventory under subsection (b)(2) shall be completed not
17 more than 60 days after the date on which the inventory
18 is begun.

19 (d) NATIONAL ACADEMY OF SCIENCES.—In pre-
20 paring a continuous forest inventory, an agency head may
21 use the services of the National Academy of Sciences to—

22 (1) develop a system for the continuous forest
23 inventory by which certain guilds or indicator species
24 are measured; and

1 (2) identify any changes to the continuous for-
 2 est inventory that are necessary to ensure that the
 3 continuous forest inventory is consistent with the
 4 most accurate scientific methods.

5 (e) WHOLE-SYSTEM MEASURES.—At the end of each
 6 forest planning period, an agency head shall document
 7 whole-system measures that will be taken as a result of
 8 a decennial inventory.

9 (f) PUBLIC AVAILABILITY.—Results of a continuous
 10 forest inventory shall be made available to the public with-
 11 out charge.

12 **SEC. 103. ADMINISTRATION AND MANAGEMENT.**

13 The Forest and Rangeland Renewable Resources
 14 Planning Act of 1974 is amended by adding after section
 15 6 (16 U.S.C. 1604) the following:

16 **“SEC. 6A. CONSERVATION OF NATIVE BIODIVERSITY; SE-**
 17 **LECTION LOGGING; PROHIBITION OF**
 18 **CLEARCUTTING.**

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

21 “(1) National Forest System land, under this
 22 Act;

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

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

4 “(b) NATIVE BIODIVERSITY IN FORESTED AREAS.—
5 The Secretary shall provide for the conservation or res-
6 toration of native biodiversity in each stand and each wa-
7 tershed throughout each forested area, except during the
8 extraction stage of authorized mineral development or dur-
9 ing authorized construction projects, in which cases the
10 Secretary shall conserve native biodiversity to the max-
11 imum extent practicable.

12 “(c) RESTRICTION ON USE OF CERTAIN LOGGING
13 PRACTICES.—

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

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

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

23 “(C) CLEARCUTTING.—The term
24 ‘clearcutting’ means an even-age logging oper-

1 ation that removes all of the trees over a con-
2 siderable portion of a stand at 1 time.

3 “(D) CONSERVATION.—The term ‘con-
4 servation’ means protective measures for main-
5 taining native biodiversity and active and pas-
6 sive measures for restoring diversity through
7 management efforts, in order to protect, re-
8 store, and enhance as much of the variety of
9 species and communities as practicable in abun-
10 dances and distributions that provide for their
11 continued existence and normal functioning, in-
12 cluding the viability of populations throughout
13 their natural geographic distributions.

14 “(E) EVEN-AGE LOGGING OPERATION.—

15 “(i) IN GENERAL.—The term ‘even-
16 age logging operation’ means a logging ac-
17 tivity that—

18 “(I) creates a clearing or opening
19 that exceeds $\frac{1}{5}$ acre;

20 “(II) creates a stand in which the
21 majority of trees are within 10 years
22 of the same age; or

23 “(III) within a period of 30
24 years, cuts or removes more than the
25 lesser of—

1 “(aa) the growth of the
2 basal area of all tree species (not
3 including a tree of a non-native
4 invasive tree species or an
5 invasive plantation species) in a
6 stand; or

7 “(bb) 20 percent of the
8 basal area of a stand.

9 “(ii) INCLUSION.—The term ‘even-age
10 logging operation’ includes the application
11 of clearcutting, high grading, seed-tree cut-
12 ting, shelterwood cutting, or any other log-
13 ging method in a manner inconsistent with
14 selection management.

15 “(iii) EXCLUSION.—The term ‘even-
16 age logging operation’ does not include the
17 cutting or removal of—

18 “(I) a tree of a non-native
19 invasive tree species; or

20 “(II) an invasive plantation spe-
21 cies, if native longleaf pine are plant-
22 ed in place of the removed invasive
23 plantation species.

24 “(F) GENETIC DIVERSITY.—The term ‘ge-
25 netic diversity’ means the differences in genetic

1 composition within and among populations of a
2 species.

3 “(G) HIGH GRADING.—The term ‘high
4 grading’ means the removal of only the larger
5 or more commercially valuable trees in a stand,
6 resulting in an alteration in the natural range
7 of age diversity or species diversity in the stand.

8 “(H) INVASIVE PLANTATION SPECIES.—
9 The term ‘invasive plantation species’ means a
10 loblolly pine or slash pine that was planted or
11 managed by the Forest Service or any other
12 Federal agency as part of an even-aged
13 monoculture tree plantation.

14 “(I) 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 (including naturally occur-
23 ring disturbance regimes) in the ab-
24 sence of significant human impact.

1 “(ii) INCLUSIONS.—The term ‘native
2 biodiversity’ includes diversity—

3 “(I) within a species (including
4 genetic diversity, species diversity, and
5 age diversity);

6 “(II) within a community of spe-
7 cies;

8 “(III) between communities of
9 species;

10 “(IV) within a discrete area, such
11 as a watershed;

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

16 “(VI) along the horizontal plane
17 of the land surface, including applica-
18 tion of the plane to all the other types
19 of diversity.

20 “(J) NON-NATIVE INVASIVE TREE SPE-
21 CIES.—

22 “(i) IN GENERAL.—The term ‘non-na-
23 tive invasive tree species’ means a species
24 of tree not native to North America.

1 “(ii) INCLUSIONS.—The term ‘non-na-
 2 tive invasive tree species’ includes—

3 “(I) Australian pine (*Casaurina*
 4 *equisetifolia*);

5 “(II) Brazilian pepper (*Schinus*
 6 *terebinthifolius*);

7 “(III) Common buckthorn
 8 (*Rhamnus cathartica*);

9 “(IV) Eucalyptus (*Eucalyptus*
 10 *globulus*);

11 “(V) Glossy buckthorn (*Rhamnus*
 12 *frangula*);

13 “(VI) Melaleuca (*Melaleuca*
 14 *quinquenervia*);

15 “(VII) Norway maple (*Acer*
 16 *platanoides*);

17 “(VIII) Princess tree (*Paulownia*
 18 *tomentosa*);

19 “(IX) Salt cedar (*Tamarix spe-*
 20 *cies*);

21 “(X) Silk tree (*Albizia*
 22 *julibrissin*);

23 “(XI) Strawberry guava
 24 (*Psidium cattleianum*);

1 “(XII) Tree-of-heaven (*Ailanthus*
2 *altissima*);

3 “(XIII) Velvet tree (*Miconia*
4 *calvescens*); and

5 “(XIV) White poplar (*Populus*
6 *alba*).

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

11 “(L) SELECTION MANAGEMENT.—

12 “(i) IN GENERAL.—The term ‘selec-
13 tion management’ means a method of log-
14 ging that emphasizes the periodic, indi-
15 vidual selection and removal of varying size
16 and age classes of the weaker, nondomi-
17 nant cull trees in a stand and leaves uncut
18 the stronger dominant trees to survive and
19 reproduce, in a manner that works with
20 natural forest processes and—

21 “(I) ensures the maintenance of
22 continuous high forest cover where
23 high forest cover naturally occurs;

1 “(II) ensures the maintenance or
2 natural regeneration of all native spe-
3 cies in a stand;

4 “(III) ensures the growth and de-
5 velopment of trees through a range of
6 diameter or age classes to provide a
7 sustained yield of forest products in-
8 cluding clean water, rich soil, and na-
9 tive plants and wildlife; and

10 “(IV) ensures that some dead
11 trees, standing and downed, shall be
12 left in each stand where selection log-
13 ging occurs, to fulfill their necessary
14 ecological functions in the forest eco-
15 system, including providing elemental
16 and organic nutrients to the soil,
17 water retention, and habitat for en-
18 demic insect species that provide the
19 primary food source for predators (in-
20 cluding various species of amphibians
21 and birds, such as cavity nesting
22 woodpeckers).

23 “(ii) EXCLUSION.—

24 “(I) IN GENERAL.—Subject to
25 subclause (II), the term ‘selection

1 management’ does not include an
2 even-age logging operation.

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

5 “(aa) establish a 150-year
6 projected felling age as the
7 standard at which individual
8 trees in a stand are to be cut; or

9 “(bb) limit native biodiver-
10 sity to that which occurs within
11 the context of a 150-year pro-
12 jected felling age.

13 “(M) SHELTERWOOD CUT.—The term
14 ‘shelterwood cut’ means an even-age logging op-
15 eration that leaves—

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

18 “(ii) a protection cover remaining
19 standing for any period of time.

20 “(N) SPECIES DIVERSITY.—The term ‘spe-
21 cies diversity’ means the richness and variety of
22 native species in a particular location.

23 “(O) STAND.—The term ‘stand’ means a
24 biological community of trees on land described
25 in subsection (a), comprised of not more than

1 100 contiguous acres with sufficient identity of
2 1 or more characteristics (including location, to-
3 pography, and dominant species) to be managed
4 as a unit.

5 “(P) TIMBER PURPOSE.—

6 “(i) IN GENERAL.—The term ‘timber
7 purpose’ means the use, sale, lease, or dis-
8 tribution of trees, including the felling of
9 trees or portions of trees.

