

106TH CONGRESS
1ST SESSION

H. R. 2512

To amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal lands, to designate certain Federal lands as Ancient Forests, Roadless Areas, Watershed Protection Areas, and Special Areas where logging and other intrusive activities are prohibited, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 1999

Ms. ESHOO (for herself, Mr. FORBES, Mrs. MALONEY of New York, Mr. ACKERMAN, Mr. ANDREWS, Ms. BALDWIN, Mr. BARRETT of Wisconsin, Mr. BERMAN, Mr. BLAGOJEVICH, Mr. BONIOR, Mr. BORSKI, Mr. BOUCHER, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEMENT, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DELAHUNT, Ms. DELAURO, Mr. DIXON, Mr. ENGEL, Mr. EVANS, Mr. FARR of California, Mr. FILLNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. KUCINICH, Mr. LAMPSON, Mr. LANTOS, Ms. LEE, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mr. LUTHER, Mrs. MCCARTHY of New York, Mr. McDERMOTT, Mr. MCGOVERN, Mr. McNULTY, Mr. MALONEY of Connecticut, Mr. MARKEY, Mr. MARTINEZ, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Ms. MILLENDER-McDONALD, Mr. GEORGE MILLER of California, Mr. MOAKLEY, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Ms. PELOSI, Mr. PASCRELL, Mr. PAYNE, Mr. RANGEL, Ms. RIVERS, Mr. RODRIGUEZ, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHERMAN, Mr. SHAYS, Ms. SLAUGHTER, Ms. STABENOW, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. VENTO, 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 Committees on Resources, and Armed Services, 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 amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal lands, to designate certain Federal lands as Ancient Forests, Roadless Areas, Watershed Protection Areas, and Special Areas where logging and other intrusive activities are prohibited, 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 “Act to Save America’s Forests”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Purposes and findings.

Sec. 3. Effective date.

TITLE I—AMENDMENTS TO EXISTING LAND MANAGEMENT LAWS

Sec. 101. Amendment of Forest and Rangeland Renewable Resources Planning Act of 1974 relating to National Forest System lands.

Sec. 102. Amendment of Federal Land Policy and Management Act of 1976 relating to the public lands.

Sec. 103. Amendment of National Wildlife Refuge System Administration Act of 1966 relating to the National Wildlife Refuge System.

Sec. 104. Amendment of title 10, United States Code, relating to forest management on military lands.

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

Sec. 201. Definitions and findings.

Sec. 202. Designation of Special Areas.

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

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

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

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

8 (2) logging in Ancient Forests, Roadless Areas,
9 Watershed Protection Areas, and Special Areas.

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

11 (1) Federal agencies of the United States that
12 engage in even-age logging practices include the
13 Forest Service of the Department of Agriculture, the
14 United States Fish and Wildlife Service and Bureau
15 of Land Management of the Department of the Inte-
16 rior, and the Army, Navy, and Air Force of the De-
17 partment of Defense.

18 (2) Even-age logging causes substantial alter-
19 ations in native biodiversity by emphasizing the pro-
20 duction of a limited number of commercial species of
21 trees on each site, generally only one; by manipu-
22 lating the vegetation toward greater relative density
23 of such commercial species, by suppressing com-
24 peting species, and by planting, on numerous sites,

1 a commercial strain that was developed to reduce
2 the relative diversity of genetic strains that pre-
3 viously occurred within the species on the same sites.

4 (3) Even-age logging kills immobile species and
5 the very young of mobile species of wildlife and de-
6 pletes the habitat of deep-forest species of animals,
7 including endangered species.

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

18 (5) Even-age logging decreases the capability of
19 the soil to retain carbon and, during the critical pe-
20 riods of felling and site preparation, reduces the ca-
21 pacity of the biomass to process and to store carbon,
22 with a resultant of loss of such carbon to the atmos-
23 phere, thereby aggravating global warming.

24 (6) Even-age logging renders the soil increas-
25 ingly sensitive to acid deposits by causing a decline

1 of soil wood and coarse woody debris, thereby reduc-
2 ing the capacity of the soil to retain water and nutri-
3 ents, which increases soil heat and impairs the soil's
4 ability to maintain protective carbon compounds on
5 its surface.

6 (7) Even-age logging results in increased
7 stream sedimentation, the silting of stream bottoms,
8 a decline in water quality, and the impairment of life
9 cycles and spawning processes of aquatic life from
10 benthic organisms to large fish, thereby depleting
11 the sports and commercial fisheries of the United
12 States.

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

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

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

7 (11) Alteration of native biodiversity has seri-
8 ous consequences for human welfare as America
9 irretrievably loses resources for research and agricul-
10 tural, medicinal, and industrial development.

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

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

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

1 (15) By protecting native biodiversity, as pre-
2 scribed in this Act, Federal agencies would maintain
3 vital native ecosystems and would improve the qual-
4 ity of life of the American people.

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

9 (17) The court remedies now available to en-
10 force Federal forest laws are inadequate, and should
11 be strengthened by providing for injunctions, declar-
12 atory judgments, statutory damages, and reasonable
13 costs of suit.

14 **SEC. 3. EFFECTIVE DATE.**

15 (a) **IN GENERAL.**—This Act and the amendments
16 made by this Act shall take effect on the date of the enact-
17 ment of this Act.

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

1 **TITLE I—AMENDMENTS TO EX-**
2 **ISTING LAND MANAGEMENT**
3 **LAWS**

4 **SEC. 101. AMENDMENT OF FOREST AND RANGELAND RE-**
5 **NEWABLE RESOURCES PLANNING ACT OF**
6 **1974 RELATING TO NATIONAL FOREST SYS-**
7 **TEM LANDS.**

8 (a) CONSERVATION OF NATIVE BIODIVERSITY.—Sec-
9 tion 6(g)(3)(B) of the Forest and Rangeland Renewable
10 Resources Planning Act of 1974 (16 U.S.C.
11 1604(g)(3)(B)) is amended to read as follows:

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

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

24 “(h) COMMITTEE OF SCIENTISTS.—(1) In carrying
25 out the purposes of subsection (g) of this section, the Sec-

1 retary shall appoint a committee of scientists who are not
2 officers or employees of the Forest Service nor of any
3 other public entity, nor of any entity engaged in whole
4 or in part in the production of wood or wood products,
5 and have not contracted with or represented any such enti-
6 ties within a period of 5 years prior to serving on such
7 committee. The committee shall provide scientific and
8 technical advice and counsel on proposed guidelines and
9 procedures and all other issues involving forestry and na-
10 tive biodiversity to assure that an effective interdiscipli-
11 nary approach is proposed and adopted. The committee
12 shall terminate after the expiration of 10 years from the
13 date of the enactment of this paragraph.”.

14 (c) RESTRICTION ON USE OF CERTAIN LOGGING
15 PRACTICES.—Section 6 of the Forest and Rangeland Re-
16 newable Resources Planning Act of 1974 (16 U.S.C.
17 1604) is amended by adding at the end the following:

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

23 “(2) On each stand already under even-age manage-
24 ment, the Secretary shall (A) prescribe a shift to selection
25 management, or (B) cease managing for timber purposes

1 and actively restore the native biodiversity, or permit each
2 stand to regain its native biodiversity.

