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APPROVED  
JAN 3-1975

ACTION

THE WHITE HOUSE  
WASHINGTON

Last Day: January 4

January 2, 1975

POSTED 1/4/75  
TO ARCHIVES  
1/6/75

MEMORANDUM FOR THE PRESIDENT  
FROM: KEN COLE  
SUBJECT: Enrolled Bill S. 3433  
Eastern Wilderness

Attached for your consideration is S. 3433, sponsored by Senator Aiken and 21 others, which designates 16 National Forest wilderness areas as components of the National Wilderness Preservation System. In addition, 17 National Forest areas would be studied as to their suitability or non-suitability for preservation as wilderness, and the President would be required to make his recommendations to Congress within five years. The enrolled bill would authorize appropriations of not to exceed \$5,000,000 for land acquisition and \$1,700,000 for wilderness study purposes.

OMB recommends approval and provides additional background information in its enrolled bill report (Tab A).

Interior, Agriculture, Friedersdorf (Loen) and Areeda all recommend approval.

RECOMMENDATION

That you sign S. 3433 (Tab B).





EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

DEC 31 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3433 - Eastern Wilderness  
Sponsor - Sen. Aiken (R) Vermont and 21 others

Last Day for Action

January 4, 1975 - Saturday

Purpose

Designates certain lands for inclusion in the National Wilderness Preservation System and provides that certain other lands be studied for their wilderness potential.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture	Approval
Department of the Interior	Approval
Department of Commerce	No objection
Department of the Army	No objection
Federal Energy Administration	No position (Informally)
Federal Power Commission	No position (Informally)

Discussion

Under the Wilderness Act, Agriculture and Interior are required to make recommendations to the President for additions to the National Wilderness Preservation System, and the President is required to submit these, along with his own recommendations, to the Congress. To qualify for wilderness designation, an area must generally be undeveloped



Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions.

However, in the eastern United States, Agriculture has been unable to nominate National Forest areas for wilderness designation because the Forest Service does not believe that these areas are sufficiently pristine to qualify as wilderness. Many eastern National Forests have been cut over within the past century and now support new stands of timber. Interior, on the other hand, is not so constrained due to (a) the nature of its eastern parks and refuges, and (b) a different management philosophy with respect to wilderness areas. This has led to a situation where there are very few National Forest wilderness areas east of the 100th meridian (boundary dividing the Texas panhandle from Oklahoma).

In an effort to remedy the above problem and create more balance in the overall Wilderness System, the Nixon Administration proposed legislation in early 1973 to establish less stringent standards for National Forest wilderness areas east of the 100th meridian. The Administration bill would have designated 16 eastern National Forest areas as wilderness and nominated 37 other areas for wilderness study. To be eligible, lands where man and his works have once significantly affected the landscape must have been restored to a point where the imprint of man's work is substantially erased and the area has generally returned to a natural appearance.

S. 3433 would designate 16 National Forest wilderness areas as components of the National Wilderness Preservation System. These areas, which are listed separately in Attachment 1, comprise 207,908 acres located in 13 eastern States. In addition, 17 National Forest areas would be studied as to their suitability or unsuitability for preservation as wilderness, and the President would be required to make his recommendations to Congress within five years. These study areas, which are listed separately in Attachment 2, comprise 125,000 acres located in nine eastern States. Both the designated and study areas would be administered under provisions of the Wilderness Act so as to maintain their primitive, natural character.



The Secretary would be authorized to acquire lands within the 16 designated wilderness areas by donation, purchase, or exchange -- limited condemnation would be allowed. Owners of property could retain a right of use and occupancy for a specified term, although in doing so would waive certain relocation benefits.

The enrolled bill would authorize appropriations of not to exceed \$5,000,000 and \$1,700,000 for land acquisition and wilderness study purposes, respectively.

In its views letter on the enrolled bill, Agriculture notes that:

"...The enactment does not give recognition to eastern National Forest conditions and to the fact that the characteristics of the lands it would designate as wilderness do not conform for the most part to the statutory definition of wilderness. This implied broadening of the definition of wilderness raises questions as to what lands qualify for designation as wilderness and could set the stage for prolonged public conflicts as to whether developed lands should be considered for wilderness designation. The failure of the Congress to adopt our recommended amendment to the Wilderness Act is our principal concern with the enactment. In spite of this concern and other concerns expressed below, we recommend that the President approve the enactment. In many respects, the enactment and our proposal are reasonably similar. The differences are not so extreme as to warrant disapproval in face of the considerable bipartisan support for eastern wilderness legislation.

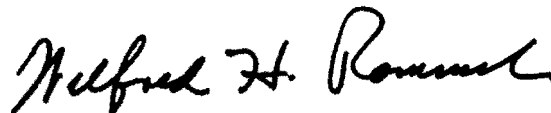
"S. 3433 would immediately designate sixteen areas as wilderness. Twelve of these areas were also proposed (with some boundary differences) for immediate designation in our proposed legislation.... The four additional areas that would be immediately designated as



wilderness by S. 3433 (Upper Buffalo, Bradwell Bay, Joyce Kilmer-Slickrock, and Otter Creek) have not been similarly studied. The designation of areas as wilderness without the benefit of a review and recommendations by this Department and the Administration establishes an undesirable precedent. In this case, the practical effects relating to the specific areas are not likely to be very detrimental. We have, in our proposal, recommended that these four areas be studied for possible future designation.

"S. 3433 would direct the Secretary of Agriculture to review 17 areas within eastern National Forests as to their suitability or nonsuitability for preservation as wilderness. Our proposal would have established 37 such areas. Twelve of the seventeen areas contained in S. 3433 are identical to areas contained in our proposal; two encompass more land than contained in our proposal; and three are not contained in our proposal. Neither the inclusion of the additional lands nor the additional three areas appear to pose any serious resource management or administration problems. We are not overly concerned that other areas which we had proposed for study were not included in S. 3433, since we can recommend designation of these additional study areas at some future time."

We share Agriculture's concern that inclusion within the Wilderness System of lands that do not meet the statutory definition of wilderness could lead to difficulties in future wilderness decisions. However, we also recognize that the bill incorporates much of what the Administration had proposed. If the definition problem proves unmanageable in the future, we would not hesitate to recommend remedial legislation. Accordingly, we recommend approval of S. 3433.



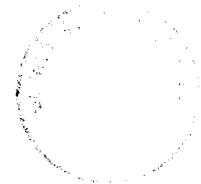
Assistant Director for  
Legislative Reference



Enclosures

DESIGNATED WILDERNESS AREAS

<u>National Forest</u>	<u>Wilderness (acres)</u>	<u>State</u>
1. Bankhead	Sipsey (12,000)	Alabama
2. Ouachita	Caney Creek (14,433)	Arkansas
3. Ozark	Upper Buffalo (10,590)	Arkansas
4. Appalachianicola	Bradwell Bay (22,000)	Florida
5. Daniel Boone	Beaver Creek (5,500)	Kentucky
6. White Mountain	Presidential Range- Dry River (20,380)	New Hampshire
7. Nantahala and Cherokee	Joyce Kilmer-Slickrock (15,000)	North Carolina and Tennessee
8. Sumter, Nantahala, and Chattahoochee	Ellicott Rock (3,600)	South Carolina, North Carolina, and Georgia
9. Cherokee	Gee Creek (2,570)	Tennessee
10. Green Mountain	Bristol Cliffs (6,500)	Vermont
11. Green Mountain	Lye Brook (14,300)	Vermont
12. Jefferson	James River Face (8,800)	Virginia
13. Monongahela	Dolly Sods (10,215)	West Virginia
14. Monongahela	Otter Creek (20,000)	West Virginia
15. Chequamegon	Rainbow Lake (6,600)	Wisconsin
16. Chattahoochee and Cherokee	Cohutta (34,500)	Georgia and Tennessee



WILDERNESS STUDY AREAS

<u>National Forest</u>	<u>Wilderness Study Area (acres)</u>	<u>State</u>
1. Ouachita	Belle Starr Cave (5,700)	Arkansas
2. Ouachita	Dry Creek (5,500)	Arkansas
3. Ozard	Richland Creek (2,100)	Arkansas
4. Appalachianicola	Bradwell Bay (1,100)	Florida
5. Hiawatha	Rock River Canyon (5,400)	Michigan
6. Ottawa	Sturgeon River (13,200)	Michigan
7. Pisgah	Craggy Mountain (1,100)	North Carolina
8. Francis Marion	Wambaw Swamp (1,500)	South Carolina
9. Jefferson	Mill Creek (4,000)	Virginia
10. Jefferson	Mountain Lake (8,400)	Virginia
11. Jefferson	Peters Mountain (5,000)	Virginia
12. George Washington	Ramsey's Draft (6,700)	Virginia
13. Chequamegon	Flynn Lake (6,300)	Wisconsin
14. Chequamegon	Round Lake (4,200)	Wisconsin
15. Monongahela	Cranberry (36,300)	West Virginia
16. Cherokee	Big Frog (4,500)	Tennessee
17. Cherokee	Joyce Kilmer-Slickrock (14,000)	Tennessee





THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 944

Date: January 1, 1974

Time: 11:00 a.m.

FOR ACTION: Mike Duval *ok.*  
Phil Areeda *no ok;*  
Max Friedersdorf *sign*

cc (for information): Warren Hendriks  
Jerry Jones  
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, January 2

Time: noon

SUBJECT:

Enrolled Bill S. 3433 - Eastern Wilderness

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.  
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 944

Date: January 1, 1974

Time: 11:00 a.m.

FOR ACTION: Mike Duval  
Phil Areeda  
Max Friedersdorf

cc (for information): Warren Hendriks  
Jerry Jones  
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: Thursday, January 2 Time: noon

SUBJECT:

Enrolled Bill S. 3433 - Eastern Wilderness

ACTION REQUESTED:

\_\_\_ For Necessary Action

\_\_\_ For Your Recommendations

\_\_\_ Prepare Agenda and Brief

\_\_\_ Draft Reply

\_\_\_ For Your Comments

\_\_\_ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*No objection  
P. Areeda*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 944

Date: January 1, 1974

Time: 11:00 a.m.

FOR ACTION: Mike Duval  
Phil Areeda  
Max Friedersdorf

cc (for information): Warren Hendriks  
Jerry Jones  
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: Thursday, January 2 Time: noon

SUBJECT:

Enrolled Bill S. 3433 - Eastern Wilderness

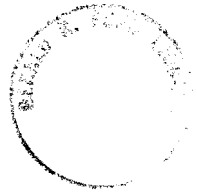
ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*OK.*  
*Mike Duval*  
*no statement*



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

THE WHITE HOUSE

WASHINGTON

9/2/75

MEMORANDUM FOR:

WARREN HENDRIKS

FROM:

MAX L. FRIEDERSDORF *ML*

SUBJECT:

Action Memorandum - Log No. 944  
Enrolled Bill S. 3433 - Eastern Wilderness

The Office of Legislative Affairs concurs with the Agencies  
that the enrolled bill should be signed.

Attachments



DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY  
WASHINGTON, D. C. 20250

December 24, 1974

Honorable Roy L. Ash  
Director, Office of Management  
and Budget

Dear Mr. Ash:

In reply to the request of your office, the following report is submitted on the enrolled enactment S. 3433, "To further the purposes of the Wilderness Act by designating certain acquired lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes."

S. 3433 would designate 16 areas within certain eastern National Forests as wilderness and as components of the National Wilderness Preservation System. S. 3433 would also direct the Secretary of Agriculture to review 17 additional areas within eastern National Forests as to their suitability or nonsuitability for preservation as wilderness.

The Department of Agriculture recommends that the President approve the enactment.

We are in accord with the purpose of the enactment to designate additional lands in the eastern National Forests as wilderness and to study other lands as to their suitability or nonsuitability for such designation. Early in this Congress, we proposed legislation to supplement the National Wilderness Preservation System within National Forests east of the one hundredth meridian. In recognition of the land use history and development of eastern National Forests, we sought to amend the Wilderness Act to expressly provide for the inclusion of lands in the east that were once significantly disturbed but have now generally reverted to a natural appearance where man's works have been substantially erased. The enactment does not give recognition to eastern National Forest conditions and to the fact that the characteristics of the lands it would designate as wilderness do not conform for the most part to the statutory definition of wilderness. This implied broadening of the definition of wilderness raises questions as to what lands qualify for designation as wilderness and could set the stage for prolonged public conflicts as to whether developed lands should be considered for wilderness designation. The failure of the Congress to adopt our recommended amendment to the Wilderness Act is our principal concern with the enactment. In spite of this concern and other concerns expressed below, we recommend that the President approve the enactment. In many respects, the enactment and our proposal are reasonably similar. The differences are not so extreme as to warrant disapproval in face of the considerable bipartisan support for eastern wilderness legislation.

S. 3433 would immediately designate sixteen areas as wilderness. Twelve of these areas were also proposed (with some boundary differences) for immediate designation in our proposed legislation (S. 2487, H.R. 10469). The Forest Service had studied the twelve areas and made assessments that the areas would qualify for inclusion in the Wilderness System on the basis of the criteria contained in our proposed amendment. Assessments were also made of the opportunities and consequences of designating these areas as wilderness. The four additional areas that would be immediately designated as wilderness by S. 3433 (Upper Buffalo, Bradwell Bay, Joyce Kilmer-Slickrock, and Otter Creek) have not been similarly studied. The designation of areas as wilderness without the benefit of a review and recommendations by this Department and the Administration establishes an undesirable precedent. In this case, the practical effects relating to the specific areas are not likely to be very detrimental. We have, in our proposal, recommended that these four areas be studied for possible future designation. The Bradwell Bay and Joyce Kilmer-Slickrock areas received some preliminary evaluation as to wilderness suitability in conjunction with the recent Roadless Area Review and Evaluation process conducted by the Forest Service. As a result, the two areas were administratively designated as wilderness study areas. The greater part of the Otter Creek area has for many years been recognized as having considerable potential for management as an area devoted to dispersed and primitive recreational uses. The Upper Buffalo area, because of its irregular boundaries, will likely be difficult to administer as wilderness. Based on preliminary resource estimates, no significant short term or long term loss of opportunities to produce commodities and services will occur as a result of the four areas being designated as wilderness.

S. 3433 would direct the Secretary of Agriculture to review 17 areas within eastern National Forests as to their suitability or nonsuitability for preservation as wilderness. Our proposal would have established 37 such areas. Twelve of the seventeen areas contained in S. 3433 are identical to areas contained in our proposal; two encompass more land than contained in our proposal; and three are not contained in our proposal. Neither the inclusion of the additional lands nor the additional three areas appear to pose any serious resource management or administration problems. We are not overly concerned that other areas which we had proposed for study were not included in S. 3433, since we can recommend designation of these additional study areas at some future time.

In recognition of the potential for incompatible activities to occur within eastern National Forest wilderness areas, our legislative proposal contained three special management provisions. One of the provisions would have authorized the Secretary to exercise the power of eminent domain to acquire land and interest in land within designated wilderness areas. S. 3433 authorizes a more limited power of eminent domain; however, the limitations are essentially

consistent with how we intend to approach condemnation. In addition, our proposal contained provisions to withdraw the designated wilderness areas from appropriation or disposition under the mining and mineral leasing laws and to prohibit commercial grazing in the areas. S. 3433 does not contain any such provisions. The effects of this omission are not serious because grazing occurs in few areas, and the acres of land subject to appropriation under the mining laws are relatively few. Mineral leasing within the areas is almost totally subject to the approval of the Secretary of Agriculture.

Sincerely,

A handwritten signature in cursive script that reads "J. Phil Campbell". The signature is written in black ink and is positioned above the typed name.

J. Phil Campbell  
Acting Secretary

FEDERAL POWER COMMISSION  
WASHINGTON, D.C. 20426

DEC 30 1974

Enrolled Bill, S. 3433 - 93d Congress

An Act to further the purpose of the Wilderness Act by designating certain acquired lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes.

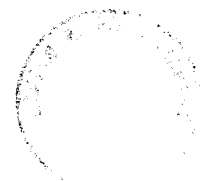
Honorable Roy L. Ash  
Director, Office of Management and Budget  
Executive Office of the President  
Washington, D. C. 20503

Attention: Ms. Mohr  
Legislative Reference Division  
Room 7201, New Executive Office Building

Dear Mr. Ash:

This is in response to Mr. Rommel's request of December 23, 1974, for this Commission's views on S. 3433, an Enrolled Bill, "To further the purpose of the Wilderness Act by designating certain acquired lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes."

