

108TH CONGRESS
1ST SESSION

H. R. 652

To assure that the American people have large areas of land in healthy natural condition throughout the country to maximize wildland recreational opportunities for people, maximize habitat protection for native wildlife and natural plant communities, and to contribute to a preservation of water for use by downstream metropolitan communities and other users, through the establishment of a National Forest Ecosystem Protection Program composed of lands within existing wilderness areas and adjacent primitive areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2003

Mr. ANDREWS 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 by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To assure that the American people have large areas of land in healthy natural condition throughout the country to maximize wildland recreational opportunities for people, maximize habitat protection for native wildlife and natural plant communities, and to contribute to a preservation of water for use by downstream metropolitan communities and other users, through the establishment of a National Forest Ecosystem Protection Program composed of lands within existing wilderness areas and adjacent primitive areas, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “National Forest Ecosystem Protection Act of 2002”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. National Forest ecosystem protection program.
- Sec. 3. Special management considerations.
- Sec. 4. Land acquisition.
- Sec. 5. Permanent phase out of commercial grazing.
- Sec. 6. Forest plan revision assessments.
- Sec. 7. Original Ecosystem Protection Areas.
- Sec. 8. Delineation of primitive areas on eastern National Forest System lands.
- Sec. 9. Delineation of primitive areas on western National Forest System lands.
- Sec. 10. Compatible management of adjacent Department of the Interior lands.
- Sec. 11. Development of State ecosystem protection areas.
- Sec. 12. Reporting requirements.
- Sec. 13. Authorization of appropriations.

8 **SEC. 2. NATIONAL FOREST ECOSYSTEM PROTECTION PRO-**
 9 **GRAM.**

10 (a) DECLARATION OF POLICY.—In order to assure
 11 that the American people have large areas of land in
 12 healthy natural condition throughout the country, which
 13 lands maximize wildland recreational opportunities for
 14 people, maximize habitat protection for native wildlife and
 15 natural plant communities, and contribute to a preserva-
 16 tion of water for use by downstream metropolitan commu-
 17 nities and other users, it is hereby declared to be the policy
 18 of Congress to secure for present and future generations

1 of Americans the enduring resource of protected large wild
2 lands.

3 (c) ESTABLISHMENT.—To help achieve the policy de-
4 clared in subsection (a), there is hereby established a Na-
5 tional Forest Ecosystem Protection Program to be com-
6 posed of lands within existing units of the National Forest
7 System that contain one or more large existing wilderness
8 areas as a core area and a primitive area extending out-
9 ward therefrom, both of which will be designated as Eco-
10 system Protection Areas by this Act or a subsequent Act
11 of Congress.

12 **SEC. 3. SPECIAL MANAGEMENT CONSIDERATIONS.**

13 (a) WILDERNESS AREA MANAGEMENT.—Within the
14 Ecosystem Protection Areas, the Secretary of Agriculture,
15 acting through the Forest Service (in this Act referred to
16 as the “Secretary”), shall manage the wilderness areas as
17 provided by the Wilderness Act (16 U.S.C. 1131 et seq.)
18 and other applicable laws, except that commercial grazing
19 shall be eliminated therein.

20 (b) PRIMITIVE AREA MANAGEMENT.—Within the
21 Ecosystem Protection Areas, the Secretary shall manage
22 the primitive areas so that primitive recreation and habi-
23 tat for wildlife will be the paramount considerations and
24 that all other multiple use activities will only be used to

1 reinforce the paramount considerations. Commercial graz-
2 ing shall be eliminated therein.

3 (c) PROTECTION AND RESTORATION.—The Sec-
4 retary, in consultation with State wildlife officials and
5 through the use of a public participation process, shall
6 promote the reestablishment or protection of as many ani-
7 mal and plant species native to the designated Ecosystem
8 Protection Areas as practical.

9 **SEC. 4. LAND ACQUISITION.**

10 (a) LAND ACQUISITION AUTHORITY.—The Secretary
11 shall strive to acquire all private lands, all mineral rights
12 not owned by the United States, and all other interests
13 in lands not owned by the United States, on a willing-
14 seller/willing-buyer basis, located within any wilderness
15 area named in this Act and within the primitive areas de-
16 lineated pursuant to this Act.