3 “(3) For the purposes of this Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 “(III) cut or remove more than 20 percent
22 of the basal area of a stand within 30 years.

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

1 cut, nor shall native biodiversity be limited to that
2 which occurs within the context of a 150-year pro-
3 jected felling age.

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

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

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

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

18 “(III) cuts or removes more than 20 per-
19 cent of the basal area of a stand within 30
20 years.

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

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

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

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

12 “(M) The term ‘timber purposes’ includes the
13 use, sale, lease, or distribution of trees, or the felling
14 of trees or portions of trees.

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

18 “(O) The term ‘non-native invasive tree species’
19 means any tree species not native to North America,
20 including the following trees:

21 “(i) Australian pine (Casuarina
22 equisetifolia).

23 “(ii) Brazilian pepper (Schinus
24 terebinthifolius).

1 “(iii) Common buckthorn (Rhamnus
2 cathartica).

3 “(iv) Glossy buckthorn (Rhamnus
4 frangula).

5 “(v) Melaleuca (Melaleuca quinquenervia).

6 “(vi) Norway maple (Acer platanoides).

7 “(vii) Princess tree (Paulownia tomentosa).

8 “(viii) Salt cedar (Tamarix species).

9 “(ix) Silk tree (Albizia julibrissin).

10 “(x) Strawberry guava (Psidium
11 cattleianum).

12 “(xi) Tree-of-heaven (Ailanthus altissima).

13 “(xii) Velvet tree (Miconia calvenscens).

14 “(xiii) White poplar (Populus alba).

15 “(4) Non-native invasive tree species are exempt from
16 the restrictions and limitations on even-age management
17 and even-age logging and are not to be included in the
18 calculations of basal area in this section.

19 “(5)(A)(i) The purpose of this paragraph is to foster
20 the widest possible enforcement of subsection (g)(3)(B)
21 and this subsection.

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

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

5 “(C)(i) Any citizen harmed by a violation of this Act
6 may enforce any provision of subsection (g)(3)(B) and this
7 subsection by bringing an action for declaratory judgment,
8 temporary restraining order, injunction, statutory dam-
9 ages, and other remedies against any alleged violator in-
10 cluding the United States, in any district court of the
11 United States.

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

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

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

24 “(E) The damage award shall be paid from the U.S.
25 Treasury, as provided by Congress under section 1304 of

1 title 31, United States Code, within 40 days after judg-
2 ment to the person or persons designated to receive it,
3 to be applied in protecting or restoring native biodiversity
4 in or adjoining Federal land. Any award of costs of litiga-
5 tion and any award of attorney fees shall be paid within
6 40 days after judgment.

7 “(F) The United States, including its agents and em-
8 ployees waives its sovereign immunity in all respects in
9 all actions under subsection (g)(3)(B) and this subsection.
10 No notice is required to enforce this subsection.”.

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

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

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

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

22 (2) by inserting after paragraph (7) the fol-
23 lowing new paragraph (8):

24 “(8) In each stand and each watershed
25 throughout each forested area, the Secretary shall

1 provide for the conservation or restoration of native
2 biodiversity except during the extraction stage of au-
3 thorized mineral development or during authorized
4 construction projects, in which events the Secretary
5 shall conserve native biodiversity to the extent pos-
6 sible;”.

7 (b) RESTRICTION ON USE OF CERTAIN LOGGING
8 PRACTICES.—Section 202 of the Federal Land Policy and
9 Management Act of 1976 (43 U.S.C. 1712) is amended
10 by adding at the end the following:

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

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

21 “(3) For the purposes of this Act:

22 “(A) The term ‘native biodiversity’ means the
23 full range of variety and variability within and
24 among living organisms and the ecological complexes
25 in which they would have occurred in the absence of

1 significant human impact, and encompasses diversity
2 within a species (genetic diversity, species diversity,
3 or age diversity), within a community of species
4 (within-community diversity), between communities
5 of species (between-communities), within a total area
6 such as a watershed (total area), along a plane from
7 ground to sky (vertical), and along the plane of the
8 earth-surface (horizontal). Vertical and horizontal
9 diversity apply to all the other aspects of diversity.

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

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21 means the distinctive assemblages of species and ec-
22 ological processes that occur indifferent physical set-
23 tings of the biosphere and distinct parts of the
24 world.

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2 ferences in genetic composition within and among
3 populations of a given species.

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6 location of the world.

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11 ‘selection management’ means a method of logging
12 that emphasizes the periodic removal of trees, in-
13 cluding mature, undesirable, and cull trees in a
14 manner that insures—

15 “(I) the maintenance of continuous high
16 forest cover where such cover naturally occurs;

17 “(II) the maintenance or natural regenera-
18 tion of all native species in a stand; and

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

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

24 “(I) individual-tree selection, in which indi-
25 vidual trees of varying size and age classes are

1 selected and logged in a generally uniform pat-
2 tern throughout a stand; and

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

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

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

12 “(II) create a stand where the majority of
13 trees are within 10 years of the same age; or

14 “(III) cut or remove more than 20 percent
15 of the basal area of a stand within 30 years.

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

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

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2 AGEMENT.—(i) The terms ‘even-age logging’ and
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16 equisetifolia).

17 “(ii) Brazilian pepper (Schinus
18 terebinthifolius).

19 “(iii) Common buckthorn (Rhamnus
20 cathartica).

21 “(iv) Glossy buckthorn (Rhamnus
22 frangula).

23 “(v) Melaleuca (Melaleuca quinquenervia).

24 “(vi) Norway maple (Acer platanoides).

25 “(vii) Princess tree (Paulownia tomentosa).

1 “(viii) Salt cedar (*Tamarix* species).

2 “(ix) Silk tree (*Albizia julibrissin*).

3 “(x) Strawberry guava (*Psidium*
4 *cattleianum*).

5 “(xi) Tree-of-heaven (*Ailanthus altissima*).

6 “(xii) Velvet tree (*Miconia calvescens*).

7 “(xiii) White poplar (*Populus alba*).

8 “(4) Non-native invasive tree species are exempt from
9 the restrictions and limitations on even-age management
10 and even-age logging and are not to be included in the
11 calculations of basal area in this section.

12 “(5)(A)(i) The purpose of this paragraph is to foster
13 the widest possible enforcement of subsection (c)(8) and
14 this subsection.

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

18 “(B) The provisions of subsection (c)(8) and this sub-
19 section shall be enforced by the Secretary of the Interior
20 and the Attorney General of the United States against any
21 person who violates either of them.

22 “(C)(i) Any citizen harmed by a violation of this Act
23 may enforce any provision of subsection (c)(8) and this
24 subsection by bringing an action for declaratory judgment,
25 temporary restraining order, injunction, statutory dam-

1 ages, and other remedies against any alleged violator in-
2 cluding the United States, in any district court of the
3 United States.

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

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

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

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

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

1 all actions under subsection (c)(8) and this subsection. No
2 notice is required to enforce this subsection.”.