Section 2 of the Enrolled Bill, Statement of Findings and Policy, states that there is an urgency to "identify, study, designate and preserve" additional lands for the National Wilderness Preservation System in the eastern half of the United States.





In accordance with this policy Congress had designated, in Section 3 of the Enrolled Bill, sixteen tracts of National Forest System lands as "wilderness." Twelve of these Wilderness Areas have previously been reported on by the Commission in response to administration proposed draft legislation. Of the twelve areas, however, only three have retained their originally proposed acreage. They are: Bristol Cliffs, sec. 3(a) (10), James River Face, sec. 3(a) (12), and Cohutta, sec. 3(b).

Seven Wilderness Areas, as designated in the Enrolled Bill, have increased in size, although three of these tracts are expanded by less than twenty acres each. Those areas which are substantially increased by S. 3433 as compared to the previous draft legislation are: Sipsev, sec. 3(a) (1), plus 2,640 acres, Caney Creek, sec. 3(a) (2), plus 4,197 acres, Beaver Creek, sec. 3(a) (5), plus 500 acres, and Gee Creek, sec. 3(a) (9), plus 501 acres. One Wilderness Area, Lye Brook, sec. 3(a) (11), has decreased in area from its previous designation by thirty four acres.

Four Wilderness Areas are listed in S. 3433 that have not been analyzed by the FPC as to their impact on existing and potential electrical power sources and natural gas reserves. These are: Upper Buffalo, sec. 3(a) (3), Bradwell Bay, sec. 3(a) (4), Joyce Kilmer - Slickrock, sec. 3(a) (7), and Otter Creek, sec. 3(a) (14).

The Enrolled Bill designates seventeen tracts of National Forest System lands as Wilderness Study Areas in Section 4. These studies are to be conducted by the Secretary of Agriculture and reported on to the Congress by the President in the form of recommendations within five years of enactment of the Enrolled Bill. In addition Congress may, "upon the recommendation of the Secretary of Agriculture or otherwise," designate additional National Forest System lands that are located east of the 100th meridian as Wilderness Study Areas. A study of these lands is to be completed within 10 years of the respective designations by Congress.

Sections 5 through 9 of S. 3433, as enrolled, provide for the implementation of the Act.

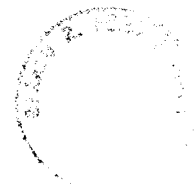
The Federal Power Commission supports the policy embraced by S. 3433. However, at a time when a unified national energy policy is an utmost public interest priority, it is essential that the National Wilderness Preservation System be closely coordinated with the country's energy goals.

Due to the urgency of your request, there is insufficient time to analyze the energy-related impact, if any, of the above-mentioned changes and new designations in Section 3 of S. 3433 as enrolled. The Federal Power Commission does not possess or have ready access to the requisite research materials to provide definitive and meaningful comments within two days on all of these Wilderness Areas as they may affect potential and existing electrical power sources and natural gas reserves. With regard to Section 4 of the Enrolled Bill, it is our desire to be solicited for and provide information on the impact of the designated Wilderness Study Areas on the development of electrical power sources and natural gas reserves.

Sincerely,



John N. Nassikas  
Chairman





# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

DEC 27 1974

Dear Mr. Ash:

This responds to your request for the views of this Department on enrolled bill S. 3433, "To further the purposes of the Wilderness Act by designating certain acquired lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes."

We recommend that the President approve the enrolled bill.

As enrolled, S. 3433 would designate 16 areas, all in National Forests, as wilderness within the National Wilderness Preservation System under the Wilderness Act of 1964 (78 Stat. 980). The bill would further designate 17 areas, all in National Forests, to be studied by the Secretary of Agriculture as to their suitability for preservation as wilderness. All of the areas designated as wilderness and wilderness study areas and eligible for designation are in National Forests east of the 100° meridian, that is, east of the foothills of the Rocky Mountains.

The wilderness study areas designated by or pursuant to this bill shall be managed by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System. This provision of section 6 of the bill indicates that nothing is to be done by the managing agency or its agents which would in any way change any of the physical qualities of a study area or which would permit uses which are contrary to those allowed in wilderness areas. This language would prevent the erection of any new buildings or other man-made structures, the bulldozing of new roads, and the operation of motor vehicles - except in emergencies. There is no requirement, however, to remove from a study area existing manmade structures which are incompatible with wilderness. It recognizes that study areas represent a temporary situation pending a final recommendation and congressional determination.

Section 4(d) permits the Secretary of Agriculture and others to recommend to the Congress additional study areas in eastern national forests for review as to suitability or nonsuitability for preservation as wilderness.



*Save Energy and You Serve America!*

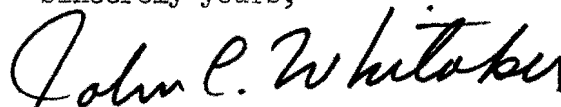
The bill sets up a means for the review of proposed new wilderness areas in those cases where adequate information as to their suitability for wilderness designation is not immediately available. It provides the Department of Agriculture with the power of eminent domain with respect to inholdings within eastern wilderness.

The 16 areas designated as wilderness are located in 13 different States and total 207,000 acres. The 17 study areas designated by the bill are located in 9 States and total 125,000 acres.

This legislation represents a strong beginning towards enlarging the wilderness system in the eastern national forests beyond the 3 small areas - totalling approximately 26,000 acres - placed in the system by passage of the original Wilderness Act.

The designation of wilderness areas within the national forests east of the 100° meridian was proposed by the President in his National Resources and Energy Message of February 15, 1973. This Department has strongly endorsed the President's directive that we accelerate the identification of areas in the eastern United States having wilderness potential. We believe that the Forest Service should have explicit legislative authority to make wilderness recommendations in the east while insuring that the high quality of the system remains constant.

Sincerely yours,



~~Under~~ Secretary of the Interior

Honorable Roy L. Ash  
Director  
Office of Management and Budget  
Washington, D. C. 20503



**THE UNDER SECRETARY OF COMMERCE**  
Washington, D.C. 20230

**DEC 27 1974**

Honorable Roy L. Ash  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Ash:

This is in reply to your request for the views of this Department concerning S. 3433, an enrolled enactment

"To further the purposes of the Wilderness Act by designating certain acquired lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for inclusion and for other purposes."

This bill would add sixteen Eastern areas totalling over 200,000 acres to the Wilderness Preservation System immediately; would designate another seventeen areas for study as possible additions to the Wilderness Preservation System; would authorize the Secretary of Agriculture to acquire, including by condemnation, such lands, waters, or interests therein as he determines necessary or desirable for the purposes of this Act, as well as accomplishing other purposes.

This Department has no objection to approval by the President of S. 3433. However, we have a number of concerns about the approach taken by the bill.

We have been advised that there have not been adequate public hearings held on these proposals and that affected members of the public have raised objections to the proposed additions to the Wilderness System which have not been made a part of the public record.

We have also been advised that, with the exception of the proposed Bradwell Bay Wilderness Area and the proposed Joyce Kilmer-Slickrock Wilderness Area, no comprehensive mineral survey has been conducted. The Department of Commerce has consistently argued that if the United

2.

States is to maintain a strong domestic minerals position, large areas of the public domain should not be withdrawn from exploration and development without a thorough assessment of the mineral potential of the area. In this case over 200,000 acres of land, mostly with unknown mineral potential, will be withdrawn from mineral exploration or entry as a result of enactment.

Finally, we observe that the Secretary of Agriculture has been given authority under section 6(b) of this bill to condemn privately owned property over the objection of the owner if it is found that the owner of the property is using it in a manner incompatible with the management of such area as a wilderness. The availability of this power of condemnation to the Secretary will result in his being able to prevent or terminate mineral development activities in areas of known mineralization on privately owned land or pursuant to privately owned interests in the land without regard to the impact on the Nation.

Enactment of S. 3433 will not involve any increase in the budgetary requirements of this Department.

Sincerely,

A handwritten signature in black ink that reads "John K. Tabor". The signature is written in a cursive style with a large, sweeping initial "J".

John K. Tabor



DEPARTMENT OF THE ARMY  
WASHINGTON, D.C. 20310

27 DEC 1974

Honorable Roy L. Ash  
Director  
Office of Management and Budget

Dear Mr. Ash:

The Secretary of Defense has delegated responsibility to the Department of the Army for reporting the views of the Department of Defense on enrolled enactment S. 3433, 93d Congress, "To further the purposes of the Wilderness Act by designating certain acquired lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes."

The Department of the Army, on behalf of the Department of Defense, recommends approval of the enrolled enactment.

The purpose of the Act is to designate 15 areas within the National Forests east of the one hundredth meridian as wilderness areas and 17 other areas within the Eastern National Forests for study as potential areas for wilderness designation. Section 3 of the enrolled enactment describes those areas designated for inclusion in the National Wilderness Preservation System. These areas were recommended for wilderness designation by the Department of Agriculture although the enrolled enactment provides for larger areas within each of the 15 designations than were originally proposed by the Department of Agriculture. Section 4 of the enrolled enactment designates 17 areas in the Eastern National Forests for study for potential wilderness designation. These studies are to be completed within five years from the date of enactment.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

Sincerely,

A handwritten signature in cursive script that reads "Howard H. Callaway".

Howard H. Callaway  
Secretary of the Army



To: J. H. ...  
12-31-74  
noon



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

DEC 31 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3433 - Eastern Wilderness  
Sponsor - Sen. Aiken (R) Vermont and 21 others

Last Day for Action

January 4, 1975 - Saturday

Purpose

Designates certain lands for inclusion in the National Wilderness Preservation System and provides that certain other lands be studied for their wilderness potential.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture	Approval
Department of the Interior	Approval
Department of Commerce	No objection
Department of the Army	No objection
Federal Energy Administration	No position (Informally)
Federal Power Commission	No position (Informally)

Discussion

Under the Wilderness Act, Agriculture and Interior are required to make recommendations to the President for additions to the National Wilderness Preservation System, and the President is required to submit these, along with his own recommendations, to the Congress. To qualify for wilderness designation, an area must generally be undeveloped



FURTHERING THE PURPOSES OF THE WILDERNESS ACT BY DESIGNATING CERTAIN LANDS FOR INCLUSION IN THE NATIONAL WILDERNESS PRESERVATION SYSTEM, PROVIDING FOR STUDY OF CERTAIN ADDITIONAL LANDS FOR SUCH INCLUSION, AND FOR OTHER PURPOSES

DECEMBER 16, 1974.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 134551]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 13455) to further the purposes of the Wilderness Act by designating certain lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, beginning on line 5, strike out the present text through page 22, line 13 and insert in lieu thereof the following:

STATEMENT OF FINDINGS AND POLICY

SEC. 2. (a) The Congress finds that—

(1) in the more populous eastern half of the United States there is an urgent need to identify, study, designate, and preserve areas for addition to the National Wilderness Preservation System;

(2) in recognition of this urgent need, certain areas in the national forest system in the eastern half of the United States were designated by the Congress as wilderness in the Wilderness Act (78 Stat. 890); certain areas in the national wildlife refuge system in the eastern half of the United States have been designated by the Congress as wilderness or recommended by the President for such designation, and certain areas in the national park system in the eastern half of the

United States have been recommended by the President for designation as wilderness; and

(3) additional areas of wilderness in the more populous eastern half of the United States are increasingly threatened by the pressures of a growing and more mobile population, large-scale industrial and economic growth, and development and uses inconsistent with the protection, maintenance, and enhancement of the areas' wilderness character.

(b) Therefore, the Congress finds and declares that it is in the national interest that these and similar areas in the eastern half of the United States be promptly designated as wilderness within the National Wilderness Preservation System, in order to preserve such areas as an enduring resource of wilderness which shall be managed to promote and perpetuate the wilderness character of the land and its specific values of solitude, physical and mental challenge, scientific study, inspiration, and primitive recreation for the benefit of all of the American people of present and future generations.

#### DESIGNATION OF WILDERNESS AREAS

SEC. 3(a). In furtherance of the purposes of the Wilderness Act, the following lands (hereinafter referred to as "wilderness areas"), as generally depicted on maps appropriately referenced, dated April 1974, are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Bankhead National Forest, Alabama, which comprise about twelve thousand acres, are generally depicted on a map entitled "Sipsey Wilderness Area—Proposed", and shall be known as the Sipsey Wilderness;

(2) certain lands in the Ouachita National Forest, Arkansas, which comprise about fourteen thousand four hundred and thirty-three acres, are generally depicted on a map entitled "Caney Creek Wilderness Area—Proposed", and shall be known as the Caney Creek Wilderness;

(3) certain lands in the Ozark National Forest, Arkansas, which comprise about ten thousand five hundred and ninety acres, are generally depicted on a map entitled "Upper Buffalo Wilderness Area—Proposed", and shall be known as the Upper Buffalo Wilderness;

(4) certain lands in the Appalachian National Forest, Florida, which comprise about twenty-two thousand acres, are generally depicted on a map entitled "Bradwell Bay Wilderness Area—Proposed", and shall be known as the Bradwell Bay Wilderness;

(5) certain lands in the Daniel Boone National Forest, Kentucky, which comprise about five thousand five hundred acres, are generally depicted on a map entitled "Beaver Creek Wilderness Area—Proposed", and shall be known as the Beaver Creek Wilderness;

(6) certain lands in the White Mountain National Forest, New Hampshire, which comprise about twenty thousand three hundred and eighty acres, are generally depicted on a map entitled "Presidential Range-Dry River Wilderness Area—Proposed", and shall be known as the Presidential Range-Dry River Wilderness;

(7) certain lands in the Nantahala and Cherokee National Forests, North Carolina and Tennessee, which comprise about fifteen thousand acres, are generally depicted on a map entitled "Joyce Kilmer-Slickrock Wilderness Area—Proposed", and shall be known as the Joyce Kilmer-Slickrock Wilderness;

(8) certain lands in the Sumter, Nantahala, and Chattahoochee National Forests in South Carolina, North Carolina, and Georgia, which comprise about three thousand six hundred acres, are generally depicted on a map entitled "Ellicott Rock Wilderness Areas—Proposed", and shall be known as Ellicott Rock Wilderness;

(9) certain lands in the Cherokee National Forest, Tennessee, which comprise about two thousand five hundred and seventy acres, are generally depicted on a map entitled "Gee Creek Wilderness Area—Proposed", and shall be known as the Gee Creek Wilderness;

(10) certain lands in the Green Mountain National Forest, Vermont, which comprise about six thousand five hundred acres, are generally depicted on a map entitled "Bristol Cliffs Wilderness Area—Proposed", and shall be known as the Bristol Cliffs Wilderness;

(11) certain lands in the Green Mountain National Forest Vermont, which comprise about fourteen thousand three hundred acres, are generally depicted on a map entitled "Lye Brook Wilderness Area—Proposed", and shall be known as the Lye Brook Wilderness;

(12) certain lands in the Jefferson National Forest, Virginia, which comprise about eight thousand eight hundred acres, are generally depicted on a map entitled "James River Face Wilderness Area—Proposed", and shall be known as the James River Face Wilderness;

(13) certain lands in the Monongahela National Forest, West Virginia, which comprise about ten thousand two hundred and fifteen acres, are generally depicted on a map entitled "Dolly Sods Wilderness Area—Proposed", and shall be known as the Dolly Sods Wilderness;

(14) certain lands in the Monongahela National Forest, West Virginia, which comprise about twenty thousand acres, are generally depicted on a map entitled "Otter Creek Wilderness Study Area", and shall be known as the Otter Creek Wilderness; and

(15) certain lands in the Chequamegon National Forest, Wisconsin, which comprise about six thousand six hundred acres, are generally depicted on a map entitled "Rainbow Lake Wilderness Area—Proposed", and shall be known as the Rainbow Lake Wilderness.

(b) In furtherance of the purposes of the Wilderness Act, the following lands (hereinafter referred to as "wilderness areas"), as generally depicted on maps appropriately referenced, dated April 1973, are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System: certain lands in the Chattahoochee and Cherokee National Forests, Georgia and Tennessee, which comprise about thirty-four thousand five hundred acres, are generally depicted on a map dated April 1973, entitled "Cohutta Wilderness Area—Proposed", and shall be known as the Cohutta Wilderness.

#### DESIGNATION OF WILDERNESS STUDY AREA

SEC. 4 (a) In furtherance of the purposes of the Wilderness Act and in accordance with the provisions of sub-section 3(d) of that Act, the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall review, as to its suitability or nonsuitability for preservation as wilderness, each area designated by or pursuant to subsection (b) of this section and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as wilderness of each such area on which the review has been completed.