17 (b) EFFECT OF ACQUISITION.—For each acre of land
18 acquired by the Secretary under this section, a payment
19 in lieu of taxes shall be made to the county in which the
20 property is located equal to \$1.50 per acre per year, plus
21 an increase every year based on the percentage change in
22 the Consumer Price Index. For these newly acquired
23 acres, no other payment shall be made to the county based
24 on any other Federal law.

1 **SEC. 5. PERMANENT PHASE OUT OF COMMERCIAL GRAZ-**
2 **ING.**

3 (a) **GRAZING PHASE OUT TIMETABLE.**—The Sec-
4 retary shall provide for the elimination of commercial
5 grazing on all allotments located wholly or partially in wil-
6 derness areas or primitive areas within the Ecosystem
7 Protection Areas. Within allotments located wholly within
8 the core wilderness areas, grazing shall be eliminated in
9 10 years. Within allotments having more than 50 percent,
10 but less than 100 percent, of their area in core wilderness
11 areas, grazing shall be eliminated in 12 years. Within al-
12 lotments having 50 percent or less of their area in core
13 wilderness areas, including those allotments located wholly
14 in a primitive area east of the 104th meridian, grazing
15 shall be eliminated in 14 years.

16 (b) **PUBLIC NOTIFICATION.**—In the case of Eco-
17 system Protection Areas located west of the 104th merid-
18 ian, the Secretary shall notify every allottee and allotment
19 manager whose allotment is wholly or partially within a
20 core wilderness area that the allotment will become graz-
21 ing-free within the number of years provided in subsection
22 (a). The notification shall include the options available to
23 the person under this section. The names and areas of
24 the allotments shall be printed in the local newspapers.
25 Each of these steps shall be completed within one year
26 after the date of the enactment of this Act.

1 (c) ASSISTANCE.—In designated Ecosystem Protec-
2 tion Areas, the Secretary—

3 (1) shall make an economic transition payment
4 to an allottee when grazing is phased out;

5 (2) shall make an additional early-out payment
6 to a willing allottee for the early permanent retire-
7 ment of the remaining years of grazing privileges be-
8 fore the applicable date specified in subsection (a);

9 (3) shall purchase the base property, if so re-
10 requested by the owner, of any such allotment from a
11 willing seller, if it is located within the boundaries
12 of a unit of the National Forest System;

13 (4) shall make funds available to the Bureau of
14 Land Management as an economic transition pay-
15 ment for the permanent phase out of grazing on any
16 Bureau of Land Management winter allotment af-
17 fected by a summer allotment impacted by this Act,
18 if so requested by the allottee;

19 (5) may grant a one year extension for extenu-
20 ating circumstances to the number of years indicated
21 in subsection (a) for the allotment to become grazing
22 free, if the allottee applies for the extension from one
23 year to 6 months before the date otherwise applica-
24 ble under subsection (a);

1 (6) may allocate any agency funds for these
2 purposes; and

3 (7) may attempt to acquire any property au-
4 thorized for purchase by this Act, including the
5 above described base properties and any mineral
6 rights, and to retire the grazing privileges early, in
7 cooperation with land trusts or other private parties
8 dedicated to the preservation of open space.

9 (d) GRAZING PHASE OUT ON WINTER ALLOT-
10 MENTS.—The Bureau of Land Management shall perma-
11 nently phase out grazing on any winter allotment covered
12 by subsection (c)(4).

13 (e) RELATION TO OTHER LAWS.—Nothing in this
14 Act shall be construed to affect the Government’s author-
15 ity to otherwise modify or terminate grazing permits.

16 (f) NO PROPERTY RIGHT CREATED.—Payments dis-
17 tributed according to this section shall not create a prop-
18 erty right in grazing permit holders.

19 (g) TREATMENT OF GRAZING REVENUES.—For each
20 grazing allotment affected by this section, the average an-
21 nual revenues from grazing shall be computed for the
22 three full fiscal years before the date of the enactment
23 of this Act. The number so computed shall be utilized for
24 every year hereafter as a component for any Federal pro-
25 gram that provides for payments in lieu of taxes to units

1 of local government, based on revenues received by the
2 Secretary, irrespective of the absence of revenues from
3 that allotment once grazing is phased out.