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

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

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

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

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

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

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

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

20 “(B) The terms ‘conserve’ and ‘conservation’
21 refer to protective measures for maintaining existing
22 native biodiversity and active and passive measures
23 for restoring diversity through management efforts,
24 in order to protect, restore, and enhance as much of
25 the variety of species and communities as possible in

1 abundances and distributions that provide for their
2 continued existence and normal functioning, includ-
3 ing the viability of populations throughout their nat-
4 ural geographic distributions.

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

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

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

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

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

24 “(I) the maintenance of continuous high
25 forest cover where such cover naturally occurs;

1 “(II) the maintenance or natural regenera-
2 tion of all native species in a stand; and

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

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

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

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

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

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

21 “(II) create a stand where the majority of
22 trees are within 10 years of the same age; or

23 “(III) cut or remove more than 20 percent
24 of the basal area of a stand within 30 years.

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

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

11 “(I) EVEN-AGE LOGGING AND EVEN-AGE MAN-
12 AGEMENT.—(i) The terms ‘even-age logging’ and
13 ‘even-age management’ mean any logging activity
14 which—

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

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

21 “(III) cuts or removes more than 20 per-
22 cent of the basal area of a stand within 30
23 years.

24 “(ii) Even-age logging and even-age manage-
25 ment include the application of clearcutting, seed-

1 tree cutting, shelterwood cutting, or any other log-
2 ging method in a manner inconsistent with selection
3 management.

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

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

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

15 “(M) the term ‘timber purposes’ includes the
16 use, sale, lease, or distribution of trees, or the felling
17 of trees or portions of trees.

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

21 “(O) The term ‘non-native invasive tree species’
22 means any tree species not native to North America,
23 including the following trees:

24 “(i) Australian pine (Casuarina
25 equisetifolia).

1 “(ii) Brazilian pepper (Schinus
2 terebinthifolius).

3 “(iii) Common buckthorn (Rhamnus
4 cathartica).

5 “(iv) Glossy buckthorn (Rhamnus
6 frangula).

7 “(v) Melaleuca (Melaleuca quinquenervia).

8 “(vi) Norway maple (Acer platanoides).

9 “(vii) Princess tree (Paulownia tomentosa).

10 “(viii) Salt cedar (Tamarix species).

11 “(ix) Silk tree (Albizia julibrissin).

12 “(x) Strawberry guava (Psidium
13 cattleianum).

14 “(xi) Tree-of-heaven (Ailanthus altissima).

15 “(xii) Velvet tree (Miconia calvescens).

16 “(xiii) White poplar (Populus alba).

17 “(4) Non-native invasive tree species are exempt from
18 the restrictions and limitations on even-age management
19 and even-age logging and are not to be included in the
20 calculations of basal area in this section.

21 “(5)(A)(i) The purpose of this paragraph is to foster
22 the widest possible enforcement of subsection (j) and this
23 subsection.

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

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

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

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

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

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

1 “(E) The damage award shall be paid from the U.S.
2 Treasury, as provided by Congress under section 1304 of
3 title 31, United States Code, within 40 days after judg-
4 ment to the person or persons designated to receive it,
5 to be applied in protecting or restoring native biodiversity
6 in or adjoining Federal land. Any award of costs of litiga-
7 tion and any award of attorney fees shall be paid within
8 40 days after judgment.

9 “(F) The United States, including its agents and em-
10 ployees waives its sovereign immunity in all respects in
11 all actions under subsection (j) and this subsection. No
12 notice is required to enforce this subsection.”.

13 **SEC. 104. AMENDMENT OF TITLE 10, UNITED STATES CODE,**
14 **RELATING TO FOREST MANAGEMENT ON**
15 **MILITARY LANDS.**

16 (a) IN GENERAL.—Chapter 159 of title 10, United
17 States Code, is amended by adding at the end the fol-
18 lowing new section:

19 **“§ 2697. Conservation of native biodiversity**

20 “(a) CONSERVATION OF NATIVE BIODIVERSITY.—In
21 each stand and each watershed throughout each forested
22 area on a military installation, including a project admin-
23 istered by the Army Corps of Engineers, the Secretary of
24 Defense shall provide for the conservation or restoration
25 of native biodiversity, except during authorized construc-

1 tion projects in which events the Secretary shall conserve
2 native biodiversity to the extent possible.

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

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

13 “(3) In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 “(II) create a stand where the majority of
9 trees are within 10 years of the same age; or

10 “(III) cut or remove more than 20 percent
11 of the basal area of a stand within 30 years.

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

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

22 “(I) EVEN-AGE LOGGING AND EVEN-AGE MAN-
23 AGEMENT.—(i) The terms ‘even-age logging’ and
24 ‘even-age management’ mean any logging activity
25 which—

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

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

7 “(III) cuts or removes more than 20 per-
8 cent of the basal area of a stand within 30
9 years.

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

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

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

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

1 “(M) The term ‘timber purposes’ includes the
2 use, sale, lease, or distribution of trees, or the felling
3 of trees or portions of trees.

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

7 “(O) The term ‘non-native invasive tree species’
8 means any tree species not native to North America,
9 including the following trees:

10 “(i) Australian pine (Casuarina
11 equisetifolia).

12 “(ii) Brazilian pepper (Schinus
13 terebinthifolius).

14 “(iii) Common buckthorn (Rhamnus
15 cathartica).

16 “(iv) Glossy buckthorn (Rhamnus
17 frangula).

18 “(v) Melaleuca (Melaleuca quinquenervia).

19 “(vi) Norway maple (Acer platanoides).

20 “(vii) Princess tree (Paulownia tomentosa).

21 “(viii) Salt cedar (Tamarix species).

22 “(ix) Silk tree (Albizia julibrissin).

23 “(x) Strawberry guava (Psidium
24 cattleianum).

25 “(xi) Tree-of-heaven (Ailanthus altissima).

1 “(xii) Velvet tree (*Miconia calvescens*).

2 “(xiii) White poplar (*Populus alba*).

3 “(4) Non-native invasive tree species are exempt from
4 the restrictions and limitations on even-age management
5 and even-age logging and are not to be included in the
6 calculations of basal area in this section.

7 “(5)(A)(i) The purpose of this paragraph is to foster
8 the widest possible enforcement of this section.

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

12 “(B) The provisions of this section shall be enforced
13 by the Secretary of Defense and the Attorney General of
14 the United States against any person who violates this sec-
15 tion.

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

22 “(ii) The court, after determining a violation of this
23 section, shall impose a damage award of not less than
24 \$5,000, shall issue one or more injunctions and other equi-
25 table relief, and shall award to the plaintiffs reasonable

1 costs of the litigation, including attorney’s fees, witness
2 fees, and other necessary expenses.

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

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

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

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

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of chapter 159 of title 10, United States
23 Code, is amended by adding at the end the following new
24 item:

“2697. Conservation of native biodiversity.”.

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

6 **SEC. 201. DEFINITIONS AND FINDINGS.**

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

8 (1) EXTRACTIVE LOGGING.—The term “extrac-
9 tive logging” means the felling or removal of any
10 trees from Federal forest lands for any purpose.