(b) Areas to be reviewed pursuant to this section (hereinafter referred to as "wilderness study areas"), as generally depicted on maps appropriately referenced, dated April 1974, include—

(1) certain lands in the Ouachita National Forest, Arkansas, which comprise approximately five thousand seven hundred acres and are generally depicted on a map entitled "Belle Starr Cave Wilderness Study Area";

(2) certain lands in the Ouachita National Forest, Arkansas, which comprise approximately five thousand five hundred acres and are generally depicted on a map entitled "Dry Creek Wilderness Study Area";

(3) certain lands in the Ozark National Forest, Arkansas, which comprise approximately two thousand one hundred acres and are generally depicted on a map entitled "Richland Creek Wilderness Study Area";

(4) certain lands in the Appalachian National Forest, Florida, which comprise approximately one thousand one hundred acres and are generally depicted as the "Sopchoppy River Wilderness Study Area" on a map entitled "Bradwell Bay Wilderness Area—Proposed";

(5) certain lands in the Haiwatha National Forest, Michigan, which comprise approximately five thousand four hundred acres and are generally depicted on a map entitled "Rock River Canyon Wilderness Study Area";

(6) certain lands in the Ottawa National Forest, Michigan, which comprise approximately thirteen thousand

two hundred acres and are generally depicted on a map entitled "Sturgeon River Wilderness Study Area";

(7) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately one thousand one hundred acres and are generally depicted on a map entitled "Craggy Mountain Wilderness Study Area";

(8) certain lands in the Francis Marion National Forest, South Carolina, which comprise approximately one thousand five hundred acres and are generally depicted on a map entitled "Wambaw Swamp Wilderness Study Area";

(9) certain lands in the Jefferson National Forest, Virginia, which comprise approximately four thousand acres and are generally depicted on a map entitled "Mill Creek Wilderness Study Area";

(10) certain lands in the Jefferson National Forest, Virginia, which comprise approximately eight thousand four hundred acres and are generally depicted on a map entitled "Mountain Lake Wilderness Study Area";

(11) certain lands in the Jefferson National Forest, Virginia, which comprise approximately five thousand acres and are generally depicted on a map entitled "Peters Mountain Wilderness Study Area";

(12) certain lands in the George Washington National Forest, Virginia, which comprise approximately six thousand seven hundred acres and are generally depicted on a map entitled "Ramsey's Draft Wilderness Study Area";

(13) certain lands in the Chequamegon National Forest, Wisconsin, which comprise approximately six thousand three hundred acres and are generally depicted on a map entitled "Flynn Lake Wilderness Study Area";

(14) certain lands in the Chequamegon National Forest, Wisconsin, which comprise approximately four thousand two hundred acres and are generally depicted on a map entitled "Round Lake Wilderness Study Area";

(15) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately thirty-six thousand three hundred acres and are generally depicted on a map entitled "Cranberry Wilderness Study Area";

(16) certain lands in the Cherokee National Forest, Tennessee, which comprise approximately four thousand five hundred acres and are generally depicted on a map entitled "Big Frog Wilderness Study Area"; and

(17) certain lands in the Cherokee National Forest, Tennessee, which comprise approximately fourteen thousand acres and are generally depicted as the "Citico Creek Area" on a map entitled "Joyce Kilmer-Slickrock Wilderness Area—Proposed";

(c) Reviews shall be completed and the President shall make his recommendations to Congress within five years after enactment of this Act.

(d) Congress may, upon the recommendation of the Secretary of Agriculture or otherwise, designate as study areas, national forest system lands east of the 100th meridian other than those areas specified in subsection (b) of this section, for review as to suitability or nonsuitability for preservation as wilderness. Any such area subsequently designated as a wilderness study area after the enactment of this Act shall have its suitability or nonsuitability for preservation as wilderness submitted to Congress within 10 years from the date of designation as a wilderness study area. Nothing in this Act shall be construed as limiting the authority of the Secretary of Agriculture to carry out management programs, development, and activities in accordance with the Multiple-Use, Sustained-Yield Act of 1960 (74 Stat. 215, 16 U.S.C. 528-531) within areas not designated for review in accordance with the provisions of this Act.

(e) Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of any wilderness study area or recommending the addition to any such area of any contiguous area predominantly of wilderness value. Any recommendation of the President to the effect that such area or portion thereof should be designated as "wilderness" shall become effective only if so provided by an Act of Congress.

#### FILING OF MAPS AND DESCRIPTIONS

SEC. 5. As soon as practicable after enactment of this Act, a map of each wilderness study area and a map and a legal description of each wilderness area shall be filed with the Committees on Interior and Insular Affairs and on Agriculture of the United States Senate and House of Representatives, and each such map and description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

#### MANAGEMENT OF AREAS

SEC. 6. (a) Except as otherwise provided by this Act, the wilderness areas designated by or pursuant to this Act shall be managed by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act. The wilderness study areas designated by or pursuant to this Act shall be managed by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System until Congress has determined otherwise, except that such management requirement shall in no case extend beyond the expiration of the third succeeding Congress from the date of submission to the Congress of the President's recommendations concerning the particular study area.

(b) Within the 16 wilderness areas designated by section 3 of this Act:

(1) the Secretary of Agriculture may acquire by purchase with donated or appropriated funds, by gift, exchange, condemnation, or otherwise, such lands, waters, or interests therein as he determines necessary or desirable for the purposes of this Act. All lands acquired under the provisions of this subsection shall become national forest lands and a part of the Wilderness System;

(2) In exercising the exchange authority granted by paragraph (1), the Secretary of Agriculture may accept title to non-Federal property for federally owned property of substantially equal value, or, if not of substantially equal value, the value shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require;

(3) The authority of the Secretary of Agriculture to condemn any private land or interest therein within any wilderness area designated by or pursuant to this Act shall not be invoked so long as the owner or owners of such land or interest holds and uses it in the same manner and for those purposes for which such land or interest was held on the date of the designation of the wilderness area: *Provided, however*, That the Secretary of Agriculture may acquire such land or interest without consent of the owner or owners whenever he finds such use to be incompatible with the management of such area as wilderness and the owner or owners manifest unwillingness, and subsequently fail, to promptly discontinue such incompatible use;

(4) At least sixty days prior to any transfer by exchange, sale, or otherwise (except by bequest) of such lands, or interests therein described in paragraph (3) of this subsection, the owner or owners of such lands or interests therein shall provide notice of such transfer to the supervisor of the national forest concerned, in accordance with such rules and regulations as the Secretary of Agriculture may promulgate;

(5) At least sixty days prior to any change in the use of such lands or interests therein described in paragraph (3) of this subsection which will result in any significant new construction or disturbance of land surface or flora or will require the use of motor vehicles and other forms of mechanized transport or motorized equipment (except as otherwise authorized by law for ingress or egress or for existing agricultural activities begun before the date of the designation other than timber cutting), the owner or owners of such lands or interests therein shall provide notice of such change in use to the supervisor of the national forest within which such lands are located, in accordance with such rules and regulations as the Secretary of Agriculture may promulgate;

(6) For the purposes of paragraphs (7) and (8) of this subsection, the term "property" shall mean a detached, non-commercial residential dwelling, the construction of which was begun before the date of the designation of the wilderness area (hereinafter referred to as "dwelling"), or an existing agricultural activity begun before the date of the designation of the wilderness area, other than timber cutting (hereinafter referred to as "agricultural activity"), together with so much of the land on which the dwelling or agricultural activity is situated, such land being in the same ownership as the dwelling or agricultural activity, as the Secretary of Agriculture shall determine to be necessary for the enjoyment of the dwelling for the sole purpose of non-commercial residential use or for the agricultural activity, together with any structures accessory to the dwelling or agricultural activity which are situated on the land so designated:

(7) Any owner or owners of property on the date of its acquisition by the Secretary of Agriculture may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the property for such non-commercial residential purpose or agricultural activity for twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary of Agriculture shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner: *Provided*, That whenever an owner of property elects to retain a right of use and occupancy as provided for in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101 (6) of that Act; and

(8) A right of use and occupancy retained or enjoyed pursuant to paragraph (7) of this subsection may be terminated with respect to the entire property by the Secretary of Agriculture upon his determination that the property or any portion thereof has ceased to be used for such non-commercial residential purpose or agricultural activity and upon tender to the holder of a right an amount equal to the fair market value as of the date of tender of that portion of the right which remains unexpired on the date of termination.

#### TRANSFER OF FEDERAL PROPERTY

SEC. 7. The head of any Federal department or agency having jurisdiction over any lands or interests in lands within the boundaries of wilderness areas and wilderness study areas

designated by or pursuant to this Act is authorized to transfer to the Secretary jurisdiction over such lands for administration in accordance with the provisions of this Act.

#### APPLICABILITY

SEC. 8. Unless otherwise provided by any other Act the provisions of this Act shall only apply to National Forest areas east of the 100th meridian.

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated an amount not to exceed \$5,000,000 for the acquisition by purchase, condemnation or otherwise of lands, waters, or interests therein located in areas designated as wilderness pursuant to Section 3 of this Act and an amount not to exceed \$1,700,000 for the purpose of conducting a review of wilderness study areas designated by Section 4 of this Act.

#### PURPOSE

H.R. 13455, as amended, furthers the purposes of the Wilderness Act by designating certain lands for inclusion in the National Wilderness Preservation System, by providing for study of certain additional lands for such inclusion, and for other purposes.

#### EXPLANATION AND NEED

The Wilderness Act of September 3, 1964 (78 Stat. 890), directed the Secretary of Agriculture to review, within ten years, areas within the National Forest System to determine their suitability for preservation as wilderness. Upon a finding favorable to wilderness designation, the Department was directed to submit its recommendations to the President in order that he might advise the Congress of his recommendations regarding these areas. Any such recommendation of the President for designation of an area as wilderness becomes effective only if so provided by an act of Congress.

The outlined procedure was followed in the case of the proposals contained in H.R. 13455, as amended. The Presidential recommendation is contained in Executive Communication 484 dated February 21, 1973 and in Executive Communication 1360 dated September 17, 1973.

H.R. 13455, as amended, designates 16 areas in 13 states as wilderness within the National Wilderness Preservation System, which was established by the Wilderness Act of 1964. The bill also designated 17 areas in 9 states to be studied by the Secretary of Agriculture as to their suitability or nonsuitability for preservation as wilderness. All of the areas designated as wilderness and wilderness study areas eligible for designation are in National Forests east of the 100th meridian, which consists predominantly of acquired lands.

The bill, as amended, provides that the wilderness areas designated are to be managed by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964. The wilderness study

areas are to be managed so as to maintain their potential for inclusion in the National Wilderness Preservation System.

All but four Wilderness Areas in national forests are situated west of the one hundredth meridian. Thus, less than ten percent of the existing total areas of wilderness are situated in the most populous, eastern region of our country, where 65 percent of our citizens reside.

The designation of the wilderness areas and the wilderness study areas in the United States is designed to preserve such areas as an enduring source of wilderness and afford present and future generations with an opportunity to enjoy primitive recreation in a spacious, natural, and wilderness setting. H.R. 13455, as amended, would include these additions to the National Wilderness Preservation System at a time, in the more populous eastern half of the United States, when these areas are increasingly threatened by the pressures of a growing and more mobile population, large-scale industrial and economic growth, and development and use inconsistent with the protection, maintenance, and enhancement of the areas' wilderness character.

H.R. 13455, as amended, would provide the truly national system of wilderness areas envisioned in the original Wilderness Act. This measure promises our eastern citizens, that, after nearly a decade of waiting, wilderness protection will at last be extended to the unique unspoiled lands and natural environments in our eastern national forests.

#### *Private inholdings*

The national forests and other Federal lands of the western United States were mostly reserved from the public domain and withheld from settlement. In the eastern United States, national forests and Federal lands were, for the most part, acquired by purchase. As a result, within the boundaries of eastern national forests, there are areas of privately owned land. These inholdings include land in its natural state, cultivated fields and farms with year-round residences, hunters cabins and recreational second homes, and resource development activities, such as mining and timbering.

Of the 16 areas with approximately 206,988 acres proposed for wilderness designation in H.R. 13455, as amended, 8 include within their boundaries privately owned lands totaling approximately 7,325 acres, and valued at approximately \$2,387,000. Privately owned land constitutes approximately 4.5 percent of the overall total of lands that would be designated as wilderness pursuant to H.R. 13455, as amended.

Of the 17 areas with approximately 125,000 acres proposed for wilderness study in H.R. 13455, as amended, 7 include within their boundaries privately owned lands totaling approximately 5,850 acres and valued at approximately \$1,007,100. Privately owned land constitutes approximately 8.5 percent of the overall total of lands designated for wilderness study.

#### *Mineral resources*

Of the 16 areas that would be designated by H.R. 13455, as amended, as units of the National Wilderness Preservation System, 7 have known outstanding private mineral rights valued at approximately \$1,897,500. The largest value—estimated to be \$1,100,000—is associated with the proposed Otter Creek Wilderness Area in the Monongahela National Forest in West Virginia. Testimony received during hearings by the

Subcommittee on Public Lands indicated that the Otter Creek mineral rights are for coal and that core drilling explorations were undertaken by the owner within the past two years.

Of the 17 areas that would be designated by H.R. 13455, as amended, as wilderness study areas, 7 have known outstanding private mineral rights valued at approximately \$10,977,240.

It should be kept in mind that most of the above estimates were made by the Forest Service based on various sources and are not estimates by the Bureau of Mines or the U.S. Geological Survey who have not completed mineral surveys on most of these proposed areas.

A discussion of the areas included in this bill and an overview of the Committee's intent concerning the management provisions of H.R. 13455, as amended, are contained in the following section-by-section analysis.

### SECTION-BY-SECTION ANALYSIS

#### SHORT TITLE

The short title of the bill is "Eastern Wilderness Areas Act."

#### *Statement of findings and policy*

Section 2 contains the statement of findings and policy. It includes a Congressional finding of the "urgent need" to find, study, and include eastern areas in the National Wilderness Preservation System. Although a very modest beginning has been made in establishing or proposing wilderness areas in or for national forests, parks, and wildlife refuges in the eastern half of the United States, section 2 sets forth a finding that the remaining areas in the eastern national forests which might be added to the National Wilderness Preservation System are being threatened by the growth pressures arising from the greater population concentrations of the East. Therefore, section 2 concludes with the Congressional declaration of policy that the national interest would be served by a program which results in the prompt designation of additional wilderness areas. These wilderness areas are to be preserved and managed so as to promote and perpetuate the wilderness character of the land, including its values of solitude, physical and mental challenge, scientific study, inspiration, and primitive recreation.

#### DESIGNATION OF WILDERNESS AREAS

#### *Section 3(a)*

(1) *Sipsey Wilderness.*—The proposed 12,000 acre Sipsey Wilderness is located in the Bankhead National Forest in Lawrence and Winston Counties in northern Alabama. The area is approximately 70 miles northwest of Birmingham, 60 miles southwest of Huntsville, and 35 miles directly west of Interstate 65, the major north-south highway route through Alabama.

The proposed Sipsey Wilderness contains an annual allowable timber harvest of approximately 1.5 million board feet which is about 9% of the annual allowable cut of 16 million board feet on the Bankhead National Forest. Outstanding private mineral rights exist on 119.28 acres of land and there is no known mineral production at this time. The estimate value of the mineral rights is \$11,900. Privately



owned lands within the proposed boundary constitute 80 acres with a value of approximately \$25,000.

The area is widely known and acclaimed for its esthetic values and biologic variety.

(2) *Caney Creek Wilderness*.—The proposed 14,433 acre Caney Creek Wilderness is located in the Ouachita National Forest in Polk County, in western central Arkansas. The proposed area is approximately 100 miles southwest of Little Rock, 70 miles south of Fort Smith on the Arkansas-Oklahoma border, and approximately 60 miles northwest of Interstate 30. The area is readily accessible by Federal, State, and county roads. Major urban centers within a 200 mile radius include Dallas, Tulsa, and Oklahoma City.

The proposed Caney Creek Wilderness contains an annual allowable timber harvest of approximately 1.4 million board feet which is less than 1% of the annual allowable cut of 152 million board feet of the Ouachita National Forest. The actual harvest of the Ouachita National Forest in 1972 was 127 million board feet. It is estimated that outstanding private mineral rights within the proposed area have a value of \$550 with evidence of silica and magnesium deposits in the vicinity.