4 **SEC. 6. FOREST PLAN REVISION ASSESSMENTS.**

5 (a) ASSESSMENTS REQUIRED.—In any Ecosystem
6 Protection Area located east of the 104th meridian in the
7 contiguous 48 States, the Secretary shall include the fol-
8 lowing assessments as part of the first round of Forest
9 Service land and resource management plan revisions for
10 each of these areas made after the date of the enactment
11 of this Act:

12 (1) An assessment of expanding the designated
13 wilderness area or creating new wilderness areas in
14 all the primitive areas created by this Act.

15 (2) An assessment of the ecological benefit to
16 be derived from closing any unimproved roads bi-
17 secting any such areas within encircling improved
18 roads and from closing any improved roads cherry
19 stemmed into those areas.

20 (3) An assessment of the appropriate manage-
21 ment practices most likely to improve habitat for key
22 species in any of the above described areas, if those
23 areas are not to be proposed to Congress as new wil-
24 derness areas.

1 (b) PUBLIC PARTICIPATION.—Each assessment re-
2 quired by this section shall utilize all the procedures de-
3 signed to provide public input into the Forest Service plan-
4 ning process.

5 **SEC. 7. ORIGINAL ECOSYSTEM PROTECTION AREAS.**

6 (a) IN GENERAL.—The original Ecosystem Protec-
7 tion Areas include one or more of the largest existing For-
8 est Service wilderness areas in the following States, includ-
9 ing any adjacent wilderness areas or wilderness areas sep-
10 arated by no more than a road corridor, and surrounding
11 primitive areas delineated as provided in section 8 or 9.

12 (b) DESIGNATION.—The Ecosystem Protection
13 Areas, and the wilderness area forming the their core, are
14 as follows:

15 (1) Alabama:

16 (A) Sipsey.

17 (2) Alaska:

18 (A) Misty Fiords.

19 (3) Arizona:

20 (A) Mazatzal.

21 (B) Blue Range (also in New Mexico), in-
22 cluding the Blue Range Primitive Area.

23 (C) Chiricahua.

24 (4) Arkansas:

25 (A) Hurricane Creek.

1 (B) Upper Kiamichi (also in Oklahoma).

2 (5) California:

3 (A) High Sierra, including John Muir,
4 Ansel Adams, Golden Trout, Monarch, Dinkey
5 Lakes, South Sierra, Dome Land, Hoover and
6 Emigrant.

7 (B) Trinity Alps.

8 (6) Colorado:

9 (A) Weminuche.

10 (B) West Elk.

11 (C) South San Juan.

12 (7) Florida:

13 (A) Big Gum Swamp.

14 (B) Bradwell Bay.

15 (8) Georgia:

16 (A) Cohutta (also in Tennessee).

17 (B) Southern Nantahala (also in North
18 Carolina).

19 (9) Idaho:

20 (A) Central Idaho Massif, including Frank
21 Church-River of No Return, Selway–Bitterroot
22 (also in Montana), and Gospel Hump.

23 (B) Hells Canyon (also in Oregon).

24 (10) Indiana:

25 (A) Charles C. Deam.

- 1 (11) Kentucky:
- 2 (A) Clifty.
- 3 (12) Maine:
- 4 (A) Caribou-Speckled Mountain.
- 5 (13) Michigan:
- 6 (A) Sylvania.
- 7 (14) Minnesota:
- 8 (A) Boundary Waters Canoe Area.
- 9 (15) Missouri:
- 10 (A) Irish.
- 11 (16) Montana:
- 12 (A) Montana Rockies, including Bob Mar-
- 13 shal, Great Bear, and Scapegoat.
- 14 (B) Central Idaho Massif, including
- 15 Selway-Bitterroot (also in Idaho).
- 16 (C) Yellowstone, including Lee Metcalf and
- 17 Absaroka-Beartooth (also in Wyoming).
- 18 (17) Nevada:
- 19 (A) Arc Dome.
- 20 (18) New Hampshire:
- 21 (A) Pemiwegasset.
- 22 (B) Presidential Range-Dry River.
- 23 (C) Sandwich Range.
- 24 (19) New Mexico:
- 25 (A) Gila including Gila and Aldo Leopold.