11 (2) ANCIENT FORESTS.—The term “Ancient
12 Forests” refers to “Northwest Ancient Forests”,
13 “East Side Cascade Ancient Forests”, and “Sierra
14 Nevada Ancient Forests” as defined below:

15 (A) The term “Northwest Ancient For-
16 ests” refers to—

17 (i) Federal lands identified as Late-
18 Successional Reserves, Riparian Reserves,
19 and Key Watersheds under the heading
20 “Alternative 1” of the report “Final Sup-
21 plemental Environmental Impact State-
22 ment on Management of Habitat for Late-
23 Successional and Old-Growth Forest Re-
24 lated Species Within the Range of the

1 Northern Spotted Owl, Vol. I.”, dated Feb-
2 ruary 1994; and

3 (ii) Federal lands identified by the
4 term “Medium and Large Conifer Multi-
5 Storied, Canopied Forests” as defined in
6 “Final Supplemental Environmental Im-
7 pact Statement on Management of Habitat
8 for Late-Successional and Old-Growth Re-
9 lated Species Within the Range of the
10 Northern Spotted Owl, Vol. I.”, dated Feb-
11 ruary 1994.

12 (B) The term “Eastside Cascade Ancient
13 Forests” refers to—

14 (i) Federal lands identified as “Late-
15 Succession/Old-growth Forest (LS/OG)”
16 depicted on maps for the Colville, Fre-
17 mont, Malheur, Ochoco, Umatilla,
18 Wallowa-Whitman and Winema National
19 Forests in the document entitled “Interim
20 Protection for Late-Successional Forests,
21 Fisheries, and Watersheds: National For-
22 ests East of the Cascade Crest, Oregon,
23 and Washington”, prepared by the
24 Eastside Forests Scientific Society Panel

1 (The Wildlife Society, Technical Review
2 94–2, August 1994);

3 (ii) Federal lands, east of the Cascade
4 crest in Oregon and Washington defined as
5 “late successional and old-growth forests”
6 in the general definition on page 28 of the
7 report entitled” Interim Protection for
8 Late-Successional Forests, Fisheries, and
9 Watersheds: National Forests East of the
10 Cascade Crest, Oregon, and Washington”;
11 and

12 (iii) Federal lands classified as “Or-
13 egon Aquatic Diversity Areas” as defined
14 in the report entitled Interim Protection
15 for Late-Successional Forests, Fisheries,
16 and Watersheds: National Forests East of
17 the Cascade Crest, Oregon, and Wash-
18 ington”.

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

21 (i) Federal lands identified as “Areas
22 of Late-Successional Emphasis (ALSE)”
23 in the document entitled “Final Report to
24 Congress: Status of the Sierra Nevada”,
25 prepared by the Sierra Nevada Ecosystem

1 Project (Wildland Resources Center Report
2 #40, University of California, Davis, 1996/
3 97);

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

9 (iii) Federal lands identified as “Po-
10 tential Aquatic Diversity Management
11 Areas” in the map on page 1497 of the
12 document entitled “Final Report to Con-
13 gress: Status of the Sierra Nevada, Volume
14 II”.

15 (3) IMPROVED ROADS.—The term “improved
16 roads” means any roads maintained for travel by
17 standard passenger type vehicles.

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

22 (A) are greater than or equal to 1,000
23 acres west of the 100th meridian; or

24 (B) are greater than or equal to 1,000
25 acres east of the 100th meridian, but possibly

1 containing up to ½ mile of improved roads per
2 1,000 acres; or

3 (C) are less than 1,000 acres, but share a
4 border that is not an improved road with an ex-
5 isting Wilderness Area, Primitive Area, or Wil-
6 derness Study Area.

7 (5) WATERSHED PROTECTION AREAS.—The
8 term “Watershed Protection Areas” refers to Fed-
9 eral lands—

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

13 (B) extending 100 feet from both sides of
14 the active channel of any intermittent, ephem-
15 eral or seasonal stream, or any other nonperma-
16 nently flowing drainage feature having a defin-
17 able channel and evidence of annual scour or
18 deposition of flow-related debris;

19 (C) extending 300 feet from the edge of
20 the maximum level of any natural lake or pond;
21 or

22 (D) extending 150 feet from the edge of
23 the maximum level of constructed lakes, ponds,
24 or reservoirs and natural or constructed wet-
25 lands.

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

4 (7) SECRETARY CONCERNED.—The term “Sec-
5 retary concerned” means the head of the Federal
6 agency having jurisdiction over Federal lands in-
7 cluded within an Ancient Forest, Roadless Area,
8 Watershed Protection Area, or Special Area.

9 (8) NON-NATIVE INVASIVE TREE SPECIES.—
10 The term “non-native invasive tree species” means
11 any tree species not native to North America, includ-
12 ing the following trees:

13 (A) Australian pine (Casuarina
14 equisetifolia).

15 (B) Brazilian pepper (Schinus
16 terebinthifolius).

17 (C) Common buckthorn (Rhamnus
18 cathartica).

19 (D) Glossy buckthorn (Rhamnus frangula).

20 (E) Melaleuca (Melaleuca quinquenervia).

21 (F) Norway maple (Acer platanoides).

22 (G) Princess tree (Paulownia tomentosa).

23 (H) Salt cedar (Tamarix species).

24 (I) Silk tree (Albizia julibrissin).

1 (J) Strawberry guava (Psidium
2 cattleianum).

3 (K) Tree-of-heaven (Ailanthus altissima).

4 (L) Velvet tree (Miconia calvescens).

5 (M) White poplar (Populus alba).

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

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

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

14 (3) Large, unfragmented forest watersheds pro-
15 vide high-quality water supplies for drinking, agri-
16 culture, industry, and fisheries across the United
17 States.

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

21 (5) Many neotropical migratory songbird spe-
22 cies are currently experiencing documented broad-
23 scale population declines and require large,
24 unfragmented forests to ensure their survival.

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

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

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

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

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

24 (11) Prohibiting extractive logging in the An-
25 cient Forests would create the best conditions for

1 ensuring stable, well distributed, and viable popu-
2 lations of anadromous salmonids, resident
3 salmonids; and bull trout.

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

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

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

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

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

24 (17) In order to gauge the effectiveness and ap-
25 propriateness of current and future resource man-

1 agement activities, and to continue to broaden and
2 develop our understanding of silvicultural practices,
3 many special forested areas need to remain in a nat-
4 ural, unmanaged state to serve as scientifically es-
5 tablished baseline control forests.

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

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

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

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

19 (a) DESCRIPTION OF SPECIAL AREAS.—

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

1 (2) BIOLOGICAL VALUES.—Biological values
2 include—

3 (A) the presence of threatened or endan-
4 gered species of plants or animals;

5 (B) rare or endangered ecosystems;

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

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

10 (E) migration corridors;

11 (F) areas of outstanding biodiversity;

12 (G) old growth forests;

13 (H) commercial fisheries; and

14 (I) sources of clean water such as key wa-
15 tersheds.

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

17 (A) unusual geological formations;

18 (B) designated wild and scenic rivers;

19 (C) unique biota; and

20 (D) vistas.