10 “(ii) EXCEPTION.—The term ‘timber
11 purpose’ does not include the felling of
12 trees or portions of trees to create land
13 space for a Federal administrative struc-
14 ture.

15 “(Q) WITHIN-COMMUNITY DIVERSITY.—

16 The term ‘within-community diversity’ means
17 the distinctive assemblages of species and eco-
18 logical processes that occur in various physical
19 settings of the biosphere and distinct locations.

20 “(2) PROHIBITION OF CLEARCUTTING AND
21 OTHER FORMS OF EVEN-AGE LOGGING OPER-
22 ATIONS.—No clearcutting or other form of even-age
23 logging operation shall be permitted in any stand or
24 watershed.

1 “(3) MANAGEMENT OF NATIVE BIODIVER-
2 SITY.—On each stand on which an even-age logging
3 operation has been conducted on or before the date
4 of enactment of this section, and on each deforested
5 area managed for timber purposes on or before the
6 date of enactment of this section, excluding areas oc-
7 cupied by existing buildings, the Secretary shall—

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

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

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

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

16 “(4) ENFORCEMENT.—

17 “(A) FINDING.—Congress finds that all
18 people of the United States are injured by ac-
19 tions on land to which subsection (g)(3)(B) and
20 this subsection applies.

21 “(B) PURPOSE.—The purpose of this para-
22 graph is to foster the widest and most effective
23 possible enforcement of subsection (g)(3)(B)
24 and this subsection.

1 “(C) FEDERAL ENFORCEMENT.—The Sec-
2 retary of Agriculture, the Secretary of the Inte-
3 rior, and the Attorney General shall enforce
4 subsection (g)(3)(B) and this subsection against
5 any person that violates 1 or more of those pro-
6 visions.

7 “(D) CITIZEN SUITS.—

8 “(i) IN GENERAL.—A citizen harmed
9 by a violation of subsection (g)(3)(B) or
10 this subsection may bring a civil action in
11 United States district court for a declara-
12 tory judgment, a temporary restraining
13 order, an injunction, statutory damages, or
14 other remedy against any alleged violator,
15 including the United States.

16 “(ii) JUDICIAL RELIEF.—If a district
17 court of the United States determines that
18 a violation of subsection (g)(3)(B) or this
19 subsection has occurred, the district
20 court—

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

23 “(II) may issue 1 or more injunc-
24 tions or other forms of equitable re-
25 lief; and

1 “(III) shall award to the plain-
2 tiffs reasonable costs of bringing the
3 action, including attorney’s fees, wit-
4 ness fees, and other necessary ex-
5 penses.

6 “(iii) STANDARD OF PROOF.—The
7 standard of proof in all actions under this
8 subparagraph shall be the preponderance
9 of the evidence.

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

12 “(E) PAYMENT OF DAMAGES.—

13 “(i) NON-FEDERAL VIOLATOR.—A
14 damage award under subparagraph (D)(ii)
15 shall be paid to the Treasury by a non-
16 Federal violator or violators designated by
17 the court.

18 “(ii) FEDERAL VIOLATOR.—

19 “(I) IN GENERAL.—Not later
20 than 40 days after the date on which
21 judgment is rendered, a damage
22 award under subparagraph (D)(ii) for
23 which the United States is determined
24 to be liable shall be paid from the
25 Treasury, as provided under section

1 1304 of title 31, United States Code,
2 to the person or persons designated to
3 receive the damage award.

4 “(II) USE OF DAMAGE AWARD.—
5 A damage award described under sub-
6 clause (I) shall be used by the recipi-
7 ent to protect or restore native bio-
8 diversity on Federal land or on land
9 adjoining Federal land.

10 “(III) COURT COSTS.—Any
11 award of costs of litigation and any
12 award of attorney fees shall be paid
13 by a Federal violator not later than
14 40 days after the date on which judg-
15 ment is rendered.

16 “(F) WAIVER OF SOVEREIGN IMMUNITY.—

17 “(i) IN GENERAL.—The United States
18 (including agents and employees of the
19 United States) waives its sovereign immu-
20 nity in all respects in all actions under
21 subsection (g)(3)(B) and this subsection.

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

1 **SEC. 104. CONFORMING AMENDMENTS.**

2 Section 6(g)(3) of the Forest and Rangeland Renew-
3 able Resource Planning Act of 1974 (16 U.S.C.
4 1604(g)(3)) is amended—

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

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

9 (3) by striking subparagraph (F).

10 **TITLE II—PROTECTION FOR AN-**
11 **CIENT FORESTS, ROADLESS**
12 **AREAS, WATERSHED PROTEC-**
13 **TION AREAS, AND SPECIAL**
14 **AREAS**

15 **SEC. 201. FINDINGS.**

16 Congress finds that—

17 (1) unfragmented forests on Federal land,
18 unique and valuable assets to the general public, are
19 damaged by extractive logging;

20 (2) less than 10 percent of the original
21 unlogged forests of the United States remain, and
22 the vast majority of the remnants of the original for-
23 ests of the United States are located on Federal
24 land;

25 (3) large, unfragmented forest watersheds pro-
26 vide high-quality water supplies for drinking, agri-

1 culture, industry, and fisheries across the United
2 States;

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

6 (5) many neotropical migratory songbird species
7 are experiencing documented broad-scale population
8 declines and require large, unfragmented forests to
9 ensure their survival;

10 (6) destruction of large-scale natural forests
11 has resulted in a tremendous loss of jobs in the fish-
12 ing, hunting, tourism, recreation, and guiding indus-
13 tries, and has adversely affected sustainable non-
14 timber forest products industries such as the collec-
15 tion of mushrooms and herbs;

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

19 (8) Ancient forests continue to be threatened by
20 logging and deforestation and are rapidly dis-
21 appearing;

22 (9) Ancient forests help regulate atmospheric
23 balance, maintain biodiversity, and provide valuable
24 scientific opportunity for monitoring the health of
25 the planet;

1 (10) 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 the northern spotted owl, marbled
5 murrelet, American marten, and other vertebrates,
6 invertebrates, vascular plants, and nonvascular
7 plants associated with those forests;

8 (11) prohibiting extractive logging in the An-
9 cient forests would create the best conditions for en-
10 suring stable, well distributed, and viable popu-
11 lations of anadromous salmonids, resident
12 salmonids, and bull trout;

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

15 (13) large unfragmented forests, contained in
16 large part on roadless areas on Federal land, are
17 among the last refuges for native animal and plant
18 biodiversity, and are vital to maintaining viable pop-
19 ulations of threatened, endangered, sensitive, and
20 rare species;

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

24 (15) the mortality and reproduction patterns of
25 forest dwelling animal populations are adversely af-

1 fected by traffic-related fatalities that accompany
2 roads;

3 (16) the exceptional recreational, biological, sci-
4 entific, or economic assets of certain special forested
5 areas on Federal land are valuable to the public of
6 the United States and are damaged by extractive
7 logging;

8 (17) in order to gauge the effectiveness and ap-
9 propriateness of current and future resource man-
10 agement activities, and to continue to broaden and
11 develop our understanding of silvicultural practices,
12 many special forested areas need to remain in a nat-
13 ural, unmanaged state to serve as scientifically es-
14 tablished baseline control forests;

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

20 (19) many special forested areas on Federal
21 land are considered sacred sites by native peoples;
22 and

23 (20) as a legacy for the enjoyment, knowledge,
24 and well-being of future generations, provisions must
25 be made for the protection and perpetuation of the

1 Ancient forests, roadless areas, watershed protection
2 areas, and special areas of the United States.

3 **SEC. 202. DEFINITIONS.**

4 In this title:

5 (1) ANCIENT FOREST.—The term “Ancient for-
6 est” means—

7 (A) the northwest Ancient forests, includ-
8 ing—

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

19 (ii) Federal land identified by the
20 term “medium and large conifer multi-sto-
21 ried, canopied forests” as defined in the re-
22 port described in clause (i);

23 (B) the eastside Cascade Ancient forests,
24 including—

1 (i) Federal land identified as “Late-
2 Succession/Old-growth Forest (LS/OG)”
3 depicted on maps for the Colville National
4 Forest, Fremont National Forest, Malheur
5 National Forest, Ochoco National Forest,
6 Umatilla National Forest, Wallowa-Whit-
7 man National Forest, and Winema Na-
8 tional Forest in the report entitled “In-
9 terim Protection for Late-Successional
10 Forests, Fisheries, and Watersheds: Na-
11 tional Forests East of the Cascade Crest,
12 Oregon, and Washington”, prepared by the
13 Eastside Forests Scientific Society Panel
14 (The Wildlife Society, Technical Review
15 94–2, August 1994);

16 (ii) Federal land east of the Cascade
17 crest in the States of Oregon and Wash-
18 ington, defined as “late successional and
19 old-growth forests” in the general defini-
20 tion on page 28 of the report described in
21 clause (i); and

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

1 (C) the Sierra Nevada Ancient forests, in-
2 cluding—

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

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

15 (iii) Federal land identified as “Poten-
16 tial Aquatic Diversity Management Areas”
17 on the map on page 1497 of Volume II of
18 the report described in clause (i).

19 (2) EXTRACTIVE LOGGING.—The term “extrac-
20 tive logging” means the felling or removal of any
21 trees from Federal forest land for any purpose.