- 1 (B) Blue Range (also in Arizona).
- 2 (20) North Carolina:
- 3 (A) Citico Creek (also in Tennessee), in-
- 4 cluding Joyce Kilmer-Slickrock.
- 5 (B) Southern Nantahala (also in Georgia).
- 6 (21) Oklahoma:
- 7 (A) Upper Kiamichi (also in Arkansas).
- 8 (22) Oregon:
- 9 (A) Hells Canyon, including Hells Canyon
- 10 (also in Idaho) and Eagle Cap.
- 11 (23) Pennsylvania:
- 12 (A) Hickory Creek.
- 13 (24) South Dakota:
- 14 (A) Black Elk.
- 15 (25) Tennessee:
- 16 (A) Cohutta including Big Frog (also in
- 17 Georgia).
- 18 (B) Citico Creek including Joyce Kilmer-
- 19 Slickrock (also in North Carolina).
- 20 (26) Texas:
- 21 (A) Upland Island.
- 22 (B) Indian Mounds.
- 23 (27) Utah:
- 24 (A) High Uintas.
- 25 (28) Vermont:

1 (A) Breadloaf.

2 (B) Lyle Brook.

3 (29) Virginia:

4 (A) Mountain Lake (also in West Vir-
5 ginia).

6 (30) Washington:

7 (A) North Cascades including Glacier
8 Peak, Pasayten, Lake Chelan-Sawtooth, Mt.
9 Baker, and Noisy Diobsud.

10 (31) West Virginia:

11 (A) Cranberry.

12 (B) Mountain Lake (also in Virginia).

13 (32) Wisconsin:

14 (A) Headwaters.

15 (33) Wyoming:

16 (A) Yellowstone including Washakie,
17 Teton, North Absaroka, Winegar Hole, Jeddiah
18 Smith, Absaroka-Beartooth (also in Montana)
19 and Lee Metcalf (wholly in Montana).

20 (B) Wind River including Bridger,
21 Fitzpatrick and Popo Agie.

22 **SEC. 8. DELINEATION OF PRIMITIVE AREAS ON EASTERN**
23 **NATIONAL FOREST SYSTEM LANDS.**

24 (a) DELINEATION REQUIRED; TIMETABLE.—In the
25 case of units of the National Forest System located east

1 of the 104th meridian in the contiguous 48 States, the
2 Secretary shall delineate primitive areas around core wil-
3 derness areas as soon as practicable, but in no case more
4 than three years after the date of the enactment of this
5 Act, as an amendment to the applicable land and resource
6 management plan.

7 (b) CONTENT.—The primitive areas delineated under
8 this section shall include all areas from the wilderness
9 boundary out to the nearest improved roads on all sides
10 of the wilderness area and enough additional acreage to
11 result in an Ecosystem Protection Area that is at least
12 50,000 acres and twice as large as the core wilderness
13 area. In all cases, the primitive area shall be as compact
14 as possible and designed to include as many natural com-
15 munities as possible, including mountains, valleys, and
16 other natural areas.

17 (c) SPECIAL CONSIDERATIONS.—In delineating the
18 primitive areas, the Secretary shall exclude as many resi-
19 dential areas as possible. Along national or State des-
20 ignated trails, such as the Appalachian Trail, or natural
21 biological corridors, the Secretary shall extend the primi-
22 tive areas further in each direction from the core wilder-
23 ness area.

24 (d) ROADS.—The Secretary shall begin closing
25 unmapped roads, temporary roads, and unimproved cher-

1 ry-stemmed roads in a primitive area as soon as prac-
2 ticable after the primitive area has been delineated, unless
3 such roads provide access to private property.

4 (e) GRAZING.—Any commercial grazing permitted, as
5 of the date of the enactment of this Act, in the primitive
6 areas delineated under this section shall be phased out as
7 provided in section 5.

8 **SEC. 9. DELINEATION OF PRIMITIVE AREAS ON WESTERN**
9 **NATIONAL FOREST SYSTEM LANDS.**

10 In the case of an Ecosystem Protection Areas located
11 west of the 104th meridian, the Secretary shall identify
12 every grazing allotment that is partially within a core wil-
13 derness area, and the portions of those allotments located
14 outside of the core wilderness area shall be the primitive
15 areas for that Ecosystem Protection Area.