21 (4) RECREATIONAL VALUES.—Recreational val-
22 ues include—

23 (A) designated National Recreational
24 Trails or Recreational Areas;

1 (B) popular areas for recreation and sports

2 including—

3 (i) hunting;

4 (ii) fishing;

5 (iii) camping;

6 (iv) hiking;

7 (v) aquatic recreation; and

8 (vi) winter recreation;

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

11 (D) lands adjacent to designated Wilder-
12 ness Areas; and

13 (E) solitude.

14 (5) CULTURAL VALUES.—Cultural values
15 include—

16 (A) sites with Native American religious
17 significance; and

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

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

23 (c) DESIGNATION OF SPECIAL AREAS.—For purposes
24 of this title, there are hereby designated the following Spe-

1 cial Areas, which shall be subject to the management re-
2 strictions specified in section 203(c):

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

10 (2) ALASKA.—

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

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

1 Coffman Cove, generally known as the “Honker
2 Divide”.

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

10 (4) ARKANSAS.—

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

21 (B) LEADER AND BRUSH MOUNTAINS.—
22 Certain lands in the Ouachita National Forest
23 of Montgomery and Polk Counties, Arkansas,
24 known as “Leader and Brush Mountains”,
25 which comprise approximately 120,000 acres lo-

1 cated in the vicinity of the Blaylock Creek Wa-
2 tershed between Long Creek and the South
3 Fork of the Saline River.

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

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

20 (E) UPPER BUFFALO RIVER WATER-
21 SHED.—Certain lands in the Ozark National
22 Forest, Buffalo Ranger District, totaling ap-
23 proximately 220,000 acres known as the
24 “Upper Buffalo River Watershed”. This area is
25 located approximately 35 miles from the town

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

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

24 (6) COLORADO: COCHETOPA HILLS.—Certain
25 lands in the Gunnison Basin area administered by

1 the Gunnison, Grand Mesa, Uncompahgre, and Rio
2 Grand National Forests, comprising approximately
3 500,000 acres, known as the “Cochetopa Hills”.
4 This area spans the continental divide south and
5 east of Gunnison in Saguache County, Colorado and
6 includes the Elk and West Elk Mountains, Grand
7 Mesa, the Uncompahgre Plateau, the northern San
8 Juan Mountains, the La Garitas Mountains and the
9 Cochetopa Hills.

10 (7) GEORGIA.—

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

22 (B) BLUE RIDGE CORRIDOR CLUSTER,
23 GEORGIA AREAS.—Certain lands in the Chat-
24 tahoochee National Forest, Chestatee Ranger
25 District, totaling approximately 15,000 acres,

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

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

21 (D) COHUTTA CLUSTER.—Certain lands in
22 the Chattahoochee National Forest, Cohutta
23 Ranger District, totaling approximately 28,000
24 acres, known as the “Cohutta Cluster”. The
25 cluster is comprised of four parcels known as

1 Cohutta Extensions, Grassy Mountain, Emery
2 Creek, and Mountaintown. The cluster is lo-
3 cated near the towns of Chatsworth and Ellijay,
4 Murray, Fannin, and Gilmer Counties, Georgia.

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

16 (F) ED JENKINS NATIONAL RECREATION
17 AREA CLUSTER.—Certain lands in the Chat-
18 tahoochee National Forest, Toccoa and
19 Chestatee Ranger Districts, totaling approxi-
20 mately 19,300 acres, known as the “Ed Jenkins
21 National Recreation Area Cluster”. The cluster
22 is comprised of the Springer Mountain, Mill
23 Creek, and Toonowee parcels. The cluster is lo-
24 cated 30 miles north of the town of Dahlonega,

1 Fannin, Dawson, and Lumpkin Counties, Geor-
2 gia.

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

13 (H) NORTHERN BLUE RIDGE CLUSTER,
14 GEORGIA AREAS.—Certain lands in the Chat-
15 tahoochee National Forest, Brasstown and
16 Tallulah Ranger Districts, totaling approxi-
17 mately 46,000 acres, known as the “Northern
18 Blue Ridge Cluster, Georgia Areas”. The clus-
19 ter is comprised of the following eight areas:
20 Andrews Cove, Anna Ruby Falls Scenic Area
21 Extension, High Shoals, Tray Mountain Exten-
22 sion, Kelly Ridge-Moccasin Creek, Buzzard
23 Knob, Southern Nantahala Extension, and Pat-
24 terson Gap. The cluster is located approxi-
25 mately 5 to 15 miles north of Helen, 5 to 15

1 miles southeast of Hiawassee, north of Clayton
2 and west of Dillard, White, Towns and Rabun
3 Counties, Georgia.

4 (I) RICH MOUNTAIN CLUSTER.—Certain
5 lands in the Chattahoochee National Forest,
6 Toccoa Ranger District, totaling approximately
7 9,500 acres known as the “Rich Mountain
8 Cluster”. The cluster is comprised of the par-
9 cels known as Rich Mountain Extension and
10 Rocky Mountain. The cluster is located 10 to
11 15 miles northeast of the town of Ellijay,
12 Gilmer and Fannin Counties, Georgia.

13 (J) WILDERNESS HEARTLANDS CLUSTER,
14 GEORGIA AREAS.—Certain lands in the Chat-
15 tahoochee National Forest, Chestatee,
16 Brasstown and Chattooga Ranger Districts,
17 comprising approximately 16,500 acres, known
18 as the “Wilderness Heartlands Cluster, Georgia
19 Areas”. The cluster is comprised of four parcels
20 known as the following: Blood Mountain Exten-
21 sions, Raven Cliffs Extensions, Mark Trail Ex-
22 tensions, and Brasstown Extensions. The clus-
23 ter is located near the towns of Dahlonega,
24 Cleveland, Helen, and Blairsville, Lumpkin,
25 Union, White, and Towns Counties, Georgia.

1 (8) IDAHO.—

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

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

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

20 (9) ILLINOIS.—

21 (A) CRIPPS BEND.—Certain lands in the
22 Shawnee National Forest in Illinois, which com-
23 prise approximately 39 acres in Jackson County
24 in the Big Muddy River watershed, in the area
25 generally known as “Cripps Bend”.

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

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

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

19 (11) MINNESOTA.—

20 (A) TROUT LAKE AND SUOMI HILLS.—Cer-
21 tain lands in the Chippewa National Forest,
22 comprising approximately 12,000 acres, known
23 as “Trout Lake/Suomi Hills” in Itasca County,
24 Minnesota.

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

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

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

21 (14) NEW MEXICO.—

22 (A) ANGOSTURA.—Certain lands in the
23 east half of the Carson National Forest in New
24 Mexico, Camino Real Ranger District, totaling
25 approximately 10,000 acres located in Town-

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

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

21 (C) ELK MOUNTAIN.—Certain lands in the
22 Santa Fe National Forest, New Mexico, com-
23 prising approximately 7,220 acres, known as
24 “Elk Mountain” and located in Townships 17
25 and 18 and Ranges 12 and 13. The area is

1 bounded on the north by the Pecos Wilderness,
2 the Cow Creek Watershed forms the eastern
3 boundary and the Cow Creek itself, forms the
4 western boundary. The southern boundary is
5 formed by Rito de la Osha.