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

1 (4) 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 (5) SECRETARY.—The term “Secretary”, with
18 respect to any Federal land in an Ancient forest,
19 roadless area, watershed protection area, or special
20 area, means the head of the Federal agency having
21 jurisdiction over the Federal land.

22 (6) SPECIAL AREA.—The term “special area”
23 means an area of Federal forest land designated
24 under section 3 that may not meet the definition of

1 an Ancient forest, roadless area, or watershed pro-
 2 tection area, but that—

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

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

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

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

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

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

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

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

25 (a) IN GENERAL.—

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

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

6 (A) threatened species or endangered spe-
7 cies of plants or animals;

8 (B) rare or endangered ecosystems;

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

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

13 (E) migration corridors;

14 (F) areas of outstanding biodiversity;

15 (G) old growth forests;

16 (H) commercial fisheries; and

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

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

21 (A) unusual geological formations;

22 (B) designated wild and scenic rivers;

23 (C) unique biota; and

24 (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.—

9 (A) SIPSEY WILDERNESS HEADWATERS.—
10 Certain land in the Bankhead National Forest,
11 Bankhead Ranger District, in Lawrence Coun-
12 ty, totaling approximately 22,000 acres, located
13 directly north and upstream of the Sipsey Wil-
14 derness, and directly south of Forest Road 213.

15 (B) BRUSHY FORK.—Certain land in the
16 Bankhead National Forest, Bankhead Ranger
17 District, in Lawrence County, totaling approxi-
18 mately 6,200 acres, bounded by Forest Roads
19 249, 254, and 246 and Alabama Highway 33.

20 (C) REBECCA MOUNTAIN.—Certain land in
21 the Talladega National Forest, Talladega Rang-
22 er District, Talladega County and Clay County,
23 totaling approximately 9,000 acres, comprised
24 of all Talladega National Forest lands south of
25 Forest Roads 621 and 621 B, east of Alabama

1 Highway 48/77 and County Highway 308, and
2 north of the power transmission line.

3 (D) AUGUSTA MINE RIDGE.—Certain land
4 in the Talladega National Forest, Shoal Creek
5 Ranger District, Cherokee County and Cleburn
6 County, totaling approximately 6,000 acres, and
7 comprised of all Talladega National Forest land
8 north of the Chief Ladiga Rail Trail.

9 (E) MAYFIELD CREEK.—Certain land in
10 the Talladega National Forest, Oakmulgee
11 Ranger District, in Rail County, totaling ap-
12 proximately 4,000 acres, and bounded by For-
13 est Roads 731, 723, 718, and 718A.

14 (F) BEAR BAY.—Certain land in the
15 Conecuh National Forest, Conecuh District, in
16 Covington County, totaling approximately 3,000
17 acres, bounded by County Road 11, Forest
18 Road 305, County Road 3, and the County
19 Road connecting County Roads 3 and 11.

20 (2) ALASKA.—

21 (A) TURNAGAIN ARM.—Certain land in the
22 Chugach National Forest, on the Kenai Penin-
23 sula, totaling approximately 100,000 acres, ex-
24 tending from sea level to ridgetop surrounding

1 the inlet of Turnagain Arm, known as
2 “Turnagain Arm”.

3 (B) HONKER DIVIDE.—Certain land in the
4 Tongass National Forest, totaling approxi-
5 mately 75,000 acres, located on north central
6 Prince of Wales Island, comprising the Thorne
7 River and Hatchery Creek watersheds, stretch-
8 ing approximately 40 miles northwest from the
9 vicinity of the town of Thorne Bay to the vicin-
10 ity of the town of Coffman Cove, generally
11 known as the “Honker Divide”.

12 (3) ARIZONA: NORTH RIM OF THE GRAND CAN-
13 YON.—Certain land in the Kaibab National Forest
14 that is included in the Grand Canyon Game Pre-
15 serve, totaling approximately 500,000 acres, abut-
16 ting the northern side of the Grand Canyon in the
17 area generally known as the “North Rim of the
18 Grand Canyon”.

19 (4) ARKANSAS.—

20 (A) COW CREEK DRAINAGE, ARKANSAS.—
21 Certain land in the Ouachita National Forest,
22 Mena Ranger District, in Polk County, totaling
23 approximately 7,000 acres, known as “Cow
24 Creek Drainage, Arkansas”, and bounded ap-
25 proximately—

- 1 (i) on the north, by County Road 95;
2 (ii) on the south, by County Road
3 157;
4 (iii) on the east, by County Road 48;
5 and
6 (iv) on the west, by the Arkansas-
7 Oklahoma border.

8 (B) LEADER AND BRUSH MOUNTAINS.—
9 Certain land in the Ouachita National Forest,
10 Montgomery County and Polk County, totaling
11 approximately 120,000 acres, known as “Lead-
12 er Mountain” and “Brush Mountain”, located
13 in the vicinity of the Blaylock Creek Watershed
14 between Long Creek and the South Fork of the
15 Saline River.

16 (C) POLK CREEK AREA.—Certain land in
17 the Ouachita National Forest, Mena Ranger
18 District, totaling approximately 20,000 acres,
19 bounded by Arkansas Highway 4 and Forest
20 Roads 73 and 43, known as the “Polk Creek
21 area”.

22 (D) LOWER BUFFALO RIVER WATER-
23 SHED.—Certain land in the Ozark National
24 Forest, Sylamore Ranger District, totaling ap-
25 proximately 6,000 acres, including Forest Serv-

1 ice land that has not been designated as a wil-
2 derness area before the date of enactment of
3 this Act, located in the watershed of Big Creek
4 southwest of the Leatherwood Wilderness Area,
5 Searcy County and Marion County, and known
6 as the “Lower Buffalo River Watershed”.

7 (E) UPPER BUFFALO RIVER WATER-
8 SHED.—Certain land in the Ozark National
9 Forest, Buffalo Ranger District, totaling ap-
10 proximately 220,000 acres, comprised of Forest
11 Service that has not been designated as a wil-
12 derness area before the date of enactment of
13 this Act, known as the “Upper Buffalo River
14 Watershed”, located approximately 35 miles
15 from the town of Harrison, Madison County,
16 Newton County, and Searcy County, upstream
17 of the confluence of the Buffalo River and Rich-
18 land Creek in the watersheds of—

19 (i) the Buffalo River;

20 (ii) the various streams comprising
21 the Headwaters of the Buffalo River;

22 (iii) Richland Creek;

23 (iv) Little Buffalo Headwaters;

24 (v) Edgmon Creek;

25 (vi) Big Creek; and

1 (vii) Cane Creek.

2 (5) CALIFORNIA: GIANT SEQUOIA PRESERVE.—
3 Certain land in the Sequoia National Forest and Si-
4 erra National Forest, known as the “Giant Sequoia
5 Preserve”, comprised of 3 discontinuous parcels and
6 approximately 442,425 acres, located in Fresno
7 County, Tulare County, and Kern County, in the
8 Southern Sierra Nevada mountain range, includ-
9 ing—

10 (A) the Kings River Unit (145,600 acres)
11 and nearby Redwood Mountain Unit (11,730
12 acres), located approximately 25 miles east of
13 the city of Fresno; and

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

17 (6) COLORADO: COCHETOPA HILLS.—Certain
18 land in the Gunnison Basin area, known as the
19 “Cochetopa Hills”, administered by the Gunnison
20 National Forest, Grand Mesa National Forest,
21 Uncompahgre National Forest, and Rio Grand Na-
22 tional Forest, totaling approximately 500,000 acres,
23 spanning the continental divide south and east of
24 the city of Gunnison, in Saguache County, and in-
25 cluding—

- 1 (A) Elk Mountain and West Elk Mountain;
- 2 (B) the Grand Mesa;
- 3 (C) the Uncompahgre Plateau;
- 4 (D) the northern San Juan Mountains;
- 5 (E) the La Garitas Mountains; and
- 6 (F) the Cochetopa Hills.

7 (7) GEORGIA.—

8 (A) ARMUCHEE CLUSTER.—Certain land
 9 in the Chattahoochee National Forest,
 10 Armuchee Ranger District, known as the
 11 “Armuchee Cluster”, totaling approximately
 12 19,700 acres, comprised of 3 parcels known as
 13 “Rocky Face”, “Johns Mountain”, and “Hid-
 14 den Creek”, located approximately 10 miles
 15 southwest of Dalton and 14 miles north of
 16 Rome, in Whitfield County, Walker County,
 17 Chattooga County, Floyd County, and Gordon
 18 County.

19 (B) BLUE RIDGE CORRIDOR CLUSTER,
 20 GEORGIA AREAS.—Certain land in the Chat-
 21 tahoochee National Forest, Chestatee Ranger
 22 District, totaling approximately 15,000 acres,
 23 known as the “Blue Ridge Corridor Cluster,
 24 Georgia Areas”, comprised of 5 parcels known
 25 as “Horse Gap”, “Hogback Mountain”,

1 “Blackwell Creek”, “Little Cedar Mountain”,
2 and “Black Mountain”, located approximately
3 15 to 20 miles north of the town of Dahlonega,
4 in Union County and Lumpkin County.