16 **SEC. 10. COMPATIBLE MANAGEMENT OF ADJACENT DE-**
17 **PARTMENT OF THE INTERIOR LANDS.**

18 Federal lands administered by the Secretary of the
19 Interior that are adjacent to the Ecosystem Protection
20 Areas shall be managed in a manner compatible with the
21 management of the Ecosystem Protection Areas.

22 **SEC. 11. DEVELOPMENT OF STATE ECOSYSTEM PROTEC-**
23 **TION AREAS.**

24 The Secretary shall provide technical and financial
25 assistance to enable States to acquire an Ecosystem Pro-

1 tection Area on State-owned lands of a similar character
2 and size to the Ecosystem Protection Areas designated by
3 this Act. Such State Ecosystem Protection Areas shall be
4 based on one of the largest State-owned Natural Areas,
5 Wilderness Areas, State Parks, State Forests, State Wa-
6 tershed Management Areas, or State Wildlife Management
7 Areas in any State without a National Forest or Grassland
8 of 50,000 or more acres.

9 **SEC. 12. REPORTING REQUIREMENTS.**

10 (a) INFORMATION ON ECOSYSTEM PROTECTION
11 AREAS.—As part of the annual report to Congress pre-
12 pared by the Secretary on the status of the National Wil-
13 derness Preservation System, the Secretary shall include
14 appropriate information concerning the Ecosystem Protec-
15 tion Areas and the administration of this Act.

16 (b) SPECIAL REQUIREMENTS FOR FIFTH REPORT.—
17 The annual report described in subsection (a) to be sub-
18 mitted to Congress in the fifth year after the date of the
19 enactment of this Act shall contain the following:

20 (1) An assessment and evaluation of all steps
21 taken during the four preceding years pursuant to
22 this Act.

23 (2) Recommendations regarding the designation
24 of additional or the expansion of existing Ecosystem
25 Management Areas.

1 (3) An evaluation of the effectiveness of the
2 procedures for creating grazing free areas and the
3 environmental advantages created in those areas.

4 (4) Recommendations regarding whether the
5 procedures evaluated under paragraph (3) should be
6 extended to all Forest Service wilderness areas.

7 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) LAND ACQUISITION IN EASTERN UNITED
9 STATES.—There is authorized to be appropriated to the
10 Secretary for each of the fiscal years 2004 through 2017
11 \$100,000,000 for the purchase of private lands and other
12 lands not owned by the United States located in primitive
13 areas delineated east of the 104th meridian in the contig-
14 uous 48 States. Pending the delineation of primitive areas
15 under section 8, the Secretary shall purchase lands in
16 areas that the Secretary anticipates including in the Eco-
17 system Protection Areas.

18 (b) LAND ACQUISITION IN WESTERN WILDERNESS
19 AREAS.—There is authorized to be appropriated to the
20 Secretary for each of the fiscal years 2004 through 2017
21 \$5,000,000 for the purchase of private lands and other
22 lands not owned by the United States in the Wilderness
23 Areas located west of the 104th meridian in the contig-
24 uous 48 States.

1 (c) ELIMINATION OF GRAZING.—There is authorized
2 to be appropriated to the Secretary for each of the fiscal
3 years 2004 through 2017 \$1,000,000 for the purpose of
4 carrying out section 5, including providing economic tran-
5 sition payments, early-out payments, and qualifying base
6 property purchase payments and covering Forest Service
7 expenses in finding an allottee a new allotment, when re-
8 quested by the allottee.

9 (d) SUPPORT FOR STATES WITHOUT ECOSYSTEM
10 PROTECTION AREAS.—There is authorized to be appro-
11 priated to the Secretary for each of the fiscal years 2004
12 through 2017 \$33,000,000 to assist States in the pur-
13 chase of private lands in a State designated Ecosystem
14 Protection Area developed pursuant to section 11 if the
15 State agrees to manage that area in a manner similar to
16 that proposed for Ecosystem Protection Areas designated
17 in this Act.

○