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

12 (15) NORTH CAROLINA.—

13 (A) CENTRAL NANTAHALA CLUSTER,
14 NORTH CAROLINA AREAS.—Certain lands in the
15 Nantahala National Forest, Tusquitee, Cheoah,
16 and Wayah Ranger Districts, totaling approxi-
17 mately 107,000 acres, known as the “Central
18 Nantahala Cluster, North Carolina Areas”. The
19 cluster is comprised of the following nine par-
20 cels: Tusquitee Bald, Shooting Creek Bald,
21 Cheoah Bald, Piercy Bald, Wesser Bald, Tellico
22 Bald, Split White Oak, Siler Bald, and South-
23 ern Nantahala Extensions. The cluster is lo-
24 cated near the town of Murphy, Franklin,
25 Bryson City, Andrews, and Beechertown, Cher-

1 okee, Macon, Clay and Swain Counties, North
2 Carolina.

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

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

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

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

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

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

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

20 (I) PISGAH CLUSTER, NORTH CAROLINA
21 AREAS.—Certain lands in the Pisgah National
22 Forest, Pisgah Ranger District, totaling ap-
23 proximately 52,000 acres, known as the “Pis-
24 gah Cluster, North Carolina Areas”. The clus-
25 ter is comprised of the following 5 parcels:

1 Shining Rock and Middle Prong Extensions,
2 Daniel Ridge, Cedar Rock Mountain, South
3 Mills River, and Laurel Mountain. The cluster
4 is located 5 to 12 miles north of the town of
5 Brevard and southwest of the city of Asheville,
6 Haywood, Transylvania, and Henderson Coun-
7 ties, North Carolina.

8 (J) WILDCAT.—Certain lands in the Pis-
9 gah National Forest, French Broad Ranger
10 District, totaling approximately 6,500 acres,
11 known as “Wildcat”, located 20 miles northwest
12 of the town of Canton, Haywood County, North
13 Carolina.

14 (16) OHIO.—

15 (A) ARCHERS FORK COMPLEX.—Certain
16 lands in the Marietta Unit of the Athens Rang-
17 er District, in the Wayne National Forest,
18 Washington County, Ohio, known as “Archers
19 Fork Complex”, comprising approximately
20 18,350 acres, located northeast of Newport and
21 bounded by State Highway 26 to the northwest,
22 State Highway 260 to the northeast, the Ohio
23 River to the southeast and Bear Run and
24 Danas Creek to the southwest.

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

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

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

24 (E) MORGAN SISTERS.—Certain lands in
25 the Ironton Ranger District of the Wayne Na-

1 tional Forest, Lawrence County, Ohio, known
2 as “Morgan Sisters”, comprising approximately
3 2,500 acres, located one mile east of Gallia and
4 bounded by State Highway 233 in Township 6
5 North, Range 17 West, sections 13, 14, 23, 24
6 and Township 5 North, Range 16 West, sec-
7 tions 18, 19.

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

17 (G) WILDCAT HOLLOW.—Certain lands in
18 the Athens Ranger District of the Wayne Na-
19 tional Forest, Perry and Morgan Counties,
20 Ohio, known as “Wildcat Hollow,” comprising
21 approximately 4,500 acres, located one mile
22 east of Corning in Township 12 North, Range
23 14 West, sections 1, 2, 11–14, 23, 24 and
24 Township 8 North, Range 13 West, sections 7,
25 18, 19.

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

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

17 (19) SOUTH CAROLINA.—

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

1 (B) BRASSTOWN CREEK, SOUTH CAROLINA
2 AREA.—Certain lands in the Sumter National
3 Forest, Andrew Pickens Ranger District,
4 Oconee County, South Carolina, comprising ap-
5 proximately 3,500 acres known as “Brasstown
6 Creek, South Carolina Area”. This area is lo-
7 cated approximately 15 miles west of West-
8 minster, South Carolina.

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

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

22 (E) ELLICOTT ROCK EXTENSION, SOUTH
23 CAROLINA AREA.—Certain lands in the Sumter
24 National Forest, Andrew Pickens Ranger Dis-
25 trict, Oconee County, South Carolina, com-

1 prising approximately 2,000 acres known as
2 “Ellicott Rock Extension, South Carolina
3 Area”. This area is located approximately 10
4 miles south of Cashiers, North Carolina.

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

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

20 (H) ROCK GORGE, SOUTH CAROLINA
21 AREA.—Certain lands in the Sumter National
22 Forest, Andrew Pickens Ranger District,
23 Oconee County, South Carolina, comprising ap-
24 proximately 2,000 acres known as “Rock
25 Gorge, South Carolina Area”. This area is lo-

1 cated 12 miles southeast of Highlands, North
2 Carolina.

3 (I) TAMASSEE.—Certain lands in the Sum-
4 ter National Forest, Andrew Pickens Ranger
5 District, Oconee County, South Carolina, com-
6 prising approximately 5,500 acres known as
7 “Tamassee”. This area is located approximately
8 10 miles north of Walhalla, South Carolina.

9 (J) THRIFT’S FERRY, SOUTH CAROLINA
10 AREA.—Certain lands in the Sumter National
11 Forest, Andrew Pickens Ranger District,
12 Oconee County, South Carolina, comprising ap-
13 proximately 5,000 acres known as “Thrift’s
14 Ferry, South Carolina Area”. This area is lo-
15 cated 10 miles east of Clayton, Georgia.

16 (20) SOUTH DAKOTA.—

17 (A) BLACK FOX AREA.—Certain lands in
18 the Black Hills National Forest of South Da-
19 kota, totaling approximately 12,400 acres, lo-
20 cated in the upper reaches of the Rapid Creek
21 watershed known as the “Black Fox Area”.
22 The area is roughly bounded by FDR 206 in
23 the north, the steep slopes north of Forest
24 Road 231 form the southern boundary and a

1 fork of Rapid Creek forms the western bound-
2 ary.

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

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

1 ridor of private land along FDR 345 is ex-
2 cluded.

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

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

19 (21) TENNESSEE.—

20 (A) BALD MOUNTAINS CLUSTER, TEN-
21 NESSEE AREAS.—Certain lands in the
22 Nolichucky and Unaka Ranger Districts of the
23 Cherokee National Forest, Cocke, Green, Wash-
24 ington and Unicoi Counties, Tennessee, com-
25 prising approximately 46,133 acres known as

1 the “Bald Mountains Cluster, Tennessee
2 Areas”. This Cluster is comprised of the fol-
3 lowing parcels known as: Laurel Hollow Moun-
4 tain, Devil’s Backbone, Laurel Mountain, Wal-
5 nut Mountain, Wolf Creek, Meadow Creek
6 Mountain, Brush Creek Mountain, Paint Creek,
7 Bald Mountain and Sampson Mountain Exten-
8 sion. These parcels are located near the towns
9 of Newport, Hot Springs, Greeneville and
10 Erwin, Tennessee.