The area is characterized by rugged rock outcroppings, steep slopes and "razorback" ridges.

(3) *Upper Buffalo Wilderness*.—The proposed 10,590 acre Upper Buffalo Wilderness is located in the Ozark National Forest in Newton County, Arkansas. The area is approximately 100 miles northwest of Little Rock, 70 miles northeast of Fort Smith on the Arkansas-Oklahoma border, and lies approximately 30 miles north of Interstate 40, the principal east-west route for highway traffic through Arkansas. Major urban centers within a 200 mile radius include Tulsa, Oklahoma City, and Kansas City.

The proposed Upper Buffalo Wilderness contains an allowable annual timber harvest of approximately .5 million board feet which is about 1% of the annual allowable cut of 44 million board feet on the Ozark National Forest. It is estimated that outstanding private mineral rights within the proposed area have a value of \$6,000. Privately owned lands within the proposed boundary constitute 690 acres with a value of approximately \$125,000.

The area is characterized by rocky bluffs, narrow ridge tops, and isolated stands of large mature broadleaf trees.

(4) *Bradwell Bay Wilderness*.—The proposed 22,000 acre Bradwell Bay Wilderness is located in the Appalachian National Forest in Liberty County in northwestern Florida. The proposed area is approximately 25 miles southwest of Tallahassee, 150 miles west of Jacksonville, and 30 miles south of Interstate 10, midway between Jacksonville and Mobile, Alabama. The proposed Bradwell Bay Wilderness contains an annual allowable timber harvest of approximately .5 million board feet which is about 2% of the annual allowable cut of 22.5 million board feet of the Appalachian National Forest. No private lands or mineral rights are included within the boundaries of the proposed area.

Bradwell Bay can be characterized as swampy, with a relative relief of less than one foot throughout the proposed area and containing a dense vegetative cover.

(5) *Beaver Creek Wilderness*.—The proposed 5,500 acre Beaver Creek Wilderness is located in the Daniel Boone National Forest in McCreary County in southeastern Kentucky. The proposed area is approximately 80 miles south of Lexington, 130 miles southeast of Louisville, and 18 miles west of Interstate 75, the major north-south route for highway traffic in eastern Kentucky. Major urban centers within a 200 mile radius include Chattanooga, Knoxville, and Nashville, Tennessee; and Cincinnati, Ohio.

The proposed Beaver Creek Wilderness contains an annual allowable timber harvest of .5 million board feet which is about 1.3% of the annual allowable cut of 38 million board feet on the Daniel Boone National Forest. The actual harvest on the Daniel Boone National Forest in 1972 was 31 million board feet. It is estimated that outstanding private mineral rights within the proposed area have a value of \$722,000. Privately owned lands within the proposed boundary constitute 45 acres with a value of approximately \$3,000.

The area is characterized as "cliff country" with Beaver Creek and its tributaries flowing at the base of steep sandstone cliffs.

(6) *Presidential Range-Dry River Wilderness*.—The proposed 20,380 acre Presidential Range-Dry River Wilderness is located in the White Mountain National Forest in Coos and Carroll Counties in eastern New Hampshire. The proposed area is approximately 85 miles north of Manchester, 100 miles east of Burlington, Vermont, 60 miles northwest of Portland, Maine, and about 20 miles east of Interstate 93, the major north-south route through New Hampshire. Major urban centers within a 200 mile radius also include Boston, Massachusetts; Hartford, Connecticut; Providence, Rhode Island; and Albany, New York. The area is within a 300 mile radius of New York City.

The proposed Presidential Range-Dry River Wilderness contains an annual allowable timber harvest of approximately .2 million board feet, which is less than 1/2 of one percent of the annual allowable cut of 55 million board feet on the White Mountain National Forest. The actual harvest on the White Mountain National Forest in 1972 was 33.4 million board feet. There are no outstanding private mineral rights or acreage within the boundaries of the proposed area.

The area can be characterized as being extremely rugged with relative reliefs approaching 6,000 feet. Just to the northeast of the proposed area is the summit of Mount Washington, elevation 6,288 feet, the highest point in New Hampshire.

(7) *Joyce Kilmer-Slickrock Wilderness*.—The proposed 15,000 acre Joyce Kilmer-Slickrock Wilderness is located in the Nantahala and Cherokee National Forests in North Carolina and Tennessee. Approximately 10,742 acres are in the Nantahala National Forest in Graham County, North Carolina with the remainder in the Cherokee National Forest, Monroe County, Tennessee. The proposed area is approximately 40 miles south of Knoxville and 80 miles northeast of Chattanooga. Major urban areas within a 200 mile radius include Columbia, South Carolina; Birmingham, Alabama; Atlanta, Georgia; and Nashville, Tennessee.

The proposed Joyce Kilmer-Slickrock Wilderness contains an annual allowable timber harvest of approximately 1.2 million board feet with .8 million board feet in the Nantahala National Forest and .4 million board feet in the Cherokee National Forest. This would be

approximately 2% of the annual allowable cut of the Nantahala National Forest which is 35 million board feet and less than one percent of the annual allowable cut of the Cherokee National Forest which is 55 million board feet. There are no outstanding private mineral rights or acreage within the boundaries of the proposed area.

The area is characterized as being mountainous with steep slopes. The Joyce Kilmer Memorial Forest, which is located within the proposed area, is described as being "one of the Nation's most impressive remnants of virgin forest, having magnificent examples of over one hundred species of trees, many over 300 years old, some over 20 feet in circumference and a hundred feet high."

(8) *Ellicott Rock Wilderness*.—The proposed 3,600 acre Ellicott Rock Wilderness Area is located in the Sumter, Nantahala, and Chattahoochee National Forests in South Carolina, North Carolina, and Georgia. Approximately 3,161 acres are in the Sumter National Forest in Oconee County in South Carolina, 266 acres are in the Nantahala National Forest in Macon and Transylvania Counties in North Carolina, and 173 acres in the Chattahoochee National Forest in Rabun County in Georgia. The proposed area is approximately 100 miles northeast of Atlanta, Georgia; 40 miles west of Greenville, South Carolina; and 45 miles southeast of Interstate 26 in North Carolina.

The Forest Service has indicated that the area is presently an administratively designated scenic area and that timber resources are not used in the computation of the annual allowable timber cuts for the respective National Forests. There are no private mineral rights or acreage within the boundaries of the proposed area.

The area is described as mountainous with numerous cliffs and waterfalls. The vegetation is basically white pine and hemlock in lower elevations with northern upland hardwoods on slopes and scrub oak and pitch pine on ridgetops. There are virgin stands of timber located along many of the streams.

(9) *Gee Creek Wilderness*.—The proposed 2,570 acre Gee Creek Wilderness is located in the Cherokee National Forest in Polk County in southeastern Tennessee. The area is approximately 75 miles south of Knoxville, 45 miles northeast of Chattanooga, and 15 miles east of Interstate 75. Major urban areas within a 200 mile radius include Columbia, South Carolina; Birmingham, Alabama; Atlanta, Georgia; and Nashville, Tennessee.

The proposed Gee Creek Wilderness contains an annual allowable timber harvest of approximately .1 million board feet which is less than two-tenths of one percent of the annual allowable cut of 55 million board feet on the Cherokee National Forest. The actual harvest on the Cherokee National Forest in 1972 was 42.8 million board feet. There are no outstanding private mineral rights or acreage within the boundaries of the proposed area.

The area may be described as having rugged terrain and sharp relief. The principal feature is Gee Creek which flows through a deep gorge. Vegetation consists of mixed broadleaf and needleleaf trees including oak, polar, hemlock and pine.

(10) *Bristol Cliffs Wilderness*.—The proposed 6,500 acre Bristol Cliffs Wilderness Area is located in the Green Mountain National Forest in Addison County in west central Vermont. The proposed area is approximately 30 miles south of Burlington and Interstate 89, and

50 miles north of Rutland. Major urban centers within a 200 mile radius include, Boston, Mass.; Hartford, Conn.; Providence, R. I.; and New York City and Albany, N.Y.

The proposed Bristol Cliffs Wilderness contains an annual allowable timber harvest of approximately .7 million board feet which is about two percent of the annual allowable cut of 24 million board feet of the Green Mountain National Forest. The actual harvest on the Green Mountain National Forest in 1972 was 12.9 million board feet. There are no outstanding private mineral rights within the proposed area. Privately owned lands within the area constitute 2,700 acres with a value of approximately \$634,000.

The area can be characterized as encompassing a single steep mountain, with a relative relief of 1,800 feet. The top of the mountain is relatively flat with several ponds and supports mixed stands of northern hardwoods and softwoods.

(11) *Lye Brook Wilderness Area*.—The proposed 14,300 acre Lye Brook Wilderness is located in the Green Mountain National Forest in Bennington County in southwestern Vermont. The area is approximately 80 miles west of Concord and Manchester and 30 miles west of Interstate 91. Major urban areas within a 200 mile radius include New York City, New York; Hartford, Connecticut; Boston, Massachusetts; and Portland, Maine.

The proposed Lye Brook Wilderness contains an annual allowable timber harvest of approximately .5 million board feet which is about two percent of the annual allowable cut of 24 million board feet on the Green Mountain National Forest. The actual harvest on the Green Mountain National Forest in 1972 was 12.9 million board feet. There are no outstanding private mineral rights within the proposed area. Privately owned lands within the proposed boundary constitute 2,700 acres with a value of approximately \$1,950,000.

The area is characterized as rugged mountainous terrain including within the area of one of Vermont's highest waterfalls.

(12) *James River Face Wilderness*.—The proposed 8,800 acre James River Face Wilderness is located in the Jefferson National Forest in Rockbridge and Bedford Counties in western Virginia. The area is approximately 20 miles northwest of Lynchburg and 40 miles northeast of Roanoke, adjacent to the Blue Ridge Parkway. Major urban areas within a 200 mile radius include Washington, D.C.; Norfolk, Virginia; and Raleigh, North Carolina.

The proposed James River Face Wilderness contains an annual allowable timber harvest of approximately .2 million board feet which is about .5 percent of the annual allowable cut of 45 million board feet on the Jefferson National Forest. The actual harvest on the Jefferson National Forest in 1972 was 32.9 million board feet. There are no outstanding private mineral rights or privately owned lands within the proposed area.

The area may be characterized as steep, with rugged terrain, which is densely forested with Appalachian hardwoods. Individual large and mature specimen trees may be found in isolated "coves" or ravines.

(13) *Dolly Sods Wilderness*.—The proposed 10,215 acre Dolly Sods Wilderness is located in the Monongahela National Forest in Tucker and Randolph Counties in eastern West Virginia. The area is approximately 120 miles northeast of Charleston and approximately 60 miles from Interstate 81 to the east and Interstate 79 to the west.



Major urban centers within a 200 mile radius include Washington, D.C.; Pittsburgh, Pennsylvania; and Columbus, Ohio.

The proposed Dolly Sods Wilderness contains an annual allowable timber harvest of approximately .7 million board feet which is about one percent of the annual allowable cut of 56 million board feet on the Monongahela National Forest. The actual harvest on the Monongahela National Forest in 1972 was 35 million board feet. There are no outstanding private mineral rights or privately owned lands within the proposed area.

The area may be characterized as a high plateau with a landscape of bogs, heath shrubs and scattered spruce, reminiscent of vegetation found further north.

(14) *Otter Creek Wilderness*.—The proposed 20,000 acre Otter Creek Wilderness is located in the Monongahela National Forest approximately ten miles to the west of the previously described Dolly Sods Wilderness, and is also located in Tucker and Randolph Counties.

The proposed Otter Creek Wilderness contains an annual allowable timber harvest of approximately 2.2 million board feet which is about 3.8 percent of the annual allowable cut of 56 million board feet on the Monongahela National Forest. The actual harvest on the Monongahela National Forest in 1972 was 35 million board feet. It is estimated that outstanding private mineral rights for coal within the proposed area have a value of \$1,100,000. Privately owned lands within the area constitute 584 acres with a value of approximately \$221,000.

The area can be characterized as a bowl-shaped basin perched on mountainous terrain with a varied vegetative cover ranging from Appalachian hardwoods to bog related plant varieties and heath.

(15) *Rainbow Lake Wilderness*.—The proposed 6,600 acre Rainbow Lake Wilderness is located in the Chequamegon National Forest in Delta County in northern Wisconsin. The proposed area is approximately 40 miles southeast of Duluth and 120 miles northeast of Minneapolis-St. Paul.

The proposed Rainbow Lake Wilderness contains an annual allowable timber harvest of .4 million board feet which is about one-half of one percent of the annual allowable cut of 64.7 million board feet on the Chequamegon National Forest. The actual harvest of the Chequamegon National Forest in 1972 was 44.6 million board feet. It is estimated that outstanding private mineral rights within the proposed area have a value of approximately \$48,000.

The area may be described as rolling glaciated lake country typical of this northern portion of Wisconsin. Dominant vegetation types are northern hardwoods and birch.

Maps dated April, 1974 of these areas are on file in the Office of the Chief, Forest Service, U.S. Department of Agriculture.

#### Section 3(b)

*Cohutta Wilderness*.—The proposed 34,500 acre Cohutta Wilderness is located in the Chattahoochee and Cherokee National Forests in Georgia and Tennessee. Portions of the area are included in Fannin, Gilmer, and Murray Counties in Georgia and Polk County in Tennessee. The proposed area is approximately 80 miles north of Atlanta, 40 miles east of Chattanooga, and approximately 20 miles east of Interstate 75. Major urban areas within a 200 mile radius include Nashville, Tennessee and Birmingham, Alabama.

The proposed Cohutta Wilderness contains an annual allowable timber harvest of approximately .9 million board feet in that portion of the area which lies within the Chattahoochee National Forest. This is approximately 2.3% of the annual allowable cut of the Chattahoochee National Forest which is 38.3 million board feet. The Forest Service has indicated that timber resources of that portion of the area located in Tennessee are not used in the computation of the annual allowable cut for the Cherokee National Forest. It is estimated that outstanding private mineral rights within the proposed area have a value of \$7,000. Privately owned lands within the proposed boundary constitute 326 acres with a value of approximately \$231,000. Both the mineral rights and privately owned lands are in the Chattahoochee National Forest in Georgia.

The area is characterized by rugged mountainous terrain and outstanding water quality.

A map of this area dated April, 1973, is on file in the Office of the Chief, Forest Service, U.S. Department of Agriculture.

#### *Designation of wilderness study areas*

Subsection (a) of Section 4 of H.R. 13455, as amended, provides that to further the purposes of the original Wilderness Act, seventeen areas of national forest lands (east of the one hundredth meridian) are designated to be studied by the Secretary of Agriculture to determine their suitability or nonsuitability for preservation as wilderness and, thus, as additions to the National Wilderness Preservation System.

The study areas listed in subsection (b) are:

- (1) Belle Starr Cave Wilderness Study Area, approximately 5,700 acres in the Ouachita National Forest, Arkansas;
- (2) Dry Creek Wilderness Study Area, approximately 5,500 acres in the Ouachita National Forest, Arkansas;
- (3) Richland Creek Wilderness Study Area, approximately 2,100 acres, in the Ozark National Forest, Arkansas;
- (4) Sopchoppy River Wilderness Study Area, approximately 1,100 acres, in the Appalachicola National Forest, Florida;
- (5) Rock River Canyon Wilderness Study Area, approximately 5,400 acres in the Hiawatha National Forest, Michigan;
- (6) Sturgeon River Wilderness Study Area, approximately 13,200 acres in the Ottawa National Forest, Michigan;
- (7) Craggy Mountain Wilderness Study Area, approximately 1,100 acres in the Pisgah National Forest, North Carolina;
- (8) Wambaw Swamp Wilderness Study Area, approximately 1,500 acres in the Francis Marion National Forest, South Carolina;
- (9) Mill Creek Wilderness Study Area, approximately 4,000 acres in the Jefferson National Forest, Virginia;
- (10) Mountain Lake Wilderness Study Area, approximately 8,400 acres in the Jefferson National Forest, Virginia;
- (11) Peters Mountain Wilderness Study Area, approximately 5,000 acres in the Jefferson National Forest, Virginia;
- (12) Ramsey's Draft Wilderness Study Area, approximately 6,700 acres in the George Washington National Forest, Virginia;
- (13) Flynn Lake Wilderness Study Area, approximately 6,300 acres in the Chequamegon National Forest, Wisconsin;
- (14) Round Lake Wilderness Study Area, approximately 4,200 acres in the Chequamegon National Forest, Wisconsin;

(15) Cranberry Wilderness Study Area, approximately 36,300 acres in the Monongahela National Forest, West Virginia;

(16) Big Frog Wilderness Study Area, approximately 4,500 acres in the Cherokee National Forest, Tennessee;

(17) Citico Creek Area, approximately 14,000 acres in the Cherokee National Forest, Tennessee.