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

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

1 (E) DUNCAN RIDGE CLUSTER.—Certain
2 land in the Chattahoochee National Forest,
3 Brasstown and Toccoa Ranger Districts, total-
4 ing approximately 17,000 acres, known as the
5 “Duncan Ridge Cluster”, comprised of the par-
6 cels known as “Licklog Mountain”, “Duncan
7 Ridge”, “Board Camp”, and “Cooper Creek
8 Scenic Area Extension”, approximately 10 to
9 15 miles south of the town of Blairsville, in
10 Union County and Fannin County.

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

21 (G) GAINESVILLE RIDGES CLUSTER.—Cer-
22 tain land in the Chattahoochee National Forest,
23 Chattooga Ranger District, totaling approxi-
24 mately 14,200 acres, known as the “Gainesville
25 Ridges Cluster”, comprised of 3 parcels known

1 as “Panther Creek”, “Tugaloo Uplands”, and
2 “Middle Fork Broad River”, approximately 10
3 miles from the town of Toccoa, in Habersham
4 County and Stephens County.

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

20 (I) RICH MOUNTAIN CLUSTER.—Certain
21 land in the Chattahoochee National Forest,
22 Toccoa Ranger District, totaling approximately
23 9,500 acres, known as the “Rich Mountain
24 Cluster”, comprised of the parcels known as
25 “Rich Mountain Extension” and “Rocky Moun-

tain”, located 10 to 15 miles northeast of the town of Ellijay, in Gilmer County and Fannin County.

(J) WILDERNESS HEARTLANDS CLUSTER, GEORGIA AREAS.—Certain land in the Chatahoochee National Forest, Chestatee, Brasstown and Chattooga Ranger Districts, totaling approximately 16,500 acres, known as the “Wilderness Heartlands Cluster, Georgia Areas”, comprised of 4 parcels known as the “Blood Mountain Extensions”, “Raven Cliffs Extensions”, “Mark Trail Extensions”, and “Brasstown Extensions”, near the towns of Dahlonega, Cleveland, Helen, and Blairsville, in Lumpkin County, Union County, White County, and Towns County.

(8) IDAHO.—

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

(B) MEADOW CREEK.—Certain land in the Nez Perce National Forest, totaling approxi-

1 mately 180,000 acres, located approximately 8
2 miles east of the town of Elk City in the area
3 generally known as “Meadow Creek”.

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

10 (9) ILLINOIS.—

11 (A) CRIPPS BEND.—Certain land in the
12 Shawnee National Forest, totaling approxi-
13 mately 39 acres, located in Jackson County in
14 the Big Muddy River watershed, in the area
15 generally known as “Cripps Bend”.

16 (B) OPPORTUNITY AREA 6.—Certain land
17 in the Shawnee National Forest, totaling ap-
18 proximately 50,000 acres, located in northern
19 Pope County surrounding Bell Smith Springs
20 Natural Area, in the area generally known as
21 “Opportunity Area 6”.

22 (C) QUARREL CREEK.—Certain land in the
23 Shawnee National Forest, totaling approxi-
24 mately 490 acres, located in northern Pope

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

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

8 (11) MINNESOTA.—

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

13 (B) LULLABY WHITE PINE RESERVE.—
14 Certain land in the Superior National Forest,
15 Gunflint Ranger District, totaling approxi-
16 mately 2,518 acres, in the South Brule Oppor-
17 tunity Area, northwest of Grand Marais in
18 Cook County, known as the “Lullaby White
19 Pine Reserve”.

20 (12) MISSOURI: ELEVEN POINT-BIG SPRINGS
21 AREA.—Certain land in the Mark Twain National
22 Forest, Eleven Point Ranger District, totaling ap-
23 proximately 200,000 acres, comprised of the admin-
24 istrative area of the Eleven Point Ranger District,
25 known as the “Eleven Point-Big Springs Area”.

1 (13) MONTANA: MOUNT BUSHNELL.—Certain
 2 land in the Lolo National Forest, totaling approxi-
 3 mately 41,000 acres, located approximately 5 miles
 4 southwest of the town of Thompson Falls in the
 5 area generally known as “Mount Bushnell”.

6 (14) NEW MEXICO.—

7 (A) ANGOSTURA.—Certain land in the
 8 eastern half of the Carson National Forest, Ca-
 9 mino Real Ranger District, totaling approxi-
 10 mately 10,000 acres, located in Township 21,
 11 Ranges 12 and 13, known as “Angostura”, and
 12 bounded—

13 (i) on the northeast, by Highway 518;

14 (ii) on the southeast, by the Angos-
 15 tura Creek watershed boundary;

16 (iii) on the southern side, by Trail 19
 17 and the Pecos Wilderness; and

18 (iv) on the west, by the Agua Piedra
 19 Creek watershed.

20 (B) LA MANGA.—Certain land in the west-
 21 ern half of the Carson National Forest, El Rito
 22 Ranger District, at the Vallecitos Sustained
 23 Yield Unit, totaling approximately 5,400 acres,
 24 known as “La Manga”, in Township 27, Range
 25 6, and bounded—

1 (i) on the north, by the Tierra
2 Amarilla Land Grant;

3 (ii) on the south, by Canada
4 Escondida;

5 (iii) on the west, by the Sustained
6 Yield Unit boundary and the Tierra
7 Amarilla Land Grant; and

8 (iv) on the east, by the Rio Vallecitos.

9 (C) ELK MOUNTAIN.—Certain land in the
10 Santa Fe National Forest, totaling approxi-
11 mately 7,220 acres, known as “Elk Mountain”
12 located in Townships 17 and 18 and Ranges 12
13 and 13, and bounded—

14 (i) on the north, by the Pecos Wilder-
15 ness;

16 (ii) on the east, by the Cow Creek
17 Watershed;

18 (iii) on the west, by the Cow Creek;
19 and

20 (iv) on the south, by Rito de la Osha.

21 (D) JEMEZ HIGHLANDS.—Certain land in
22 the Jemez Ranger District of the Santa Fe Na-
23 tional Forest, totaling approximately 54,400
24 acres, known as the “Jemez Highlands”, lo-
25 cated primarily in Sandoval County.

1 (15) NORTH CAROLINA.—

2 (A) CENTRAL NANTAHALA CLUSTER,
3 NORTH CAROLINA AREAS.—Certain land in the
4 Nantahala National Forest, Tusquitee, Cheoah,
5 and Wayah Ranger Districts, totaling approxi-
6 mately 107,000 acres, known as the “Central
7 Nantahala Cluster, North Carolina Areas”,
8 comprised of 9 parcels known as “Tusquitee
9 Bald”, “Shooting Creek Bald”, “Cheoah Bald”,
10 “Piercy Bald”, “Wesser Bald”, “Tellico Bald”,
11 “Split White Oak”, “Siler Bald”, and “South-
12 ern Nantahala Extensions”, near the towns of
13 Murphy, Franklin, Bryson City, Andrews, and
14 Beechertown, in Cherokee County, Macon
15 County, Clay County, and Swain County.

16 (B) CHATTOOGA WATERSHED CLUSTER,
17 NORTH CAROLINA AREAS.—Certain land in the
18 Nantahala National Forest, Highlands Ranger
19 District, totaling approximately 8,000 acres,
20 known as the “Chattooga Watershed Cluster,
21 North Carolina Areas”, comprised of the Over-
22 flow (Blue Valley) and Terrapin Mountain par-
23 cels, 5 miles from the town of Highlands, in
24 Macon County and Jackson County.

1 (C) TENNESSEE BORDER CLUSTER, NORTH
2 CAROLINA AREAS.—Certain land in the
3 Nantahala National Forest, Tusquitee and
4 Cheoah Ranger Districts, totaling approxi-
5 mately 28,000 acres, known as the “Tennessee
6 Border Cluster, North Carolina Areas”, com-
7 prised of the 4 parcels known as the “Unicoi
8 Mountains”, “Deaden Tree”, “Snowbird”, and
9 “Joyce Kilmer-Slickrock Extension”, near the
10 towns of Murphy and Robbinsville, in Cherokee
11 County and Graham County.

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

18 (E) BIG IVY TRACT.—Certain land in the
19 Pisgah National Forest, totaling approximately
20 14,000 acres, located approximately 15 miles
21 west of Mount Mitchell in the area generally
22 known as the “Big Ivy Tract”.

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

1 Ranger Districts, totaling approximately 62,000
2 acres, known as the “Black Mountains Cluster,
3 North Carolina Areas”, comprised of 5 parcels
4 known as “Craggy Mountains”, “Black Moun-
5 tains”, “Jarrett Creek”, “Mackey Mountain”,
6 and “Woods Mountain”, near the towns of
7 Burnsville, Montreat and Marion, in Buncombe
8 County, Yancey County, and McDowell County.

9 (G) LINVILLE CLUSTER.—Certain land in
10 the Pisgah National Forest, Grandfather Dis-
11 trict, totaling approximately 42,000 acres,
12 known as the “Linville Cluster”, comprised of
13 7 parcels known as “Dobson Knob”, “Linville
14 Gorge Extension”, “Steels Creek”, “Sugar
15 Knob”, “Harper Creek”, “Lost Cove”, and
16 “Upper Wilson Creek”, near the towns of Mar-
17 ion, Morgantown, Spruce Pine, Linville, and
18 Blowing Rock, in Burke County, McDowell
19 County, Avery County, and Caldwell County.