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

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

1 prising approximately 14,256 acres known as
2 the “Citico Creek Watershed Cluster, Tennessee
3 Areas”. This Cluster is comprised of the fol-
4 lowing parcels known as: Flats Mountain, Mil-
5 ler Ridge, Cowcamp Ridge and Joyce Kilmer-
6 Slickrock Extension. These parcels are located
7 near the town of Tellico Plains, Tennessee.

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

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

1 the following parcels known as: Bald River
2 Gorge Extension, Upper Bald River, Sycamore
3 Creek and Brushy Ridge. These parcels are lo-
4 cated near the town of Tellico Plains, Ten-
5 nessee.

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

18 (G) SOUTHERN UNICOI MOUNTAINS CLUS-
19 TER.—Certain lands in the Hiwassee Ranger
20 District of the Cherokee National Forest, Polk,
21 Monroe and McMinn Counties, Tennessee, com-
22 prising approximately 11,251 acres known as
23 the “Southern Unicoi Mountains Cluster”. This
24 Cluster is comprised of the following parcels
25 known as: Gee Creek Extension, Coker Creek

1 and Buck Bald. These parcels are located near
2 the towns Etowah, Benton and Turtletown,
3 Tennessee.

4 (H) UNAKA MOUNTAINS CLUSTER, TEN-
5 NESSEE AREAS.—Certain lands in the Cherokee
6 National Forest, Unaka Ranger District, total-
7 ing approximately 15,669 acres known as the
8 “Unaka Mountains Cluster, Tennessee Areas”.
9 The cluster is comprised of the Nolichucky,
10 Unaka Mountain Extension and Stone Moun-
11 tain parcels. The cluster is located approxi-
12 mately eight miles from Erwin, Unicoi and
13 Carter Counties, Tennessee.

14 (22) TEXAS.—

15 (A) ATTOYAC RIVER AREA.—Certain lands
16 in the Angelina National Forest known as the
17 “Attoyac River Area”, totaling approximately
18 3,500 acres, within forest compartments 104,
19 105, and 106, situated along both sides of the
20 Attoyac River, north of the Sam Rayburn Res-
21 ervoir and east of Etoile in Nacogdoches Coun-
22 ty, Texas.

23 (B) AYISH BAYOU AREA.—Certain lands in
24 the Angelina National Forest known as the
25 “Ayish Bayou Area”, totaling approximately

1 1,200 acres, within forest compartments 20,
2 101, 102 and 103, adjacent to the Ayish Bayou
3 River and east of the Turkey Hill Wilderness in
4 St. Augustine County, Texas.

5 (C) BEAR CREEK AREA.—Certain lands in
6 the Sabine National Forest known as the “Bear
7 Creek Area”, totaling 665 acres, within forest
8 compartment 88, situated along Pomponaugh
9 Creek near Pineland in Sabine County, Texas.

10 (D) BEECH RAVINE.—Certain lands in the
11 Sabine National Forest known as the “Beech
12 Ravines”, totaling approximately 1,020 acres,
13 within forest compartments 61 and 63, situated
14 along the shores of Toledo Bend Reservoir ap-
15 proximately 15 miles east of San Augustine in
16 San Augustine County, Texas.

17 (E) LONGLEAF RIDGE.—Certain lands in
18 the Angelina National Forest, Jasper and
19 Angelina Counties, Texas, comprising approxi-
20 mately 30,000 acres bounded on the west by
21 Upland Island Wilderness Area, on the south by
22 the Neches River, and on the northeast by Sam
23 Rayburn Reservoir, generally known as
24 “Longleaf Ridge”.

1 (F) UPPER ANGELINA RIVER AREA.—Cer-
2 tain lands in the Angelina National Forest
3 known as the “Upper Angelina River Area”, to-
4 taling approximately 6,110 acres, within forest
5 compartments 107, 108, 109, and 110, situated
6 above both sides of the Angelina River just east
7 of US Route 59, approximately 10 miles north
8 of Lufkin in Angelina County, Texas.

9 (23) VERMONT.—

10 (A) GLASTENBURY AREA.—Certain lands
11 in the Green Mountain National Forest in
12 Vermont, which comprise approximately 35,000
13 acres, located 3 miles northeast of Bennington,
14 bounded by Kelly Stand Road to the North,
15 Forest Road 71 to the east, Route 9 to the
16 south and Route 7 to the west, generally known
17 as the “Glastenbury Area”.

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

1 (C) ROBERT FROST MOUNTAIN AREA.—
2 Certain lands in the Green Mountain National
3 Forest, Vermont, comprising approximately
4 8,500 acres, known as “Robert Frost Mountain
5 Area”, northeast of Middlebury, consisting of
6 the Forest Service lands bounded on the west
7 by Route 116, on the north by Bristol Notch
8 Road, on the east by Lincoln/Ripton Road and
9 on the south by Route 125.

10 (24) VIRGINIA.—

11 (A) BEAR CREEK.—Certain lands known
12 as “Bear Creek”, in the Jefferson National
13 Forest, Wythe Ranger District, north of Rural
14 Retreat, Smyth and Wythe Counties, Virginia.

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

21 (C) DISMAL CREEK.—Certain lands known
22 as “Dismal Creek” totaling approximately
23 6,000 acres in the Jefferson National Forest,
24 Blacksburg Ranger District, north of State
25 Route 42, Giles and Bland Counties, Virginia.

1 (D) ERNIE DICKERMAN RESERVE, VIR-
2 GINIA AREA.—Certain lands in the Deerfield
3 and Dry River Ranger Districts of the George
4 Washington National Forest known as the
5 “Ernie Dickerman Reserve, Virginia Area”, to-
6 taling approximately 60,000 acres. The reserve
7 is bounded by State Route 924, U.S. Route
8 250, FDR 96, FDR 101, and the portion of
9 FDR 95 which connects FDR 101 and FDR
10 96, in Augusta, Highland, and Rockingham
11 Counties, Virginia.

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

19 (F) STONE COAL CREEK.—Certain lands
20 known as “Stone Coal Creek”, totaling approxi-
21 mately 2,000 acres in the Jefferson National
22 Forest, New Castle Ranger District, Craig and
23 Botetourt Counties, Virginia.

24 (G) WHITE OAK RIDGE: TERRAPIN MOUN-
25 TAIN.—Certain lands known as “White Oak

1 Ridge—Terrapin Mountain”, totaling approxi-
2 mately 8,000 acres, Glenwood Ranger District
3 of the Jefferson National Forest, east of the
4 Blue Ridge Parkway, Botetourt and Rockbridge
5 Counties, Virginia.

6 (H) WHITETOP MOUNTAIN.—Certain lands
7 in the Jefferson National Forest, Mt. Rodgers
8 Recreation Area, comprising 3,500 acres in
9 Washington, Smyth and Grayson Counties, Vir-
10 ginia, known as “Whitetop Mountain”.

11 (I) WILSON MOUNTAIN.—Certain lands
12 known as “Wilson Mountain”, comprising ap-
13 proximately 5,100 acres in the Jefferson Na-
14 tional Forest, Glenwood Ranger District, east
15 of Interstate 81, Botetourt and Rockbridge
16 Counties, Virginia.