The Secretary, upon completion of each study, transmits it to the President and the President then submits his recommendations to Congress. Subsection (c) provides a five year deadline for completion of the studies.

Subsection (d) authorizes Congress, upon the recommendation of the Secretary of Agriculture or otherwise, to designate additional National Forest wilderness study areas in National Forests east of the 100th meridian. Any such area subsequently designated as a wilderness study area after the enactment of this Act shall have its suitability or unsuitability for preservation as wilderness submitted to Congress within 10 years from the date of the designation as a wilderness study area. However, the authority to designate additional study areas is not to be construed as limiting the Secretary's authority to carry out multiple-use and sustained yield management on areas not designated for review under subsection (d).

Subsection (e) repeats language found in the original Wilderness Act to emphasize that the boundaries of the study area are not fixed. The Secretary may study a larger area than the one designated for study by Congress, and the President may propose, in his recommendations to Congress, alteration of the boundaries of any study area.

#### *Filing of maps and descriptions*

Section 5 requires that, as soon as practicable after enactment of H.R. 13455, as amended, maps of the wilderness study areas and maps and legal descriptions of the wilderness areas be filed with the House and Senate Committee on Interior and Insular Affairs and Committee on Agriculture. The maps and legal descriptions are to have the same force and effect as if enacted as part of H.R. 13455, as amended. However, the Secretary may make corrections of clerical and typographical errors in the maps and legal descriptions. To provide opportunity for public access to the maps and legal descriptions, this section also requires they be on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture.

#### *Management of areas*

Subsection 6(a) provides that wilderness areas designated by or pursuant to the bill are to be managed by the Secretary of Agriculture in accordance with the provisions of the original Wilderness Act. Wilderness study areas designated by or pursuant to the bill are to be managed by the Secretary so as to maintain their potential for inclusion in the National Wilderness Preservation System until Congress determines otherwise, except that this management requirement shall not extend beyond the expiration of the third succeeding Congress, from the date the President's recommendations concerning the particular study area are submitted to Congress. Therefore, while a review is proceeding or while Congress is considering the recommendations of the President upon completion of the studies, the Forest Service must protect the wilderness potential of the study area. No new uses are to

be permitted with wilderness study designation of an area. All existing uses may continue during the study period and during congressional consideration of a proposed wilderness designation, if in the judgment of the Forest Service, the uses do not diminish the presently existing wilderness character and potential for inclusion of the area in the National Wilderness Preservation System.

Subsection 6(b) authorizes—with restrictions—the Secretary of Agriculture to acquire inholdings only in National Forest Wilderness areas designated by this bill.

Paragraph (1) provides for the acquisition of lands, waters, or interests within wilderness areas by means of purchase with donated or appropriated funds, by gift, exchange, condemnation, or otherwise when the Secretary determines such acquisition is necessary or desirable for the purposes of the bill. All lands acquired under the provisions of this subsection shall become national forest lands and a part of the Wilderness System.

Paragraph (2) provides that, when the Secretary exercises the exchange authority, he may accept title to non-Federal property for federally owned property of substantially equal value. If the properties are not of substantially equal value, the value can be equalized by payment of money to the grantor or the Secretary, as the circumstances require.

Paragraphs (3) through (8) circumscribe the condemnation authority of the Secretary of Agriculture so as to respect as much as possible the rights and wishes of inholders.

Paragraph (3) provides that the Secretary may not condemn private land within any wilderness area so long as the owner holds and uses it in the same manner and for the same purpose that it was held and used when the area was designated as wilderness. The Secretary, however, may condemn such private land upon a finding that the use on the date of designation is incompatible with the management of the wilderness. This required finding is, of course, narrower than the general public purpose finding normally required for condemnation purposes. Paragraph (3) further provides that even if a finding of incompatibility is made, the owner of the inholding does not automatically find his inholding condemned. Instead, he enjoys the option of either selecting another use which is compatible with management of a wilderness area or accepting condemnation and payment of full market value for his property.

Paragraphs (4) and (5) insure that change of ownership or use of an inholding does not automatically result in condemnation. These paragraphs provide a notice procedure to alert the Secretary of any change of ownership or use of an inholding so that he may determine if condemnation is necessary and may so advise the owner. The procedure calls for notification of the supervisor of the National Forest by the owner at least sixty days prior to any transfer of the inholding by exchange, sale, or otherwise (except by bequest) or any change of use which will result in any significant new construction or disturbance of land surface or flora or will require the use of motor vehicles and other forms of mechanized transport or motorized equipment (except as otherwise authorized by law for ingress or egress or for existing agricultural activities begun before the date of designation

of the wilderness area other than timber cutting). This notice procedure will insure that no action will be taken in relation to an inholding which necessitates condemnation against the desires of both the inholding owner and the Secretary. Instead, it provides a grace period so that both parties may apprise themselves of the likely consequences of the contemplated action of the owner and discuss alternatives before that action becomes irrevocable.

Paragraphs (6), (7) and (8) provide that the owners of property within a wilderness area used for noncommercial residential or agricultural purposes (other than timber cutting) on or before the date of designation of the wilderness area may continue to reside on and use such property, even though acquired by the Secretary; for a certain period of time. This right of occupancy and use is available whether the property is acquired by other than condemnation or whether its use is found to be incompatible with wilderness area management and is thus taken by eminent domain. The right extends for twenty-five years, or a term ending at the death of the owner or his spouse, whichever is later. The owner can elect either term. If he does, he will be paid full market value for the property discounted for the period of continued residence. Or the owner can elect to receive the entire full market value and not retain the right of use and occupancy for the noncommercial residential purpose or the agricultural activity. Property is defined to mean a detached, noncommercial residential dwelling or an existing agricultural activity, other than timber cutting. Construction of the dwelling or the agricultural activity must have begun prior to the date of the designation of the wilderness area. The Secretary may permit occupancy of so much of the land on which the dwelling or agricultural activity is situated as he determines is necessary for noncommercial residential or agricultural purposes.

The only restrictions concerning the right of use and occupancy allowed under this section is that the owner waives Federal relocation assistance when his term is finally completed and that the right ends if the inholding ceases to be used for the noncommercial residential purpose or agricultural activity. If the right is terminated, the holder of the terminated right receives the fair market value of that portion of the right which remains unexpired on the date of termination.

#### *Transfer of Federal property*

Section 7 provides that any Federal department or agency may transfer jurisdiction over any of its lands within wilderness areas or wilderness study areas designated by or pursuant to H.R. 13455, as amended, to the Secretary of Agriculture for management in accordance with the provisions of this bill.

#### *Applicability*

Section 8 was placed in the bill by the Committee to make absolutely clear that it was the Committee's intent that, unless otherwise provided by any other Act, the provisions of H.R. 13455, as amended, shall apply only to National Forest areas east of the one hundredth meridian.

#### *Authorization of appropriations*

Section 9 authorizes the appropriation of an amount not to exceed \$5,000,000 for the acquisition by purchase, condemnation or otherwise

of lands, waters, or interests therein located in areas designated as wilderness pursuant to Section 3 of H.R. 13455, as amended. This section also authorizes the appropriation of an amount not to exceed \$1,700,000 for the purpose of conducting a review of wilderness study areas designated by Section 4 of H.R. 13455, as amended.

#### COMMITTEE AMENDMENT

The Committee adopted a substitute amendment to H.R. 13455. The amendment struck everything after the enacting clause and inserted the substitute proposal. The Committee action made two primary changes in H.R. 13455 as introduced.

In H.R. 13455, as amended, sixteen areas were designated as instant wilderness areas rather than the nineteen that were originally proposed. Also, in H.R. 13455, as amended, seventeen areas were designated as wilderness study areas rather than the forty areas that were proposed for wilderness study in the original bill. Action was taken on the noncontroversial areas included in the original proposal, and the areas not considered by the Committee were removed so the Committee could give closer and more attentive consideration to these areas at a later time.

The management provisions of H.R. 13455, as amended, are different from the original bill and from the Senate passed bill, S. 3433. The Committee did not want to amend the original Wilderness Act as was proposed in H.R. 13455, as introduced, and in S. 3433 because it believed such amendments were not necessary in order to include the designated areas within the National Wilderness Preservation System. Those bills proposed to amend the original Wilderness Act to provide condemnation authority to the Forest Service to acquire private inholdings and private mineral interests, and to eliminate grazing on wilderness areas east of the 100th meridian. The Committee chose to provide similar limited condemnation authority to the Forest Service in the areas of private inholdings and private mineral interests as proposed in the other two bills, but chose to apply this authority only to those areas included in H.R. 13455, as amended, thereby avoiding amendments to the original Wilderness Act. The Committee did not find fault with continuation of carefully controlled present grazing practices within designated wilderness areas.

#### COST

Authorization is made for the appropriation of an amount not to exceed \$5,000,000 for the acquisition by purchase, condemnation or otherwise of lands, waters, or interests therein located in areas designated as wilderness pursuant to section 3 of H.R. 13455, as amended. Also, authorization is made for the appropriation of an amount not to exceed \$1,700,000 for the purpose of conducting a review of wilderness study areas designated by section 4 of H.R. 13455, as amended.

#### COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends enactment of H.R. 13455, as amended. The bill was unanimously ordered reported by a rollcall vote of 26-0.

## DEPARTMENTAL REPORTS

The communications and reports received by the Committee from the Department of Agriculture and the President dated February 21, 1974 and September 17, 1973 follows:

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D.C., February 12, 1973.

HON. CARL ALBERT,  
*Speaker of the House of Representatives.*

DEAR MR. SPEAKER: Transmitted herewith for the consideration of the Congress is a draft bill "To provide for the addition of certain eastern national forest lands to the National Wilderness Preservation System, to amend Section 3(b) of the Wilderness Act, and for other purposes."

The Department of Agriculture strongly recommends that the draft legislation be enacted by the Congress.

This proposed draft legislation, the Eastern Wilderness Amendments of 1973, would provide a means for supplementing the National Wilderness Preservation System within National Forests east of the one hundredth meridian. It would permit inclusion in the Wilderness System certain National Forest lands in the eastern United States which were once significantly affected by man's works, but where the imprint of man's work is substantially erased, and which have generally reverted to a natural appearance.

The Act would also specifically provide for the review of fifty-three listed areas for possible addition to the System. With respect to approximately one-fourth of these fifty-three "study" areas, the Forest Service has completed many of the studies and procedures needed to make specific recommendations on their suitability for inclusion in the Wilderness System. We believe analyses and inter-agency reviews of these areas should be at least analogous to those contemplated for National Forest Primitive Areas by the Wilderness Act. We expect to complete this review process soon and will be in a position to present further recommendations in the near future.

The Act would further provide that all National Forest System units east of the one hundredth meridian would be generally managed in accordance with the provisions of the Wilderness Act. Notable exceptions would be that the condemnation limitation of the Wilderness Act would not apply to eastern units; all Federal lands within such units would be withdrawn from appropriation or disposition under the mining and mineral leasing laws, and commercial grazing would not be permitted in such units. Although the need for acquisition of private lands in eastern National Forests results from fragmented ownership patterns, we intend to use the condemnation authority sparingly.

HON. CARL ALBERT  
*Speaker of the House of Representatives.*

In his February 8, 1972, message on the environment, President Nixon highlighted the unequal distribution of wilderness units throughout the Nation. The President directed the Secretaries of Agri-

culture and the Interior to accelerate identification of areas in the eastern United States having wilderness potential.

In response to this directive, the Forest Service has invited public input on several alternative ways of meeting eastern needs for areas such as those included in the National Wilderness Preservation System. A series of public listening sessions was held in 21 eastern states in the summer of 1972, to discuss the issues raised by these alternative. This proposed legislation represents an assessment of the input from those meetings and recommendations to further the President's directive.

An environmental statement is being prepared pursuant to the provisions of subsection 102(2)(c) of the National Environmental Policy Act (83 Stat. 853), and will be transmitted as soon as it is available.

A similar letter is being sent to the President of the Senate.

The Office of Management and Budget advises there is no objection to the submission of this report and that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

J. PHIL CAMPBELL,  
*Under Secretary.*

A BILL To provide for the addition of certain eastern national forest lands to the National Wilderness Preservation System, to amend Section 3(b) of the Wilderness Act, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That this Act may be cited as "The Eastern Wilderness Amendments of 1973."*

Sec. 2. (a) The Secretary of Agriculture shall review each area listed in subsection (b) of this section as to its suitability or nonsuitability for preservation as a part of the National Wilderness Preservation System in accordance with the criteria specified by subsection 3(b)(2) of the Wilderness Act, as added by this Act. In conducting his review, the Secretary shall comply with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892, 16 U.S.C. 1132(d)), and upon transmittal of the Secretary of Agriculture's recommendations to the President, the President shall advise the Senate and House of Representatives of his recommendations with respect to designation as wilderness of the areas reviewed by the Secretary of Agriculture.

(b) The following areas, as generally depicted on maps appropriately referenced, dated February, 1973, and on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, are hereby designated for review by the Secretary of Agriculture as to their suitability or nonsuitability for designation as additions to the National Wilderness Preservation System:

(1) the area generally depicted on a map entitled "Sipsey Wilderness Study Area", Bankhead National Forest, Alabama, comprising approximately nine thousand, four hundred acres.

(2) the area generally depicted on a map entitled "Belle Star Cave Wilderness Study Area", Ouachita National Forest, Arkansas, comprising approximately five thousand, seven hundred acres.

(3) the area generally depicted on a map entitled "Caney Creek Wilderness Study Area", Ouachita National Forest, Arkansas, comprising approximately ten thousand, two hundred acres.

(4) the area generally depicted on a map entitled "Dry Creek Wilderness Study Area", Ouachita National Forest, Arkansas, comprising approximately five thousand, five hundred acres.

(5) the area generally depicted on a map entitled "Upper Buffalo River Wilderness Study Area", Ozark National Forest, Arkansas, comprising approximately ten thousand, six hundred acres.

(6) the area generally depicted on a map entitled "Richland Creek Wilderness Study Area", Ozark National Forest, Arkansas, comprising approximately two thousand, one hundred acres.

(7) the area generally depicted on a map entitled "Bradwell Bay Wilderness Study Area", Apalachicola National Forest, Florida, comprising approximately twenty-two thousand acres.

(8) the area generally depicted on a map entitled "Alexander Springs Wilderness Study Area", Ocala National Forest, Florida, comprising approximately ten thousand acres.

(9) the area generally depicted on a map entitled "Cohutta Wilderness Study Area," Chattahoochee and Cherokee National Forests, Georgia and Tennessee, comprising approximately thirty-four thousand, five hundred acres.

(10) the area generally depicted on a map entitled "Nebo Ridge Wilderness Study Area," Hoosier National Forest, Indiana, comprising approximately fifteen thousand, five hundred acres.

(11) the area generally depicted on a map entitled "LaRue-Pine Hills Wilderness Study Area," Shawnee National Forest, Illinois, comprising approximately two thousand, eight hundred acres.

(12) the area generally depicted on a map entitled "Lusk Creek Wilderness Study Area," Shawnee National Forest, Illinois, comprising approximately eleven thousand acres.

(13) the area generally depicted on a map entitled "Beaver Creek Wilderness Study Area," Daniel Boone, National Forest, Kentucky, comprising approximately five thousand, five hundred acres.

(14) the area generally depicted on a map entitled "Kisatchie Hills Wilderness Study Area," Kisatchie National Forest, Louisiana, comprising approximately ten thousand acres.

(15) the area generally depicted on a map entitled "Saline Bayou Wilderness Study Area," Kisatchie National Forest, Louisiana, comprising approximately five thousand acres.

(16) the area generally depicted on a map entitled "Big Island Lake Wilderness Study Area," Hiawatha National Forest, Michigan, comprising approximately six thousand, six hundred acres.

(17) the area generally depicted on a map entitled "Rock River Canyon Wilderness Study Area," Hiawatha National Forest, Michigan, comprising approximately five thousand, four hundred acres.

(18) the area generally depicted on a map entitled "Sturgeon River Wilderness Study Area," Ottawa National Forest, Michigan, comprising approximately thirteen thousand, two hundred acres.

(19) the area generally depicted on a map entitled "Bell Mountain Wilderness Study Area," Clark National Forest, Missouri, comprising approximately ten thousand, two hundred acres.