20 (H) NOLICHUCKY, NORTH CAROLINA
21 AREA.—Certain land in the Pisgah National
22 Forest, Toecane Ranger District, totaling ap-
23 proximately 4,000 acres, known as the
24 “Nolichucky, North Carolina Area”, located 25

1 miles northwest of Burnsville, in Mitchell Coun-
2 ty and Yancey County.

3 (I) PISGAH CLUSTER, NORTH CAROLINA
4 AREAS.—Certain land in the Pisgah National
5 Forest, Pisgah Ranger District, totaling ap-
6 proximately 52,000 acres, known as the “Pis-
7 gah Cluster, North Carolina Areas”, comprised
8 of 5 parcels known as “Shining Rock and Mid-
9 dle Prong Extensions”, “Daniel Ridge”, “Cedar
10 Rock Mountain”, “South Mills River”, and
11 “Laurel Mountain”, 5 to 12 miles north of the
12 town of Brevard and southwest of the city of
13 Asheville, in Haywood County, Transylvania
14 County, and Henderson County.

15 (J) WILDCAT.—Certain land in the Pisgah
16 National Forest, French Broad Ranger Dis-
17 trict, totaling approximately 6,500 acres, known
18 as “Wildcat”, located 20 miles northwest of the
19 town of Canton, in Haywood County.

20 (16) OHIO.—

21 (A) ARCHERS FORK COMPLEX.—Certain
22 land in the Marietta Unit of the Athens Ranger
23 District, in the Wayne National Forest, in
24 Washington County, known as “Archers Fork

1 Complex”, totaling approximately 18,350 acres,
2 located northeast of Newport and bounded—

3 (i) on the northwest, by State High-
4 way 26;

5 (ii) on the northeast, by State High-
6 way 260;

7 (iii) on the southeast, by the Ohio
8 River; and

9 (iv) on the southwest, by Bear Run
10 and Danas Creek.

11 (B) BLUEGRASS RIDGE.—Certain land in
12 the Ironton Ranger District on the Wayne Na-
13 tional Forest, in Lawrence County, known as
14 “Bluegrass Ridge”, totaling approximately
15 4,000 acres, located 3 miles east of Etna in
16 Township 4 North, Range 17 West, Sections 19
17 through 23 and 27 through 30.

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

1 (D) LAKE VESUVIUS.—Certain land in the
2 Ironton Ranger District of the Wayne National
3 Forest, in Lawrence County, totaling approxi-
4 mately 4,900 acres, generally known as “Lake
5 Vesuvius”, located to the east of Etna in Town-
6 ship 2 North, Range 18 West, and bounded—

7 (i) on the southwest, by State High-
8 way 93; and

9 (ii) on the northwest, by State High-
10 way 4.

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

20 (F) UTAH RIDGE.—Certain land in the
21 Athens Ranger District of the Wayne National
22 Forest, in Athens County, known as “Utah
23 Ridge”, totaling approximately 9,000 acres, lo-
24 cated 1 mile northwest of Chauncey and bound-
25 ed—

1 (i) on the southeast, by State High-
2 way 682 and State Highway 13;

3 (ii) on the southwest, by US Highway
4 33 and State Highway 216; and

5 (iii) on the north, by State Highway
6 665.

7 (G) WILDCAT HOLLOW.—Certain land in
8 the Athens Ranger District of the Wayne Na-
9 tional Forest, in Perry County and Morgan
10 County, known as “Wildcat Hollow”, totaling
11 approximately 4,500 acres, located 1 mile east
12 of Corning in Township 12 North, Range 14
13 West, sections 1, 2, 11–14, 23 and 24 and
14 Township 8 North, Range 13 West, sections 7,
15 18, and 19.

16 (17) OKLAHOMA: COW CREEK DRAINAGE, OKLA-
17 HOMA.—Certain land in the Ouachita National For-
18 est, Mena Ranger District, in Le Flore County, to-
19 taling approximately 3,000 acres, known as “Cow
20 Creek Drainage, Oklahoma”, and bounded approxi-
21 mately—

22 (A) on the west, by the Beech Creek Na-
23 tional Scenic Area;

24 (B) on the north, by State Highway 63;

1 (C) on the east, by the Arkansas-Okla-
2 homa border; and

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

5 (18) OREGON: APPLGATE WILDERNESS.—Cer-
6 tain land in the Siskiyou National Forest and Rogue
7 River National Forest, totaling approximately
8 20,000 acres, approximately 20 miles southwest of
9 the town of Grants Pass and 10 miles south of the
10 town of Williams, in the area generally known as the
11 “Applegate Wilderness”.

12 (19) PENNSYLVANIA.—

13 (A) THE BEAR CREEK SPECIAL AREA.—
14 Certain land in the Allegheny National Forest,
15 Marienville Ranger District, Elk County, total-
16 ing approximately 7,800 acres, and comprised
17 of Allegheny National Forest land bounded—

18 (i) on the west, by Forest Service
19 Road 136;

20 (ii) on the north, by Forest Service
21 Roads 339 and 237;

22 (iii) on the east, by Forest Service
23 Road 143; and

24 (iv) on the south, by Forest Service
25 Road 135.

1 (B) THE BOGUS ROCKS SPECIAL AREA.—

2 Certain land in the Allegheny National Forest,
3 Marienville Ranger District, Forest County, to-
4 taling approximately 1,015 acres, and com-
5 prised of Allegheny National Forest land in
6 compartment 714 bounded—

7 (i) on the northeast and east, by State
8 Route 948;

9 (ii) on the south, by State Route 66;

10 (iii) on the southwest and west, by
11 Township Road 370;

12 (iv) on the northwest, by Forest Serv-
13 ice Road 632; and

14 (v) on the north, by a pipeline.

15 (C) THE CHAPPEL FORK SPECIAL AREA.—

16 Certain land in the Allegheny National Forest,
17 Bradford Ranger District, McKean County, to-
18 taling approximately 10,000 acres, and com-
19 prised of Allegheny National Forest land
20 bounded—

21 (i) on the south and southeast, by
22 State Road 321;

23 (ii) on the south, by Chappel Bay;

24 (iii) on the west, by the Allegheny
25 Reservoir;

1 (iv) on the north, by State Route 59;

2 and

3 (v) on the east, by private land.

4 (D) THE FOOLS CREEK SPECIAL AREA.—

5 Certain land in the Allegheny National Forest,
6 Bradford Ranger District, Warren County, to-
7 taling approximately 1,500 acres, and com-
8 prised of Allegheny National Forest land south
9 and west of Forest Service Road 255 and west
10 of FR 255A, bounded—

11 (i) on the west, by Minister Road; and

12 (ii) on the south, by private land.

13 (E) THE HICKORY CREEK SPECIAL

14 AREA.—Certain land in the Allegheny National
15 Forest, Bradford Ranger District, Warren
16 County, totaling approximately 2,000 acres, and
17 comprised of Allegheny National Forest land
18 bounded—

19 (i) on the east and northeast, by
20 Heart's Content Road;

21 (ii) on the south, by Hickory Creek
22 Wilderness Area;

23 (iii) on the northwest, by private land;

24 and

1 (iv) on the north, by Allegheny Front
2 National Recreation Area.

3 (F) THE LAMENTATION RUN SPECIAL
4 AREA.—Certain land in the Allegheny National
5 Forest, Marienville Ranger District, Forest
6 County, totaling approximately 4,500 acres,
7 and—

8 (i) comprised of Allegheny National
9 Forest land bounded—

10 (I) on the north, by Tionesta
11 Creek;

12 (II) on the east, by Salmon
13 Creek;

14 (III) on the southeast and south-
15 west, by private land; and

16 (IV) on the south, by Forest
17 Service Road 210; and

18 (ii) including the lower reaches of
19 Bear Creek.

20 (G) THE LEWIS RUN SPECIAL AREA.—Cer-
21 tain land in the Allegheny National Forest,
22 Bradford Ranger District, McKean County, to-
23 taling approximately 500 acres, and comprised
24 of Allegheny National Forest land north and
25 east of Forest Service Road 312.3, including

land known as the “Lewis Run Natural Area” and consisting of land within Compartment 466, Stands 1–3, 5–8, 10–14, and 18–27.

(H) THE MILL CREEK SPECIAL AREA.—Certain land in the Allegheny National Forest, Marienville Ranger District, Elk County, totaling approximately 2,000 acres, and comprised of Allegheny National Forest land within a 1-mile radius of the confluence of Red Mill Run and Big Mill Creek and known as the “Mill Creek Natural Area”.

(I) THE MILLSTONE CREEK SPECIAL AREA.—Certain land in the Allegheny National Forest, Marienville Ranger District, Forest County, totaling approximately 30,000 acres, and comprised of Allegheny National Forest land bounded—

- (i) on the north, by State Route 66;
- (ii) on the northeast, by Forest Service Road 226;
- (iii) on the east, by Forest Service Roads 130, 774, and 228;
- (iv) on the southeast, by State Road 3002 and Forest Service Road 189;

1 (v) on the south, by the Clarion River;

2 and

3 (vi) on the southwest, west, and

4 northwest, by private land.