17 (25) WEST VIRGINIA: ERNIE DICKERMAN RE-
18 SERVE, WEST VIRGINIA AREA.—Certain lands in the
19 Dry River Ranger District of the George Wash-
20 ington National Forest known as the “Ernie
21 Dickerman Reserve, West Virginia Area”, totaling
22 approximately 8,000 acres. The reserve is bounded
23 by State Route 25, State Route 32, and the George
24 Washington National Forest boundary, in Pendleton
25 County, West Virginia.

1 (26) WISCONSIN.—

2 (A) FLYNN LAKE.—Certain lands in the
3 Chequamegon National Forest, Washburn
4 Ranger District, totaling approximately 5,700
5 acres within the Flynn Lake Semi-primitive
6 Non-motorized Area, known as “Flynn Lake”.
7 The site is located in Bayfield County, Wis-
8 consin.

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

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

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

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

1 (F) PENOKEE MOUNTAIN CLUSTER.—Cer-
2 tain lands in the Chequamegon National For-
3 rest, Great Divide Ranger District, totaling ap-
4 proximately 23,000 acres, known as “Penokee
5 Mountain Cluster”, and including parcels
6 known as or near St. Peters Dome, Brunswelier
7 River Gorge, Lake Three, Marengo River and
8 Brunswelier River Semi-primitive Non-motor-
9 ized Areas, Hell Hole Creek, and the North
10 Country Trail Hardwoods. The Cluster is lo-
11 cated in Ashland and Bayfield Counties, Wis-
12 consin.

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

1 (H) DIAMOND ROOF CLUSTER.—Certain
2 lands in the Nicolet National Forest, Lake-
3 wood-Laona Ranger District, totaling approxi-
4 mately 6,000 acres, known as “Diamond Roof
5 Cluster”, including parcels known as McCaslin
6 Creek, Ada Lake, Section 10 Lake, and Dia-
7 mond Roof. The Cluster is located in Forest,
8 Langlade and Oconto Counties, Wisconsin.

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

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

1 (K) FRANKLIN AND BUTTERNUT LAKES
2 CLUSTER.—Certain lands in the Nicolet Na-
3 tional Forest, Eagle River-Florence Ranger
4 District, totaling approximately 12,000 acres,
5 known as “Franklin and Butternut Lakes Clus-
6 ter”, and including parcels known as Bose Lake
7 Hemlocks, Luna White Deer, Echo Lake,
8 Franklin and Butternut Lakes, Wolf Lake,
9 Upper Ninemile, Meadow, and Bailey Creeks.
10 The Cluster is located in Forest and Oneida
11 Counties, Wisconsin.

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

18 (27) WYOMING: SAND CREEK AREA.—Certain
19 lands in the Black Hills National Forest, totaling
20 approximately 8,300 acres known as the “Sand
21 Creek area”, located in Crook County, Wyoming.
22 This area is situated in the far northwest corner of
23 the Black Hills. Beginning in the northwest corner
24 and proceeding counterclockwise, the boundary for
25 the Sand Creek Area roughly follows forest Roads

1 863, 866, 866.1B, a line linking 866.1B to 802.1B,
2 802.1B, 802.1, an unnamed road, Spotted Tail
3 Creek (excluding all private lands), 8219.1, a line
4 connecting 829.1 with 864, 852.1 and a line con-
5 necting 852.1 with 863.

6 (d) COMMITTEE OF SCIENTISTS.—

7 (1) ESTABLISHMENT.—The Secretaries con-
8 cerned shall appoint a committee consisting of sci-
9 entists who—

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

12 (B) are not officers or employees of any
13 entity engaged in whole or in part in the pro-
14 duction of wood or wood products; and

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

18 (2) RECOMMENDATIONS FOR ADDITIONAL SPE-
19 CIAL AREAS.—Within 2 years of the date of the en-
20 actment of this Act, the committee shall provide
21 Congress with recommendations for additional Spe-
22 cial Areas.

23 (3) CANDIDATE AREAS.—Candidate areas for
24 recommendation as additional Special Area shall
25 have outstanding biological values that are exem-

1 plary on a local, regional, or national level. Biologi-
2 cal values include—

3 (A) the presence of threatened or endan-
4 gered species of plants or animals;

5 (B) rare or endangered ecosystems;

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

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

10 (E) migration corridors;

11 (F) areas of outstanding biodiversity;

12 (G) old growth forests;

13 (H) commercial fisheries; and

14 (I) sources of clean water such as key wa-
15 tersheds.

16 (4) GOVERNING PRINCIPLE.—The committee
17 shall adhere to the principles of conservation biology
18 in identifying Special Areas based on biological val-
19 ues.

1 **SEC. 203. RESTRICTIONS ON MANAGEMENT ACTIVITIES IN**
2 **ANCIENT FORESTS, ROADLESS AREAS, WA-**
3 **TERSHERD PROTECTION AREAS, AND SPECIAL**
4 **AREAS.**

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

8 (1) No roads shall be constructed or recon-
9 structed.

10 (2) No extractive logging shall be permitted.

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

13 (b) RESTRICTION OF MANAGEMENT ACTIVITIES IN
14 ROADLESS AREAS.—With respect to Roadless Areas on
15 Federal lands except military installations, the following
16 prohibitions shall apply:

17 (1) No roads shall be constructed or recon-
18 structed.

19 (2) No extractive logging shall be permitted.

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

22 (c) RESTRICTION OF MANAGEMENT ACTIVITIES IN
23 WATERSHERD PROTECTION AREAS.—With respect to Wa-
24 tersherd Protection Areas on Federal lands except military
25 installations, the following prohibitions shall apply:

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

3 (2) No extractive logging shall be permitted ex-
4 cept in the case of non-native invasive tree species.

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

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

10 (1) No roads shall be constructed or recon-
11 structed.

12 (2) No extractive logging shall be permitted ex-
13 cept in the case of non-native invasive tree species.

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

16 (e) MAINTENANCE OF EXISTING ROADS.—The re-
17 strictions in this section on the reconstruction of roads on
18 Federal lands in Ancient Forests, Roadless Areas, Water-
19 shed Protection Areas, and Special Areas do not prohibit
20 the maintenance of an improved road, or any road access-
21 ing private inholdings, with the exception that any roads
22 which the Secretary concerned determines to have been
23 abandoned before the enactment of this Act shall not be
24 maintained or reconstructed.

25 (f) ENFORCEMENT.—

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

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

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

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

21 (5) DAMAGE AWARD.—The court, after deter-
22 mining a violation of this section, shall impose a
23 damage award of not less than \$5,000, shall issue
24 one or more injunctions and other equitable relief,
25 and shall award to the plaintiffs reasonable costs of

1 the litigation, including attorney's fees, witness fees,
2 and other necessary expenses. The damage award
3 shall be paid by the violator or violators designated
4 by the court to the United States Treasury. The
5 damage award shall be paid from the United States
6 Treasury, as provided by Congress under section
7 1304 of title 31, United States Code, within 40 days
8 after judgment to the person or persons designated
9 to receive it, to be applied in protecting or restoring
10 native biodiversity in or adjoining Federal land. Any
11 award of costs of litigation and any award of attor-
12 ney fees shall be paid within 40 days after judg-
13 ment.

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

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