(20) the area generally depicted on a map entitled "Rock Pile Mountain Wilderness Study Area," Clark National Forest, Missouri, comprising approximately nine thousand acres.

(21) the area generally depicted on a map entitled "Hercules Wilderness Study Area," Mark Twain National Forest, Missouri, comprising approximately sixteen thousand, six hundred acres.

(22) the area generally depicted on a map entitled "White's Creek Wilderness Study Area," Mark Twain National Forest, Missouri, comprising approximately nineteen thousand, one hundred acres.

(23) the area generally depicted on a map entitled "Caribou Mountain-Speckled Mountain Wilderness Study Area," White Mountain National Forest, New Hampshire, comprising approximately twelve thousand acres.

(24) the area generally depicted on a map entitled "Carr Mountain Wilderness Study Area," White Mountain National Forest, New Hampshire, comprising approximately ten thousand acres.

(25) the area generally depicted on a map entitled "Kilkenny Wilderness Study Area," White Mountain National Forest, New Hampshire, comprising approximately sixteen thousand acres.

(26) the area generally depicted on a map entitled "Presidential Range Wilderness Study Area," White Mountain National Forest, New Hampshire, comprising approximately forty thousand acres.

(27) the area generally depicted on a map entitled "Wild River Wilderness Study Area," White Mountain National Forest, New Hampshire, comprising approximately twenty thousand acres.

(28) the area generally depicted on a map entitled "Craggy Mountain Wilderness Study Area," Pisgah National Forest, North Carolina, comprising approximately one thousand, one hundred acres.

(29) the area generally depicted on a map entitled "Pocosin Wilderness Study Area," Croatan National Forest, North Carolina, comprising approximately seventeen thousand acres.

(30) the area generally depicted on a map entitled "Clear Fork Wilderness Study Area," Wayne National Forest, Ohio, comprising approximately nineteen thousand acres.

(31) the area generally depicted on a map entitled "Ellicott's Rock Wilderness Study Area," Sumter National Forest, South Carolina, comprising approximately three thousand, six hundred acres.

(32) the area generally depicted on a map entitled "Wambaw Swamp Wilderness Study Area," Francis Marion National Forest, South Carolina, comprising approximately one thousand, five hundred acres.

(33) the area generally depicted on a map entitled "Big Frog Wilderness Study Area," Cherokee National Forest, Tennessee, comprising approximately three thousand acres.

(34) the area generally depicted on a map entitled "Gee Creek Wilderness Study Area," Cherokee National Forest, Tennessee, comprising approximately one thousand, one hundred acres.

(35) the area generally depicted on a map entitled "Joyce Kilmer-Slickrock Wilderness Study Area," Cherokee and Nantahala National Forests, Tennessee and North Carolina, comprising approximately fifteen thousand acres.



(36) the area generally depicted on a map entitled "Big Slough Wilderness Study Area," Davy Crockett National Forest, Texas, comprising approximately four thousand acres.

(37) the area generally depicted on a map entitled "Chambers Ferry Wilderness Study Area," Sabine National Forest, Texas, comprising approximately four thousand acres.

(38) the area generally depicted on a map entitled "Bristol Cliffs Wilderness Study Area," Green Mountain National Forest, Vermont, comprising approximately four thousand, nine hundred acres.

(39) the area generally depicted on a map entitled "Lye Brook Wilderness Study Area," Green Mountain National Forest, Vermont, comprising approximately nine thousand, one hundred acres.

(40) the area generally depicted on a map entitled "James River Face Wilderness Study Area," Jefferson National Forest, Virginia, comprising approximately eight thousand, eight hundred acres.

(41) the area generally depicted on a map entitled "Laurel Fork Wilderness Study Area," George Washington and Monongahela National Forests, Virginia and West Virginia, comprising approximately eight thousand, three hundred acres.

(42) the area generally depicted on a map entitled "Mill Creek Wilderness Study Area," Jefferson National Forest, Virginia, comprising approximately four thousand acres.

(43) the area generally depicted on a map entitled "Mountain Lake Wilderness Study Area," Jefferson National Forest, Virginia, comprising approximately eight thousand, four hundred acres.

(44) the area generally depicted on a map entitled "Peters Mountain Wilderness Study Area," Jefferson National Forest, Virginia, comprising approximately eight thousand, four hundred acres.

(45) the area generally depicted on a map entitled "Ramsey Draft Wilderness Study Area," George Washington National Forest, Virginia, comprising approximately six thousand, seven hundred acres.

(46) the area generally depicted on a map entitled "Cranberry Wilderness Study Area," Monongahela National Forest, West Virginia, comprising approximately thirteen thousand, two hundred acres.

(47) the area generally depicted on a map entitled "Dolly Sods Wilderness Study Area," Monongahela National Forest, West Virginia, comprising approximately ten thousand, two hundred acres.

(48) the area generally depicted on a map entitled "Otter Creek Wilderness Study Area," Monongahela National Forest, West Virginia, comprising approximately eighteen thousand acres.

(49) the area generally depicted on a map entitled "Black Jack Springs Wilderness Study Area," Nicolet National Forest, Wisconsin, comprising approximately two thousand, six hundred acres.

(50) the area generally depicted on a map entitled "Flynn Lake Wilderness Study Area," Chequamegon National Forest, Wisconsin, comprising approximately six thousand, three hundred acres.

(51) the area generally depicted on a map entitled "Rainbow Lake Wilderness Study Area," Chequamegon National Forest, Wisconsin, comprising approximately six thousand, six hundred acres.

(52) the area generally depicted on a map entitled "Whisker Lake Wilderness Study Area," Nicolet National Forest, Wisconsin, comprising approximately two thousand, seven hundred acres.

(53) the area generally depicted on a map entitled "El Cacique Wilderness Study Area," Caribbean National Forest, Puerto Rico, comprising approximately eight thousand, five hundred acres.

(c) The areas listed in subsection (b) of this section shall be managed by the Secretary of Agriculture so as to maintain their potential for inclusion in the National Wilderness Preservation System until Congress has acted on a recommendation that the area be included in the Wilderness System, or until the President has determined that the area should not be included in the System.

SEC. 3. Section 3(b) of the Wilderness Act (78 Stat. 891, 16 U.S.C. 1132(b)), is hereby amended by redesignating said section as subsection 3(b)(1) and by adding the following as subsection 3(b)(2):

"(2) The Secretary of Agriculture may, through publication in the Federal Register, designate national forest system areas other than those specified in subsection (b)(1) of this section, for review as to suitability or nonsuitability for preservation as wilderness pursuant to the criteria set forth in section 2(c) of this Act: *Provided*, That only within those national forest system units east of the one hundredth meridian the Secretary of Agriculture may consider for review areas where man and his own works have once significantly affected the landscape but are now areas of land (1) where the imprint of man's work is substantially erased; (2) which has generally reverted to a natural appearance; and (3) which can provide outstanding opportunities for solitude or a primitive and unconfined type of recreation. Nothing in this subsection shall be construed as limiting the authority of the Secretary to carry out management programs, development, and activities in accordance with the Multiple Use-Sustained Yield Act of 1960 (74 Stat. 215, 16 U.S.C. 528-31) within areas not designated by him for review in accordance with the provisions of this subsection."

SEC. 4. Any national forest system areas east of the one hundredth meridian heretofore or hereafter designated as wilderness shall be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that—

(a) subject to valid existing rights, federally-owned lands within such national forest system areas designated as components of the National Wilderness Preservation System, or lands hereafter acquired within the boundaries of such areas, are hereby withdrawn from all forms of appropriation under the mining laws, and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(b) the Secretary of Agriculture may acquire privately-owned lands or interests therein within such national forest system areas heretofore or hereafter designated as wilderness, without the consent of the owner.

(c) subject to valid existing rights, the commercial grazing of livestock shall not be permitted within such wilderness areas.

(d) nothing in this Act shall apply to management of the Boundary Waters Canoe Area, Superior National Forest, Minnesota, which shall continue to be managed in accordance with applicable provisions of law in effect on the date of this Act.

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D.C. 20250

HON. CARL ALBERT,  
*Speaker of the House of Representatives.*

DEAR MR. SPEAKER: On February 21, 1973, we transmitted to the Congress a draft bill "To provide for the addition of certain eastern national forest lands to the National Wilderness Preservation System, to amend section 3(b) of the Wilderness Act, and for other purposes." The proposal has been embodied in H.R. 4793.

In our letter of transmittal we indicated that the Forest Service was in the process of studying approximately one-fourth of the areas designated for review in the draft bill, and that we expected to be able within the near future to make specific recommendations as to their suitability for inclusion in the Wilderness System.

Interagency review of the areas we have studied has now been completed. Our reviews have been somewhat general, and have not been conducted with the same depth and intensity as have the studies of National Forest Primitive Areas which we have recommended for inclusion in the Wilderness System. Specifically we have not undertaken comprehensive mineral surveys, or formal public hearings as prescribed by section 3(d) of the Wilderness Act.

Congress has expressed strong interest in giving early consideration to the establishment of wilderness areas in the East. Our studies to date on sixteen specific areas strongly indicate that the mineral, timber, and other uses and values that would be foregone would have relatively little social-economic impact. Although formal hearings were not held on the sixteen areas, other means of public involvement, including informal hearings, were utilized. We also recognize that establishment of sixteen wilderness areas in the East would parallel the enactment of the Wilderness Act of 1964, which immediately established a number of wilderness areas primarily in the West.

We therefore would not object to designation as wilderness of sixteen of the fifty-three study areas listed in H.R. 4793. These sixteen areas are listed in an attachment to this letter and are specifically described in the enclosed wilderness reports for the individual areas.

Also enclosed is a revised draft "Eastern Wilderness Amendments of 1973" to provide for immediate designation of the sixteen proposed wilderness areas. The draft also contains a minor, technical revision of section 4(c) of our earlier draft. We recommend this revised draft be enacted in lieu of our earlier proposal.

In accordance with the provisions of subsection 102(2)(c) of the National Environmental Policy Act (83 Stat. 853), environmental statements have been prepared and are also enclosed.

A similar letter is being sent to the President of the Senate.

The Office of Management and Budget advises that there is no objection to the submission of this report and that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

J. PHIL CAMPBELL,  
*Under Secretary.*

Enclosure.

PROPOSED WILDERNESS AREAS

1. Sipsey Wilderness, Bankhead National Forest, Alabama, 9,400 acres.
2. Caney Creek Wilderness, Ouachita National Forest, Arkansas, 10,200 acres.
3. Cohutta Wilderness, Chattahoochee and Cherokee National Forest, Georgia and Tennessee, 34,500 acres.
4. Beaver Creek Wilderness, Daniel Boone National Forest, Kentucky, 5,500 acres.
5. Big Island Lakes Wilderness, Hiawatha National Forest, Michigan, 6,600 acres.
6. Hercules Wilderness, Mark Twain National Forest, Missouri, 16,600 acres.
7. Whites Creek (Irish) Wilderness, Mark Twain National Forest, Missouri, 19,100 acres.
8. Southern Presidential—Dry River Wilderness, White Mountain National Forest, New Hampshire, 23,100 acres.
9. Ellicott's Rock Wilderness, Sumter National Forest, South Carolina, 3,600 acres.
10. Gee Creek Wilderness, Cherokee National Forest, Tennessee, 1,100 acres.
11. Bristol Cliffs Wilderness, Green Mountain National Forest, Vermont, 6,500 acres.
12. Lye Brook Wilderness, Green Mountain National Forest, Vermont, 14,300 acres.
13. James River Face Wilderness, Jefferson National Forest, Virginia, 8,800 acres.
14. Laurel Fork Wilderness, George Washington and Monongahela National Forest, Virginia and West Virginia, 8,300 acres.
15. Dolly Sods Wilderness, Monongahela National Forest, West Virginia, 10,200 acres.
16. Rainbow Lakes Wilderness, Chequamegon National Forest, Wisconsin, 6,600 acres.

A Bill To provide for the addition of certain eastern national forest lands to the National Wilderness Preservation System, to amend Section 3(b) of the Wilderness Act, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Eastern Wilderness Amendments of 1973."*

SEC. 2. The following national forest areas, as generally depicted on maps appropriately referenced, dated April, 1973, and on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, are hereby designated as wilderness:

(1) the area generally depicted on a map entitled "Proposed Sipsey Wilderness," Bankhead National Forest, Alabama, comprising approximately nine thousand, four hundred acres.

(2) the area generally depicted on a map entitled "Proposed Caney Creek Wilderness," Ouachita National Forest, Arkansas, comprising approximately ten thousand, two hundred acres.

(3) the area generally depicted on a map entitled "Proposed Cohutta Wilderness," Chattahoochee and Cherokee National Forests, Georgia and Tennessee, comprising approximately thirty-four thousand, five hundred acres.

(4) the area generally depicted on a map entitled "Proposed Beaver Creek Wilderness," Daniel Boone National Forest, Kentucky, comprising approximately five thousand, five hundred acres.

(5) the area generally depicted on a map entitled "proposed Big Island Lakes Wilderness," Hiawatha National Forest, Michigan comprising approximately six thousand, six hundred acres.

(6) the area generally depicted on a map entitled "Proposed Hercules Wilderness," Mark Twain National Forest, Missouri, comprising approximately sixteen thousand, six hundred acres.

(7) the area generally depicted on a map entitled "Proposed Whites Creek (Irish) Wilderness," Mark Twain National Forest, Missouri, comprising approximately nineteen thousand, one hundred acres.

(8) the area generally depicted on a map entitled "Proposed Southern Presidential-Dry River Wilderness," White Mountain National Forest, New Hampshire, comprising approximately twenty-three thousand, one hundred acres.

(9) the area generally depicted on a map entitled "Proposed Ellicott's Rock Wilderness," Sumter National Forest, South Carolina, comprising approximately three thousand, six hundred acres.

(10) the area generally depicted on a map entitled "Proposed Gee Creek Wilderness," Cherokee National Forest, Tennessee, comprising approximately one thousand, one hundred acres.

(11) the area generally depicted on a map entitled "Proposed Bristol Cliffs Wilderness," Green Mountain National Forest, Vermont, comprising approximately six thousand, five hundred acres.

(12) the area generally depicted on a map entitled "Proposed Lye Brook Wilderness," Green Mountain National Forest, Vermont, comprising approximately fourteen thousand, three hundred acres.

(13) the area generally depicted on a map entitled "Proposed James River Face Wilderness," Jefferson National Forest, Virginia, comprising approximately eight thousand, eight hundred acres.

(14) the area generally depicted on a map entitled "Proposed Laurel Fork Wilderness," George Washington and Monongahela National Forests, Virginia and West Virginia, comprising approximately eight thousand, three hundred acres.

(15) the area generally depicted on a map entitled "Proposed Dolly Sods Wilderness," Monongahela National Forest, West Virginia, comprising approximately ten thousand, two hundred acres.

(16) the area generally depicted on a map entitled "Proposed Rainbow Lake Wilderness," Chequamegon National Forest, Wisconsin, comprising approximately six thousand, six hundred acres.

Sec. 3. (a) The Secretary of Agriculture shall review each area listed in subsection (b) of this section as to its suitability or non-suitability for preservation as a part of the National Wilderness Preservation System in accordance with the criteria specified by subsection 3(b)(2) of the Wilderness Act, as added by this Act. In conducting his review,

the Secretary shall comply with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892, 16 U.S.C. 1132 (d)), and upon transmittal of the Secretary of Agriculture's recommendations to the President, the President shall advise the Senate and House of Representatives of his recommendations with respect to designation as wilderness of the areas reviewed by the Secretary of Agriculture.

(b) The following areas, as generally depicted on maps appropriately referenced, dated February, 1973, and on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, are hereby designated for review by the Secretary of Agriculture as to their suitability or nonsuitability for designation as additions to the National Wilderness Preservation System:

(1) the area generally depicted on a map entitled "Belle Star Cave Wilderness Study Area," Ouachita National Forest, Arkansas, comprising approximately five thousand, seven hundred acres.

(2) the area generally depicted on a map entitled "Dry Creek Wilderness Study Area," Ouachita National Forest, Arkansas, comprising approximately five thousand, five hundred acres.

(3) the area generally depicted on a map entitled "Upper Buffalo Wilderness Study Area," Ozark National Forest, Arkansas, comprising approximately ten thousand, six hundred acres.

(4) the area generally depicted on a map entitled "Richland Creek Wilderness Study Area," Ozark National Forest, Arkansas, comprising approximately two thousand, one hundred acres.