5 (J) THE MINISTER CREEK SPECIAL
6 AREA.—Certain land in the Allegheny National
7 Forest, Bradford Ranger District, Warren
8 County, totalling approximately 6,600 acres,
9 and comprised of Allegheny National Forest
10 land bounded—

11 (i) on the north, by a snowmobile
12 trail;

13 (ii) on the east, by Minister Road;

14 (iii) on the south, by State Route 666
15 and private land;

16 (iv) on the southwest, by Forest Serv-
17 ice Road 420; and

18 (v) on the west, by warrants 3109 and
19 3014.

20 (K) THE MUZETTE SPECIAL AREA.—Cer-
21 tain land in the Allegheny National Forest,
22 Marienville Ranger District, Forest County, to-
23 taling approximately 325 acres, and comprised
24 of Allegheny National Forest land bounded—

1 (i) on the west, by 79°16' longitude,
2 approximately;

3 (ii) on the north, by Forest Service
4 Road 561;

5 (iii) on the east, by Forest Service
6 Road 212; and

7 (iv) on the south, by private land.

8 (L) THE SUGAR RUN SPECIAL AREA.—Cer-
9 tain land in the Allegheny National Forest,
10 Bradford Ranger District, McKean County, to-
11 taling approximately 8,800 acres, and com-
12 prised of Allegheny National Forest land
13 bounded—

14 (i) on the north, by State Route 346
15 and private land;

16 (ii) on the east, by Forest Service
17 Road 137; and

18 (iii) on the south and west, by State
19 Route 321.

20 (M) THE TIONESTA SPECIAL AREA.—Cer-
21 tain land in the Allegheny National Forest,
22 Bradford and Marienville Ranger Districts, Elk,
23 Forest, McKean, and Warren Counties, total-
24 ling approximately 27,000 acres, and comprised
25 of Allegheny National Forest land bounded—

1 (i) on the west, by private land and
2 State Route 948;

3 (ii) on the northwest, by Forest Serv-
4 ice Road 258;

5 (iii) on the north, by Hoffman Farm
6 Recreation Area and Forest Service Road
7 486;

8 (iv) on the northeast, by private land
9 and State Route 6;

10 (v) on the east, by private land south
11 to Forest Road 133, then by snowmobile
12 trail from Forest Road 133 to Windy City,
13 then by private land and Forest Road 327
14 to Russell City; and

15 (vi) on the southwest, by State Routes
16 66 and 948.

17 (20) SOUTH CAROLINA.—

18 (A) BIG SHOALS, SOUTH CAROLINA
19 AREA.—Certain land in the Sumter National
20 Forest, Andrew Pickens Ranger District, in
21 Oconee County, totaling approximately 2,000
22 acres, known as “Big Shoals, South Carolina
23 Area”, 15 miles south of Highlands, North
24 Carolina.

1 (B) BRASSTOWN CREEK, SOUTH CAROLINA
2 AREA.—Certain land in the Sumter National
3 Forest, Andrew Pickens Ranger District, in
4 Oconee County, totaling approximately 3,500
5 acres, known as “Brasstown Creek, South
6 Carolina Area”, approximately 15 miles west of
7 Westminster, South Carolina.

8 (C) CHAUGA.—Certain land in the Sumter
9 National Forest, Andrew Pickens Ranger Dis-
10 trict, in Oconee County, totaling approximately
11 16,000 acres, known as “Chauga”, approxi-
12 mately 10 miles west of Walhalla, South Caro-
13 lina.

14 (D) DARK BOTTOMS.—Certain land in the
15 Sumter National Forest, Andrew Pickens Rang-
16 er District, in Oconee County, totaling approxi-
17 mately 4,000 acres, known as “Dark Bottoms”,
18 approximately 10 miles northwest of West-
19 minster, South Carolina.

20 (E) ELLICOTT ROCK EXTENSION, SOUTH
21 CAROLINA AREA.—Certain land in the Sumter
22 National Forest, Andrew Pickens Ranger Dis-
23 trict, in Oconee County, totaling approximately
24 2,000 acres, known as “Ellicott Rock Exten-
25 sion, South Carolina Area”, located approxi-

1 mately 10 miles south of Cashiers, North Caro-
2 lina.

3 (F) FIVE FALLS, SOUTH CAROLINA
4 AREA.—Certain land in the Sumter National
5 Forest, Andrew Pickens Ranger District, in
6 Oconee County, totaling approximately 3,500
7 acres, known as “Five Falls, South Carolina
8 Area”, approximately 10 miles southeast of
9 Clayton, Georgia.

10 (G) PERSIMMON MOUNTAIN.—Certain land
11 in the Sumter National Forest, Andrew Pickens
12 Ranger District, in Oconee County, totaling ap-
13 proximately 7,000 acres, known as “Persimmon
14 Mountain”, approximately 12 miles south of
15 Cashiers, North Carolina.

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

23 (I) TAMASSEE.—Certain land in the Sum-
24 ter National Forest, Andrew Pickens Ranger
25 District, in Oconee County, totaling approxi-

1 mately 5,500 acres, known as “Tamassee”, ap-
2 proximately 10 miles north of Walhalla, South
3 Carolina.

4 (J) THRIFT’S FERRY, SOUTH CAROLINA
5 AREA.—Certain land in the Sumter National
6 Forest, Andrew Pickens Ranger District, in
7 Oconee County, totaling approximately 5,000
8 acres, known as “Thrift’s Ferry, South Caro-
9 lina Area”, 10 miles east of Clayton, Georgia.

10 (21) SOUTH DAKOTA.—

11 (A) BLACK FOX AREA.—Certain land in
12 the Black Hills National Forest, totaling ap-
13 proximately 12,400 acres, located in the upper
14 reaches of the Rapid Creek watershed, known
15 as the “Black Fox Area”, and roughly bound-
16 ed—

17 (i) on the north, by FDR 206;

18 (ii) on the south, by the steep slopes
19 north of Forest Road 231; and

20 (iii) on the west, by a fork of Rapid
21 Creek.

22 (B) BREAKNECK AREA.—Certain land in
23 the Black Hills National Forest, totaling 6,700
24 acres, located along the northeast edge of the
25 Black Hills in the vicinity of the Black Hills

1 National Cemetery and the Bureau of Land
2 Management's Fort Meade Recreation Area,
3 known as the "Breakneck Area", and gen-
4 erally—

5 (i) bounded by Forest Roads 139 and
6 169 on the north, west, and south; and

7 (ii) demarcated along the eastern and
8 western boundaries by the ridge-crests di-
9 viding the watershed.

10 (C) NORBECK PRESERVE.—Certain land in
11 the Black Hills National Forest, totaling ap-
12 proximately 27,766 acres, known as the
13 "Norbeck Preserve", and encompassed approxi-
14 mately by a boundary that, starting at the
15 southeast corner—

16 (i) runs north along FDR 753 and
17 United States Highway Alt. 16, then along
18 SD 244 to the junction of Palmer Creek
19 Road, which serves generally as a north-
20 west limit;

21 (ii) heads south from the junction of
22 Highways 87 and 89;

23 (iii) runs southeast along Highway
24 87; and

1 (iv) runs east back to FDR 753, ex-
 2 cluding a corridor of private land along
 3 FDR 345.

4 (D) PILGER MOUNTAIN AREA.—Certain
 5 land in the Black Hills National Forest, total-
 6 ing approximately 12,600 acres, known as the
 7 “Pilger Mountain Area”, located in the Elk
 8 Mountains on the southwest edge of the Black
 9 Hills, and roughly bounded—

10 (i) on the east and northeast, by For-
 11 est Roads 318 and 319;

12 (ii) on the north and northwest, by
 13 Road 312; and

14 (iii) on the southwest, by private land.

15 (E) STAGEBARN CANYONS.—Certain land
 16 in the Black Hills National Forest, known as
 17 “Stagebarn Canyons”, totaling approximately
 18 7,300 acres, approximately 10 miles west of
 19 Rapid City, South Dakota.

20 (22) TENNESSEE.—

21 (A) BALD MOUNTAINS CLUSTER, TEN-
 22 NESSEE AREAS.—Certain land in the
 23 Nolichucky and Unaka Ranger Districts of the
 24 Cherokee National Forest, in Cocke County,
 25 Green County, Washington County, and Unicoi

1 County, totaling approximately 46,133 acres,
2 known as the “Bald Mountains Cluster, Ten-
3 nessee Areas”, and comprised of 10 parcels
4 known as “Laurel Hollow Mountain”, “Devil’s
5 Backbone”, “Laurel Mountain”, “Walnut
6 Mountain”, “Wolf Creek”, “Meadow Creek
7 Mountain”, “Brush Creek Mountain”, “Paint
8 Creek”, “Bald Mountain”, and “Sampson
9 Mountain Extension”, located near the towns of
10 Newport, Hot Springs, Greeneville, and Erwin.

11 (B) BIG FROG/COHUTTA CLUSTER.—Cer-
12 tain land in the Cherokee National Forest, in
13 Polk County, Ocoee Ranger District, Hiwassee
14 Ranger District, and Tennessee Ranger Dis-
15 trict, totaling approximately 28,800 acres,
16 known as the “Big Frog/Cohutta Cluster”,
17 comprised of 4 parcels known as “Big Frog Ex-
18 tensions”, “Little Frog Extensions”, “Smith
19 Mountain”, and “Rock Creek”, located near the
20 towns of Copperhill, Ducktown, Turtletown, and
21 Benton.

22 (C) CITICO CREEK WATERSHED CLUSTER
23 TENNESSEE AREAS.—Certain land in the
24 Tellico Ranger District of the Cherokee Na-
25 tional Forest, in Monroe County, totaling ap-

1 proximately 14,256 acres, known as the “Citico
2 Creek Watershed Cluster, Tennessee Areas”,
3 comprised of 4 parcels known as “Flats Moun-
4 tain”, “Miller Ridge”, “Cowcamp Ridge”, and
5 “Joyce Kilmer-Slickrock Extension”, near the
6 town of Tellico Plains.

7 (D) IRON MOUNTAINS CLUSTER.—Certain
8 land in the Cherokee National Forest, Watauga
9 Ranger District, totaling approximately 58,090
10 acres, known as the “Iron Mountains Cluster”,
11 comprised of 8 parcels known as “Big Laurel
12 Branch Addition”, “Hickory Flat Branch”,
13 “Flint Mill”, “Lower Iron Mountain”, “Upper
14 Iron Mountain”, “London Bridge”,
15 “Beaverdam Creek”, and “Rodgers Ridge”, lo-
16 cated near the towns of Bristol and
17 Elizabethton, in Sullivan County and Johnson
18 County.

19 (E) NORTHERN UNICOI MOUNTAINS CLUS-
20 TER.—Certain land in the Tellico Ranger Dis-
21 trict of the Cherokee National Forest, in Mon-
22 roe County, totaling approximately 30,453
23 acres, known as the “Northern Unicoi Moun-
24 tain Cluster”, comprised of 4 parcels known as
25 “Bald River Gorge Extension”, “Upper Bald

1 River”, “Sycamore Creek”, and “Brushy
2 Ridge”, near the town of Tellico Plains.

3 (F) ROAN MOUNTAIN CLUSTER.—Certain
4 land in the Cherokee National Forest, Unaka
5 and Watauga Ranger Districts, totaling ap-
6 proximately 23,725 acres known as the “Roan
7 Mountain Cluster”, comprised of 7 parcels
8 known as “Strawberry Mountain”, “Highlands
9 of Roan”, “Ripshin Ridge”, “Doe River Gorge
10 Scenic Area”, “White Rocks Mountain”, “Slide
11 Hollow” and “Watauga Reserve”, approxi-
12 mately 8 to 20 miles south of the town of
13 Elizabethton, in Unicoi County, Carter County,
14 and Johnson County.

15 (G) SOUTHERN UNICOI MOUNTAINS CLUS-
16 TER.—Certain land in the Hiwassee Ranger
17 District of the Cherokee National Forest, in
18 Polk County, Monroe County, and McMinn
19 County, totaling approximately 11,251 acres,
20 known as the “Southern Unicoi Mountains
21 Cluster”, comprised of 3 parcels known as “Gee
22 Creek Extension”, “Coker Creek”, and “Buck
23 Bald”, near the towns of Etowah, Benton, and
24 Turtletown.

1 (H) UNAKA MOUNTAINS CLUSTER, TEN-
 2 NESSEE AREAS.—Certain land in the Cherokee
 3 National Forest, Unaka Ranger District, total-
 4 ing approximately 15,669 acres, known as the
 5 “Unaka Mountains Cluster, Tennessee Areas”,
 6 comprised of 3 parcels known as “Nolichucky”,
 7 “Unaka Mountain Extension”, and “Stone
 8 Mountain”, approximately 8 miles from Erwin,
 9 in Unicoi County and Carter County.

10 (23) TEXAS: LONGLEAF RIDGE.—Certain land
 11 in the Angelina National Forest, in Jasper County
 12 and Angelina County, totaling approximately 30,000
 13 acres, generally known as “Longleaf Ridge”, and
 14 bounded—

15 (A) on the west, by Upland Island Wilder-
 16 ness Area;

17 (B) on the south, by the Neches River; and

18 (C) on the northeast, by Sam Rayburn
 19 Reservoir.

20 (24) VERMONT.—

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

- 1 (i) on the north, by Kelly Stand Road;
- 2 (ii) on the east, by Forest Road 71;
- 3 (iii) on the south, by Route 9; and
- 4 (iv) on the west, by Route 7.

5 (B) LAMB BROOK.—Certain land in the
6 Green Mountain National Forest, totaling ap-
7 proximately 5,500 acres, located 3 miles south-
8 west of Wilmington, generally known as “Lamb
9 Brook”, and bounded—

- 10 (i) on the west, by Route 8;
- 11 (ii) on the south, by Route 100;
- 12 (iii) on the north, by Route 9; and
- 13 (iv) on the east, by land owned by
14 New England Power Company.

15 (C) ROBERT FROST MOUNTAIN AREA.—
16 Certain land in the Green Mountain National
17 Forest, totaling approximately 8,500 acres,
18 known as “Robert Frost Mountain Area”, lo-
19 cated northeast of Middlebury, consisting of the
20 Forest Service land bounded—

- 21 (i) on the west, by Route 116;
- 22 (ii) on the north, by Bristol Notch
23 Road;
- 24 (iii) on the east, by Lincoln/Ripton
25 Road; and

1 (iv) on the south, by Route 125.

2 (25) VIRGINIA.—

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

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

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

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”, in Craig
22 County and Botetourt County.

23 (E) WHITE OAK RIDGE: TERRAPIN MOUN-
24 TAIN.—Certain land in the Glenwood Ranger
25 District of the Jefferson National Forest,

known as “White Oak Ridge—Terrapin Mountain”, totaling approximately 8,000 acres, east of the Blue Ridge Parkway, in Botetourt County and Rockbridge County.

(F) WHITETOP MOUNTAIN.—Certain land in the Jefferson National Forest, Mt. Rodgers Recreation Area, totaling 3,500 acres, known as “Whitetop Mountain”, in Washington County, Smyth County, and Grayson County.

(G) WILSON MOUNTAIN.—Certain land known as “Wilson Mountain”, in the Jefferson National Forest, Glenwood Ranger District, totaling approximately 5,100 acres, east of Interstate 81, in Botetourt County and Rockbridge County.

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

(26) WISCONSIN.—

(A) FLYNN LAKE.—Certain land in the Chequamegon-Nicolet National Forest, Washburn Ranger District, totaling approxi-

1 mately 5,700 acres, known as “Flynn Lake”, in
2 the Flynn Lake semi-primitive nonmotorized
3 area, in Bayfield County.

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

12 (C) LAKE OWENS CLUSTER.—Certain land
13 in the Chequamegon-Nicolet National Forest,
14 Great Divide and Washburn Ranger Districts,
15 totaling approximately 3,600 acres, known as
16 “Lake Owens Cluster”, comprised of parcels
17 known as “Lake Owens”, “Eighteenmile
18 Creek”, “Northeast Lake”, and “Sugarbush
19 Lake”, in Bayfield County.

20 (D) MEDFORD CLUSTER.—Certain land in
21 the Chequamegon-Nicolet National Forest,
22 Medford-Park Falls Ranger District, totaling
23 approximately 23,000 acres, known as the
24 “Medford Cluster”, comprised of 12 parcels
25 known as “County E Hardwoods”, “Silver

1 Creek/Mondeaux River Bottoms”, “Lost Lake
 2 Esker”, “North and South Fork Yellow Riv-
 3 ers”, “Bear Creek”, “Brush Creek”,
 4 “Chequamegon Waters”, “John’s and Joseph
 5 Creeks”, “Hay Creek Pine-Flatwoods”, “558
 6 Hardwoods”, “Richter Lake”, and “Lower Yel-
 7 low River”, in Taylor County.

8 (E) PARK FALLS CLUSTER.—Certain land
 9 in the Chequamegon-Nicolet National Forest,
 10 Medford-Park Falls Ranger District, totaling
 11 approximately 23,000 acres, known as “Park
 12 Falls Cluster”, comprised of 11 parcels known
 13 as “Sixteen Lakes”, “Chippewa Trail”, “Tuck-
 14 er and Amik Lakes”, “Lower Rice Creek”,
 15 “Doering Tract”, “Foulds Creek”, “Bootjack
 16 Conifers”, “Pond”, “Mud and Riley Lake
 17 Peatlands”, “Little Willow Drumlin”, and “Elk
 18 River”, in Price County and Vilas County.

19 (F) PENOKEE MOUNTAIN CLUSTER.—Cer-
 20 tain land in the Chequamegon-Nicolet National
 21 Forest, Great Divide Ranger District, totaling
 22 approximately 23,000 acres, known as
 23 “Penokee Mountain Cluster”, comprised of—

1 (i) the Marengo River and
 2 Brunsweiler River semi-primitive non-
 3 motorized areas; and

4 (ii) parcels known as “St. Peters
 5 Dome”, “Brunsweiler River Gorge”, “Lake
 6 Three”, “Hell Hole Creek”, and “North
 7 Country Trail Hardwoods”, in Ashland
 8 County and Bayfield County.