(5) the area generally depicted on a map entitled "Bradwell Bay Wilderness Study Area," Apalachicola National Forest, Florida, comprising approximately twenty-two thousand acres.

(6) the area generally depicted on a map entitled "Alexander Springs Wilderness Study Area," Ocala National Forest, Florida, comprising approximately ten thousand acres.

(7) the area generally depicted on a map entitled "Nebo Ridge Wilderness Study Area," Hoosier National Forest, Indiana, comprising approximately fifteen thousand, five hundred acres.

(8) the area generally depicted on a map entitled "LaRue-Pine Hills Wilderness Study Area," Shawnee National Forest, Illinois, comprising approximately two thousand, eight hundred acres.

(9) the area generally depicted on a map entitled "Lusk Creek Wilderness Study Area," Shawnee National Forest, Illinois comprising approximately eleven thousand acres.

(10) the area generally depicted on a map entitled "Kisatchie Hills Wilderness Study Area," Kisatchie National Forest, Louisiana, comprising approximately ten thousand acres.

(11) the area generally depicted on a map entitled "Saline Bayou Wilderness Study Area," Kisatchie National Forest, Louisiana comprising approximately five thousand acres.

(12) the area generally depicted on a map entitled "Rock River Canyon Wilderness Study Area," Hiawatha National Forest, Michigan, comprising approximately five thousand, four hundred acres.

(13) the area generally depicted on a map entitled "Sturgeon River Wilderness Study Area," Ottawa National Forest, Mich-



igan, comprising approximately thirteen thousand, two hundred acres.

(14) the area generally depicted on a map entitled "Bell Mountain Wilderness Study Area," Clark National Forest, Missouri, comprising approximately ten thousand, two hundred acres.

(15) the area generally depicted on a map entitled "Rock Pile Mountain Wilderness Study Area," Clark National Forest, Missouri, comprising approximately nine thousand acres.

(16) the area generally depicted on a map entitled "Caribou Mountain-Speckled Mountain Wilderness Study Area," White Mountain National Forest, Maine, comprising approximately twelve thousand acres.

(17) the area generally depicted on a map entitled "Carr Mountain Wilderness Study Area," White Mountain National Forest, New Hampshire, comprising approximately ten thousand acres.

(18) the area generally depicted on a map entitled "Kilkenny Wilderness Study Area," White Mountain National Forest, New Hampshire, comprising approximately sixteen thousand acres.

(19) the area generally depicted on a map entitled "Wild River Wilderness Study Area," White Mountain National Forest, New Hampshire, comprising approximately twenty thousand acres.

(20) the area generally depicted on a map entitled "Craggy Mountain Wilderness Study Area," Pisgah National Forest, North Carolina, comprising approximately one thousand, one hundred acres.

(21) the area generally depicted on a map entitled "Pocosin Wilderness Study Area," Croatan National Forest, North Carolina, comprising approximately seventeen thousand acres.

(22) the area generally depicted on a map entitled "Archers Fork Wilderness Study Area," Wayne National Forest, Ohio, comprising approximately nineteen thousand acres.

(23) the area generally depicted on a map entitled "Wambaw Swamp Wilderness Study Area," Francis Marion National Forest, South Carolina, comprising approximately one thousand, five hundred acres.

(24) the area generally depicted on a map entitled "Big Frog Wilderness Study Area," Cherokee National Forest, Tennessee, comprising approximately three thousand acres.

(25) the area generally depicted on a map entitled "Joyce Kilmer-Slickrock Wilderness Study Area," Cherokee and Nantahala National Forests, Tennessee and North Carolina, comprising approximately fifteen thousand acres.

(26) the area generally depicted on map entitled "Big Slough Wilderness Study Area," Davy Crockett National Forest, Texas, comprising approximately four thousand acres.

(27) the area generally depicted on a map entitled "Chambers Ferry Wilderness Study Area," Sabine National Forest, Texas, comprising approximately four thousand acres.

(28) the area generally depicted on a map entitled "Mill Creek Wilderness Study Area," Jefferson National Forest, Virginia, comprising approximately four thousand acres.

(29) the area generally depicted on a map entitled "Mountain Lake Wilderness Study Area," Jefferson National Forest, Vir-

ginia, comprising approximately eight thousand, four hundred acres.

(30) the area generally depicted on a map entitled "Peters Mountain Wilderness Study Area," Jefferson National Forest, Virginia, comprising approximately five thousand acres.

(31) the area generally depicted on a map entitled "Ramsey Draft Wilderness Study Area," George Washington National Forest, Virginia, comprising approximately six thousand, seven hundred acres.

(32) the area generally depicted on a map entitled "Cranberry Wilderness Study Area," Monongahela National Forest, West Virginia, comprising approximately thirteen thousand, two hundred acres.

(33) the area generally depicted on a map entitled "Otter Creek Wilderness Study Area," Monongahela National Forest, West Virginia, comprising approximately eighteen thousand acres.

(34) the area generally depicted on a map entitled "Black Jack Springs Wilderness Study Area," Nicolet National Forest, Wisconsin, comprising approximately two thousand, six hundred acres.

(35) the area generally depicted on a map entitled "Flynn Lake Wilderness Study Area," Chequamegon National Forest, Wisconsin, comprising approximately six thousand, three hundred acres.

(36) the area generally depicted on a map entitled "Whisker Lake Wilderness Study Area," Nicolet National Forest, Wisconsin, comprising approximately two thousand, seven hundred acres.

(37) the area generally depicted on a map entitled "El Caeique Wilderness Study Area," Caribbean National Forest, Puerto Rico, comprising approximately eight thousand, five hundred acres.

(c) The areas listed in subsection (b) of this section shall be managed by the Secretary of Agriculture so as to maintain their potential for inclusion in the National Wilderness Preservation System until Congress has acted on a recommendation that the area be included in the Wilderness System, or until the President has determined that the area should not be included in the System.

SEC. 4. Section 3(b) of the Wilderness Act (78 Stat. 891, 16 U.S.C. 1132(b)), is hereby amended by redesignating said section as subsection 3(b)(1) and by adding the following as subsection 3(b)(2):

"(2) The Secretary of Agriculture may, through publication in the Federal Register, designate national forest system areas other than those specified in subsection (b)(1) of this section, for review as to suitability or nonsuitability for preservation as wilderness pursuant to the criteria set forth in section 2(c) of this Act: *Provided*, That only within those national forest system units east of the one hundredth meridian the Secretary of Agriculture may consider for review areas where man and his own works have once significantly affected the landscape but are now areas of land (1) where the imprint of man's work is substantially erased; (2) which has generally reverted to a natural appearance; and (3) which can provide outstanding opportunities for solitude for a primitive and unconfined type of recreation. Nothing in this

subsection shall be construed as limiting the authority of the Secretary to carry out management programs, development, and activities in accordance with the Multiple Use-Sustained Yield Act of 1960 (74 Stat. 215, 16 U.S.C. 528-31) within areas not designated by him for review in accordance with the provisions of this subsection."

SEC. 5. Any national forest system areas east of the one hundredth meridian heretofore or hereafter designated as wilderness shall be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that—

(a) subject to valid existing rights, federally owned lands within such national forest system areas designated as components of the National Wilderness Preservation System, or lands hereafter acquired within the boundaries of such areas, are hereby withdrawn from all forms of appropriation under the mining laws, and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(b) the Secretary of Agriculture may acquire privately owned lands or interests therein within such national forest system areas heretofore or hereafter designated as wilderness, without the consent of the owner.

(c) Upon termination of existing permits, the commercial grazing of livestock shall not be permitted within such wilderness areas.

(d) nothing in this Act shall apply to management of the Boundary Waters Canoe Area, Superior National Forest, Minnesota, which shall continue to be managed in accordance with applicable provisions of law in effect on the date of this Act.



## EASTERN WILDERNESS AREAS ACT OF 1974

MAY 2, 1974.—Ordered to be printed

Mr. AIKEN, from the Committee on Agriculture and Forestry,  
submitted the following

### REPORT

[To accompany S. 3433]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 3433) to further the purposes of the Wilderness Act by designating certain acquired lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes, having considered the same, unanimously reports favorably thereon without amendment and recommends that the bill do pass.

#### SHORT EXPLANATION

The bill being reported by the Committee combines major provisions of (1) S. 22, as reported by the Committee on February 15, 1973 (S. Rept. No. 93-21), and (2) S. 316, as reported by the Committee on Interior and Insular Affairs on December 20, 1973 (S. Rept. No. 93-661), and referred to the Committee on Agriculture and Forestry on January 23, 1974.

• The bill designates nineteen areas in fifteen States as wilderness within the National Wilderness Preservation System, which was established by the Wilderness Act of 1964. The bill also designates forty areas in eighteen States and the Commonwealth of Puerto Rico to be studied by the Secretary of Agriculture as to their suitability for preservation as wilderness. All of the areas designated as wilderness and wilderness study areas and eligible for designation are in National Forests east of the 100th meridian, which consist predominantly of acquired lands. The Secretary is authorized under the bill to designate additional wilderness study areas in National Forests east of the 100th meridian.

- The designation of the wilderness areas and the wilderness study areas in the eastern United States is designed to preserve such areas as an enduring source of wilderness and afford present and future generations with an opportunity to enjoy primitive recreation in a spacious, natural, and wilderness setting.

- The bill provides, with some exceptions, that the wilderness areas designated by the bill are to be managed by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964. The wilderness study areas are to be managed so as to maintain their potential for inclusion in the National Wilderness Preservation System.

- The bill also contains certain amendments to the Wilderness Act of 1964 which are designed to (1) facilitate the administration of the National Wilderness Preservation System, and (2) promote uniformity of management of wilderness areas in the East and the West.

## THE HISTORY OF WILDERNESS

*"The richest values of wilderness lie not in the days of Daniel Boone, nor even in the present, but rather in the future."*—Aldo Leopold (1887–1948).

North America was generally pristine wilderness in 1492. For four centuries, the early settlers' prime purpose was to conquer this vast wilderness and convert the resources to their physical sustenance and benefit. Over one billion acres of the United States and its possessions have been occupied and converted to private ownership.

By the late 1800's, the consequences of uncontrolled exploitation became alarmingly visible. A few wise leaders noted such consequences and proposed the retention and acquisition of certain lands as a base for the conservation of natural resources.

This was the beginning of the conservation movement in the United States. The movement has been highly successful. The movement contributed significantly toward early establishment of the National Forest and National Park Systems. The Act of June 4, 1897 (30 Stat. 34), provides for the management of National Forests to improve and protect forests, secure favorable water flow, and furnish a continuous supply of timber.

Early conservation leaders recognized wilderness as a resource and made provisions for retaining some lands of wilderness character. On June 3, 1924, the Forest Service designated 750,000 acres of land in the Gila National Forest in New Mexico to receive special protection to preserve its unique wilderness values. The establishment of the area is generally credited to the efforts of one of the Nation's wilderness pioneers, Aldo Leopold, a Forest Service employee at that time.

Over the years, the Forest Service managed the National Forests according to the philosophy of providing the greatest good to the greatest number in the long run. From this philosophy emerged the concepts of multiple use and sustained yield. This led to the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215), which directs that National Forests be administered for the purposes of outdoor recreation, range, timber, watershed, and wildlife and fish. The Act provides that the establishment and maintenance of areas of wilderness are consistent with these purposes.

During the period from 1924—the date of the designation of the wilderness area in the Gila National Forest—to September 3, 1964—the date of the enactment of the original Wilderness Act—87 other areas were administratively classified as "wilderness", "wild", "primitive", or "canoe" areas by the Secretary of Agriculture.

In the Wilderness Act of 1964, Congress established a national policy to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. To this end, the Act established a National Wilderness Preservation System and des-

ignated as units of the system the National Forest areas which had been administratively classified as "wilderness", "wild", or "canoe". Thus, the original components of the Wilderness System were 54 National Forest areas containing 9.1 million acres.

The Wilderness Act also directed the Secretary of Agriculture to review for suitability as wilderness the areas administratively classified as "primitive". The Act provided that the review was to be completed by September 3, 1974. Thirty-four primitive areas containing 5.5 million acres were involved. The Forest Service has reviewed 23 of these areas and recommended them to the Congress for designation as wilderness. Congress has enacted legislation to designate 11 of the primitive areas and one other National Forest area as wilderness. Therefore, at the present time, there are 95 units of the National Wilderness Preservation System containing approximately 11 million acres of land, 97.3 percent of which are in the National Forests. The Forest Service is presently conducting reviews on the 11 remaining "primitive" areas and expects to have these reviews completed in 1974.

The Wilderness Act also directed that roadless areas within the National Park System and the National Wildlife Refuge System be reviewed for suitability as wilderness. The Department of the Interior is therefore reviewing approximately 58 million acres. To date, 0.3 million acres of these lands have been designated as wilderness.

On October 15, 1973, the Department of Agriculture announced that it had selected 274 additional areas of undeveloped National Forest lands—encompassing 12.3 million acres—to be studied as to the desirability of adding them to the National Wilderness Preservation System.

Wilderness areas in the National Forests are managed, pursuant to the directive of the Secretary of Agriculture, so as "to promote, perpetuate, and, where necessary, to restore the wilderness character of the land and its specific values of solitude, physical and mental challenge, scientific study, inspiration, and primitive recreation."

## COMMITTEE CONSIDERATION

### BEFORE THE INTRODUCTION OF LEGISLATION

The consideration of wilderness legislation by the Committee on Agriculture and Forestry has its roots in the growing national citizen interest in preserving from the impact of man certain forest lands in the eastern United States.

Since the enactment of the Wilderness Act of 1964, 95 wilderness areas have been designated in the United States. However, only 4 of these have been designated in National Forests east of the 100th meridian. Thus, most of the wilderness areas are in the less populous western part of the Nation, while in the more populous eastern half of the United States, there are few wilderness areas.

This situation results, in part, from the position that the Forest Service has taken as to what qualifies as wilderness. The Forest Service, in contrast with the National Park Service and the Bureau of Sport Fisheries and Wildlife, has taken the position that most of the areas in the East are not sufficiently pristine to qualify as wilderness. The Interior Committee has under active consideration several bills that would designate wilderness areas in eastern lands administered by the National Park Service and the Bureau of Sport Fisheries and Wildlife. The Interior Committee has, in the past, approved several bills designating such areas in the East. It cannot be questioned that National Forest lands in the East have felt the impact of man. However, many of these areas have been restored or are in the process of restoration to a primitive and natural condition.

The Forest Service interpretation of the definition of wilderness in section 2(c) of the Wilderness Act of 1964 has come under heavy attack by certain citizen and conservation groups. Many citizens have felt that there is a pressing need to set aside and preserve primitive areas in the eastern United States regardless of whether these areas have in the past felt the heavy impact of man.

President Nixon was aware of this great citizen interest. In January of 1972, in his environmental message to Congress, the President directed the Secretaries of Agriculture and the Interior "to accelerate the identification of areas in the eastern United States having wilderness potential".

In response to this directive, the Forest Service on February 25, 1972, issued an invitation to the public to provide advice on methods to identify and establish areas in the eastern United States having wilderness potential. At the time of the Forest Service invitation, the Chief of the Service pointed out that the need for solitude and spiritual refreshment found in primitive, scenic surroundings was most acute in the East, where opportunities are limited. He added that the impact of civilization on this section of the country in the past two centuries has been heavy and that opportunities would continue

to diminish unless positive action was taken soon. The Forest Service felt that because most of these wilderness-like settings in the East had been cut over, or in some other way seriously scarred by man, they would not qualify for wilderness designation under the criteria of the Wilderness Act of 1964. Therefore, the Forest Service informally designated these areas as wild areas.

Also, the Forest Service held 27 field hearings at which 235 persons presented oral testimony and 526 persons submitted written testimony. The Forest Service reported that 80 percent of the witnesses favored the wild areas concept; however, most did not care what these areas were called so long as they were preserved.

#### THE INTRODUCTION OF WILD AREAS LEGISLATION

In response to the obvious public demand, Senator George Aiken of Vermont and Chairman Talmadge introduced on June 13, 1972, S. 3699, a bill to establish a system of wild areas within the National Forest System of the eastern United States. At the time he introduced the bill, Senator Aiken said it was the intention of the bill to:

- (1) Provide present and future generations with primitive recreation opportunities in a spacious, scenic, natural, and wild setting, removed from the activities of man;
- (2) Create a system of wild areas designated by Congress within National Forests east of the 100th meridian to be administered by the Secretary of Agriculture as a part of the National Forest System;
- (3) Authorize public use, consistent with the ability of an area to support such use;
- (4) Limit developments to those things necessary for the health, safety, and well-being of the visiting public.