9 (G) SOUTHEAST GREAT DIVIDE CLUS-
 10 TER.—Certain land in the Chequamegon-
 11 Nicolet National Forest, Medford Park Falls
 12 Ranger District, totaling approximately 25,000
 13 acres, known as the “Southeast Great Divide
 14 Cluster”, comprised of parcels known as
 15 “Snoose Lake”, “Cub Lake”, “Springbrook
 16 Hardwoods”, “Upper Moose River”, “East
 17 Fork Chippewa River”, “Upper Torch River”,
 18 “Venison Creek”, “Upper Brunet River”,
 19 “Bear Lake Slough”, and “Noname Lake”, in
 20 Ashland County and Sawyer County.

21 (H) DIAMOND ROOF CLUSTER.—Certain
 22 land in the Chequamegon-Nicolet National For-
 23 est, Lakewood-Laona Ranger District, totaling
 24 approximately 6,000 acres, known as “Diamond
 25 Roof Cluster”, comprised of 4 parcels known as

1 “McCaslin Creek”, “Ada Lake”, “Section 10
2 Lake”, and “Diamond Roof”, in Forest County,
3 Langlade County, and Oconto County.

4 (I) ARGONNE FOREST CLUSTER.—Certain
5 land in the Chequamegon-Nicolet National For-
6 est, Eagle River-Florence Ranger District, to-
7 taling approximately 12,000 acres, known as
8 “Argonne Forest Cluster”, comprised of parcels
9 known as “Argonne Experimental Forest”,
10 “Scott Creek”, “Atkins Lake”, and “Island
11 Swamp”, in Forest County.

12 (J) BONITA GRADE.—Certain land in the
13 Chequamegon-Nicolet National Forest, Lake-
14 wood-Laona Ranger District, totaling approxi-
15 mately 1,200 acres, known as “Bonita Grade”,
16 comprised of parcels known as “Mountain
17 Lakes”, “Temple Lake”, “Second South
18 Branch”, “First South Branch”, and “South
19 Branch Oconto River”, in Langlade County.

20 (K) FRANKLIN AND BUTTERNUT LAKES
21 CLUSTER.—Certain land in the Chequamegon-
22 Nicolet National Forest, Eagle River-Florence
23 Ranger District, totaling approximately 12,000
24 acres, known as “Franklin and Butternut
25 Lakes Cluster”, comprised of 8 parcels known

as “Bose Lake Hemlocks”, “Luna White Deer”, “Echo Lake”, “Franklin and Butternut Lakes”, “Wolf Lake”, “Upper Ninemile”, “Meadow”, and “Bailey Creeks”, in Forest County and Oneida County.

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

(27) WYOMING: SAND CREEK AREA.—

(A) IN GENERAL.—Certain land in the Black Hills National Forest, totaling approximately 8,300 acres known as the “Sand Creek area”, located in Crook County, in the far northwest corner of the Black Hills.

(B) BOUNDARY.—Beginning in the northwest corner and proceeding counterclockwise, the boundary for the Sand Creek Area roughly follows—

(i) forest Roads 863, 866, 866.1B;

(ii) a line linking forest roads 866.1B and 802.1B;

(iii) forest road 802.1B;

- 1 (iv) forest road 802.1;
- 2 (v) an unnamed road;
- 3 (vi) Spotted Tail Creek (excluding all
- 4 private land);
- 5 (vii) forest road 829.1;
- 6 (viii) a line connecting forest roads
- 7 829.1 and 864;
- 8 (ix) forest road 852.1; and
- 9 (x) a line connecting forest roads
- 10 852.1 and 863.

11 (d) COMMITTEE OF SCIENTISTS.—

12 (1) ESTABLISHMENT.—The Secretaries con-
13 cerned shall appoint a committee consisting of sci-
14 entists who—

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

17 (B) are not officers or employees of any
18 entity engaged in whole or in part in the pro-
19 duction of wood or wood products; and

20 (C) have not contracted with or rep-
21 resented any entity described in subparagraph
22 (A) or (B) in a period beginning 5 years before
23 the date on which the scientist is appointed to
24 the committee.

1 (2) RECOMMENDATIONS FOR ADDITIONAL SPE-
2 CIAL AREAS.—Not later than 2 years of the date of
3 the enactment of this Act, the committee shall pro-
4 vide Congress with recommendations for additional
5 special areas.

6 (3) CANDIDATE AREAS.—Candidate areas for
7 recommendation as additional special areas shall
8 have outstanding biological values that are exem-
9 plary on a local, regional, and national level, includ-
10 ing the presence of—

11 (A) threatened or endangered species of
12 plants or animals;

13 (B) rare or endangered ecosystems;

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

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

18 (E) migration corridors;

19 (F) areas of outstanding biodiversity;

20 (G) old growth forests;

21 (H) commercial fisheries; and

22 (I) sources of clean water such as key wa-
23 tersheds.

24 (4) GOVERNING PRINCIPLE.—The committee
25 shall adhere to the principles of conservation biology

1 in identifying special areas based on biological val-
2 ues.

3 **SEC. 204. RESTRICTIONS ON MANAGEMENT ACTIVITIES IN**
4 **ANCIENT FORESTS, ROADLESS AREAS, WA-**
5 **TERSHERD PROTECTION AREAS, AND SPECIAL**
6 **AREAS.**

7 (a) RESTRICTION OF MANAGEMENT ACTIVITIES IN
8 ANCIENT FORESTS.—On Federal land located in Ancient
9 forests—

10 (1) no roads shall be constructed or recon-
11 structed;

12 (2) no extractive logging shall be permitted; and

13 (3) no improvements for the purpose of extrac-
14 tive logging shall be permitted.

15 (b) RESTRICTION OF MANAGEMENT ACTIVITIES IN
16 ROADLESS AREAS.—On Federal land located in roadless
17 areas (except military installations)—

18 (1) no roads shall be constructed or recon-
19 structed;

20 (2) no extractive logging shall be permitted ex-
21 cept of non-native invasive tree species, in which
22 case the limitations on logging in title I shall apply;
23 and

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

1 (c) RESTRICTION OF MANAGEMENT ACTIVITIES IN
2 WATERSHED PROTECTION AREAS.—On Federal land lo-
3 cated in watershed protection areas—

4 (1) no roads shall be constructed or recon-
5 structed;

6 (2) no extractive logging shall be permitted ex-
7 cept of non-native invasive tree species, in which
8 case the limitations on logging in title I shall apply;
9 and

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

12 (d) RESTRICTION OF MANAGEMENT ACTIVITIES IN
13 SPECIAL AREAS.—On Federal land located in special
14 areas—

15 (1) no roads shall be constructed or recon-
16 structed;

17 (2) no extractive logging shall be permitted ex-
18 cept of non-native invasive tree species, in which
19 case the limitations on logging in title I shall apply;
20 and

21 (3) no improvements for the purpose of extrac-
22 tive logging shall be permitted.

23 (e) MAINTENANCE OF EXISTING ROADS.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), the restrictions described in subsection

1 (a) shall not prohibit the maintenance of an im-
2 proved road, or any road accessing private
3 inholdings.

4 (2) ABANDONED ROADS.—Any road that the
5 Secretary determines to have been abandoned before
6 the date of enactment of this Act shall not be main-
7 tained or reconstructed.

8 (f) ENFORCEMENT.—

9 (1) FINDING.—Congress finds that all people of
10 the United States are injured by actions on land to
11 which this section applies.

12 (2) PURPOSE.—The purpose of this subsection
13 is to foster the widest possible enforcement of this
14 section.

15 (3) FEDERAL ENFORCEMENT.—The Secretary
16 and the Attorney General of the United States shall
17 enforce this section against any person that violates
18 this section.

19 (4) CITIZEN SUITS.—

20 (A) IN GENERAL.—A citizen harmed by a
21 violation of this section may enforce this section
22 by bringing a civil action for a declaratory judg-
23 ment, a temporary restraining order, an injunc-
24 tion, statutory damages, or other remedy
25 against any alleged violator, including the

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

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

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

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

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

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

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

19 (E) PAYMENT OF DAMAGES.—

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

25 (ii) FEDERAL VIOLATOR.—

1 (I) IN GENERAL.—Not later than
2 40 days after the date on which judg-
3 ment is rendered, a damage award
4 under subparagraph (B)(i) for which
5 the United States is determined to be
6 liable shall be paid from the Treasury,
7 as provided under section 1304 of title
8 31, United States Code, to the person
9 or persons designated to receive the
10 damage award.

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

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

23 (5) WAIVER OF SOVEREIGN IMMUNITY.—

24 (A) IN GENERAL.—The United States (in-
25 cluding agents and employees of the United

1 States) waives its sovereign immunity in all re-
2 spects in all actions under this section.

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

5 **TITLE III—EFFECTIVE DATE**

6 **SEC. 301. EFFECTIVE DATE.**

7 This Act and the amendments made by this Act take
8 effect on the date of enactment of this Act.

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

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

14 **SEC. 303. WILDERNESS ACT EXCLUSION.**

15 This Act and the amendments made by this Act shall
16 not apply to any Federal wilderness area designated under
17 the Wilderness Act (16 U.S.C. 1131 et seq.).