The bill as introduced by Senator Aiken contained strict management provisions designed to preserve the primitive character of these areas. For example, the bill would have limited the use of motorized equipment to that necessary for administration, protection, and health and safety. It would have prohibited commercial harvesting of timber. It would have withdrawn federally owned lands from all forms of appropriation under the mining laws, except for existing valid claims.

Hearings were held on this legislation and it was reported by the Committee and passed by the Senate in 1972. However, there was not sufficient time remaining in the 92d Congress for the House to act on this legislation.

In many respects it was worthwhile to delay action on the wild areas bill, because the public and conservation organizations were refining their ideas of what this new system of eastern primitive areas ought to be.

In September of 1972, the staff of the Committee on Agriculture and Forestry began a series of meetings with the Forest Service, leading conservation organizations, and the timber industry to revise the legislation so that it would be more in line with responsible public comments that were made on the bill.

Among the organizations which the staff met with between September of 1972 and January of 1973, when the bill was reintroduced in the 93d Congress, were the National Forest Products Association, the Sierra Club, the American Forestry Association, the Wilderness Society, the National Wildlife Federation, Friends of the Earth, the Washington, D.C., Wilderness Committee, the Wilderness Committee of Northern Virginia, the Wildlife Management Institute, the Izaak Walton League of America, and the Forest Service. The work and cooperative efforts of these organizations and dedicated individuals led to the introduction of S. 22 on January 4, 1973. This bill was considered by the Committee on Agriculture and Forestry and reported to the Senate on February 15, 1973.

#### INTERIOR COMMITTEE ACTION ON EASTERN WILDERNESS LEGISLATION

Although S. 22 was reported by the Committee on Agriculture and Forestry on February 15, 1973, no action has been taken on this legislation because of a request from members of the Committee on Interior and Insular Affairs that consideration of the bill be delayed. Members of that Committee felt that the Congress should extend the National Wilderness Preservation System to certain areas in the East rather than create a new system of wild areas in the eastern United States. That Committee wished an opportunity to hold hearings and mark up legislation that would accomplish this objective.

The Committee on Interior and Insular Affairs considered a bill submitted by the Administration as well as a bill introduced by the Committee Chairman, Senator Henry M. Jackson, on behalf of himself and 32 co-sponsors. In addition, the Committee considered S. 22, the bill reported by the Committee on Agriculture and Forestry.

After thorough hearings and staff studies, the Committee reported S. 316 on December 20, 1973.

S. 316, as reported, combined provisions in Chairman Jackson's bill, the Administration proposal, and S. 22.

#### THE JURISDICTIONAL QUESTION

With the reporting of S. 316, there were two bills pending on the Senate calendar, reported from two separate Committees, designed to achieve a single objective: preservation of certain primitive areas in the eastern United States for present and future generations to enjoy recreation in a spacious, natural, and wilderness setting.

Clearly, there was a need to resolve the differences between these two bills in a manner that would be agreeable to the Members of both Committees. The Chairman of the Committee on Agriculture and Forestry wrote to the Senate leadership and requested that S. 316 be referred to the Committee on Agriculture and Forestry. The Standing Rules of the Senate give the Committee on Agriculture and Forestry jurisdiction over "forestry in general, and forest reserves other than those created from the public domain".

The Standing Rules of the Senate give the Committee on Interior and Insular Affairs jurisdiction over "public lands generally, including entry, easements, and grazing thereon"; "mineral resources of the



public lands"; "forest reserves and national parks created from the public domain"; and "mining interests generally".

In the 19 instant wilderness areas that would be designated by S. 316, there are 246,046 acres, all of it forested. Only 11,915 acres of this total is public domain land, less than five percent. Therefore, over 95 percent of the acreage of the wilderness areas to be designated by S. 316 is acquired land and within the jurisdiction of the Committee on Agriculture and Forestry.

#### COMPROMISE BETWEEN THE TWO COMMITTEES

The Chairman of the Committee on Interior and Insular Affairs agreed to refer S. 316 to the Committee on Agriculture and Forestry. The Chairmen of both committees instructed their staffs to work together and attempt to draft a compromise bill. Also, Chairman Talmadge wrote a letter to each of the Senators from the States which contained wilderness areas and wilderness study areas to be designated by S. 316. He asked for their comments on the areas that would be designated in their respective States.

After several working sessions and several draft bills, the staffs of the two Committees were able, with some exceptions, to reach agreement on recommendations for a proposed revised bill. Since Chairman Talmadge and Senator Aiken believed that it was not important whether the areas to be preserved are called wild areas or wilderness areas, the revised bill followed the philosophy of S. 316—the extension of the National Wilderness Preservation System established by the Wilderness Act of 1964. Once the decision was made to extend the existing system, the Chairman and Senator Aiken felt that it would be wise to make management in the National Wilderness Preservation System uniform, both east and west of the 100th meridian, except where there are good and valid reasons for making a distinction between the East and the West.

On April 24, the Committee on Agriculture and Forestry met to consider S. 316, S. 22, and the proposed revised bill. The Committee considered the major issues involved and ordered reported an original bill, combining, in their judgment, the best features of S. 22 and S. 316.

#### CONSIDERATION OF THE MANAGEMENT PROVISIONS

Both S. 22 and S. 316 had included far stricter management requirements for areas in the eastern United States than had been applied to areas designated by the Wilderness Act of 1964. The Committee decided to report a bill that adhered to these stricter management standards and it agreed to apply some of these standards to National Forest western wilderness as well. The stricter management provisions that the Committee agreed to apply to western wilderness as well as eastern wilderness are:

(1) to prohibit timber stand modification except to control fire, insects and diseases; and

(2) to terminate the filing of new mining claims in all wilderness, East and West, while fully protecting valid existing claims.

As for timber stand modification, the Forest Service already manages wilderness in such a manner as to prohibit commercial timber

cutting; however, the Committee felt that it would be useful to amend the law to prohibit timber stand modification except for the control of fire, insects and diseases in western wilderness as well as eastern wilderness.

Under the Wilderness Act of 1964, new mining claims could be filed until December 31, 1983. The Committee noted the fact that there were no active mining claims being worked in any wilderness, East or West, and that mining is essentially incompatible with the proper management of wilderness areas. It felt that it should protect existing and valid mining claims, but that no new claims should be filed in any National Forest wilderness. It found no reason for making a distinction between eastern and western wilderness in this respect.

Both S. 22 and S. 316 would prohibit commercial grazing of livestock in eastern wilderness or wild areas. The Committee considered the logic of applying this prohibition to National Forest wilderness areas in the West. However, it recognized that grazing in wilderness areas is important to the economy of some western areas, although only two percent of the grazing on western national forests is in wilderness. The Committee felt that it would be unfair to prohibit grazing in the western wilderness where this practice has been established and accepted for years. Therefore, it did not change the Wilderness Act of 1964 as it applied to any National Forest wilderness which was designated before January 1, 1974. In such wilderness areas, the Secretary of Agriculture must continue to allow grazing where it was previously established.

However, for National Forest wilderness areas designated after January 1, 1974, the Secretary would have discretion to determine whether grazing should be permitted. Thus the Secretary will determine in each newly-designated National Forest wilderness area whether grazing of livestock may be continued as consistent with the management of the wilderness area.

Under the Wilderness Act of 1964, the President may authorize in National Forest wilderness areas, prospecting for water resources, the establishment and maintenance of reservoirs, water conservation works, power projects, transmission lines, and other facilities needed in the public interest. Under S. 22, no structures or installations could be built in a wild area.

The Committee considered allowing the maintenance of reservoirs, water conservation works, power projects, transmission lines, and other such facilities in all National Forest wilderness areas, but prohibiting the establishment of any new such facilities.

However, the Committee decided that the prohibition could create problems in the western States, where water is, in many cases, a very scarce resource. Therefore, the bill applies the prohibition against the establishment of new reservoirs, water-conservation works, power projects, transmission lines, and other facilities only to National Forest wilderness areas east of the 100th meridian.

Both S. 22 and S. 316 would provide for condemnation of private lands within National Forest wilderness areas in the eastern United States. S. 316 contained provisions which give special protection to private property owners whose land would be condemned in the East. Essentially, it provides that the Secretary may not condemn land so

long as the owner of the land uses his land in the same manner and for the same purpose that it was used when the area was designated as wilderness; and so long as this use is not incompatible with the management of the wilderness. Also, the condemnation provision written by the Committee on Interior and Insular Affairs provided other protections for property owners such as the privilege of owners whose land is condemned to retain the right of use and occupancy of the property for 25 years or until the death of the owner or his spouse.

In National Forests not designated as wilderness areas, the Secretary of Agriculture *does* have the right of condemnation. The Wilderness Act of 1964 had *prohibited* condemnation of private property in National Forest wilderness areas unless specifically authorized by Congress.

The Committee on Agriculture and Forestry felt that the provisions of S. 316 regarding the condemnation of private property constituted excellent safeguards for private property owners and it felt that these provisions regarding condemnation should apply to all National Forest wilderness areas, West as well as East. Therefore, the Committee provision on condemnation differs from S. 316 only in that it makes no distinction between condemnation in the National Forest western and eastern wilderness.

In summation, the Committee combined those management features of S. 316 and S. 22 which, in its judgment, promote maintenance of a single National Wilderness Preservation System, while providing needed variations for regional differences.

#### MANAGEMENT OF STUDY AREAS

S. 316 provided for the same management of study areas as for instant wilderness areas. The bill provided that eastern wilderness study areas would be administered exactly like instant wilderness areas, and that in study areas established roads could remain open only upon an affirmative finding by the Secretary. This provision had caused considerable concern on the part of private property owners within the wilderness study areas that would be designated by S. 316. The citizens in the Nebo Ridge Area in Indiana were particularly vocal in their objections.

The Committee felt that it was unnecessary to apply the strict management standards of wilderness areas to study areas. In wilderness areas designated by or pursuant to the Wilderness Act of 1964, roads to private property holdings are not closed to the property owner. The Committee conformed its bill to the Wilderness Act of 1964 by striking the road closing provision of S. 316. Also, it provided that study areas should be managed by the Secretary so as to maintain their potential for inclusion in the National Wilderness Preservation System until Congress has determined otherwise. However, the Committee placed a 3-year limitation on the time that Congress has to make such determination. This 3-year period runs from the date that the President submits his recommendation concerning a particular study area.

The Committee felt that areas designated as study areas should be studied as quickly as possible. Therefore the bill requires that the

Secretary of Agriculture complete his review of study areas designated by the bill and send his recommendations to Congress within 5 years. Under S. 316, the Secretary would have had 10 years to complete his review and make recommendations on all areas designated by the bill.

#### MISCELLANEOUS PROVISIONS

The Committee agreed to include in the revised bill several features which were in either S. 22 or S. 316, but had not been in both bills. S. 22 required that the Secretary of Agriculture cooperate with the States and political subdivisions in the administration and protection of lands within or adjacent to the wild areas. This provision was broadened to include the Secretary of the Interior and it was adopted as part of the Committee bill.

S. 22 contained a provision requiring the establishment of a Citizens' Advisory Committee to advise and consult with and make recommendations to the Secretary of Agriculture on matters concerning the wild areas system. This provision was broadened to include the Secretary of the Interior and to conform with the Federal Advisory Committee Act. This committee would be composed of nine persons appointed by the President.

S. 22 had contained a requirement for an annual report by the Secretary of Agriculture. It was quite specific in what the report should include. The Committee changed this reporting requirement to conform to existing law and to make it a biennial report rather than an annual report. It was broadened to include the Secretary of the Interior as well as the Secretary of Agriculture. Moreover, the more comprehensive reporting requirements of S. 22 were retained.

#### DESIGNATION OF WILDERNESS AREAS AND STUDY AREAS

S. 22 would have designated 12 instant wild areas, areas that would be designated as components of the National Forest Wild Areas System upon enactment of the bill. S. 22 would have designated 27 additional areas as study areas, areas to be studied for potential addition to the National Forest Wild Areas System.

S. 316 would have designated 19 areas as wilderness and, therefore, as components of the National Wilderness Preservation System. In addition, it would have designated 39 additional areas to be reviewed as to their suitability or non-suitability for preservation as wilderness. The report of the Committee on Interior and Insular Affairs contained very good summaries and descriptions of the areas that would be designated as instant wilderness areas and as wilderness study areas. The report included such information as geographical location, the annual allowable timber harvest, the outstanding private mineral rights, value of the mineral rights, the acreage of private inholdings, and the estimated value of these inholdings.

The Committee on Agriculture and Forestry recognized the good work done by the Committee on Interior and Insular Affairs in designating and describing these wilderness areas and wilderness study areas. Therefore, it incorporated all of these areas in the revised bill. In addition, in response to suggested amendments by members of the Senate, some additional acres were added.



The following changes were made in the instant wilderness areas:

(1) The Sipsey Wilderness Area in Alabama was increased from 10,600 acres in S. 316 to 12,000 acres. The 12,000 acre figure was included in S. 22, and in S. 316 as originally introduced;

(2) The Caney Creek Wilderness Area in Arkansas was increased from 10,181 acres to 14,433 acres;

(3) The Cohutta Wilderness Area in Georgia was increased from 34,500 acres to 37,300 acres; and

(4) The Presidential Range-Dry River Wilderness Area in New Hampshire was changed from 22,480 acres to 20,380 acres.

The Committee added one study area to the 39 wilderness study areas designated by S. 316. The new area is in Pennsylvania and entitled the Allegheny Front Wilderness Study Area was added. The area comprises approximately 10,000 acres. Also, the Hickory Creek Wilderness Study Area was increased in acreage from 8,200 to 11,200. The Tracy Ridge Wilderness Study Area was increased from 7,900 to 10,000 acres.

The Lusk Creek Wilderness Study Area in Illinois was increased from 11,000 to 15,000 acres.

In addition to the areas designated as instant wilderness or as wilderness study areas by the Committee bill, the Committee agreed to give the Secretary of Agriculture the authority to designate, through publication in the Federal Register, National Forest System areas east of the 100th meridian as wilderness study areas. However, this provision does not limit the authority of the Secretary to carry out good management programs under the Multiple-Use Sustained-Yield Act for areas that are not designated by him as wilderness study areas.

The bill being reported by the Committee is necessary to designate those generally restored National Forest areas east of the 100th meridian as wilderness or wilderness study areas. The bill is not a precedent for designating restored areas west of the 100th meridian as wilderness.

#### THE BENEFICIAL RESULTS OF TWO COMMITTEES' WORK AND ACCOMMODATION

The Committee feels that its bill achieves not only the objective of extending the protection of the National Wilderness Preservation System to the National Forest in States east of the 100th meridian, but that it also does a great deal to strength the entire system in both western and eastern States. It regards the revised bill as an excellent example of how two major standing Committees of the Senate can work together in areas of overlapping jurisdictional authority to achieve a legislative product that is satisfactory to both and is beneficial to the Nation.

This bill, which is the product of both Committees, was made possible only because of the willingness of the members and the staffs of the Committee on Agriculture and Forestry and the Committee on Interior and Insular Affairs to make necessary accommodations and to respect each Committee's jurisdictional rights. As a result, the Senate can now take prompt action on a bill which, hopefully, will be enacted into law before the end of the 93d Congress. Certainly, with-

out this spirit of cooperation and compromise there would have been no possibility of enacting an Eastern Wilderness Areas Act during this Congress.

#### SECTION-BY-SECTION ANALYSIS\*

##### *Short title*

The first section of the bill provides that the short title is the "Eastern Wilderness Areas Act of 1974".

##### *Section 2. Statement of findings and policy*

Section 2 contains legislative findings and declaration of policy. Findings are made that—

(1) There is an urgent need to identify, study, designate, and preserve areas in the more populous eastern half of the United States for addition to the National Wilderness Preservation System;

(2) Areas of wilderness in the eastern half of the United States are increasingly threatened by growth pressures arising from the greater population concentrations of the East;

(3) The National Forests in the eastern United States consist predominantly of acquired lands where the impact of man's past activity has been substantial, and the restoration of such lands for conservation and wilderness purposes requires considerable effort;

(4) There is a growing need for the broad range of recreational opportunities which can be provided in the National Forest System; and

(5) Among these opportunities is the opportunity to enjoy primitive recreation in a spacious, natural, and wilderness setting.

Section 2 then declares that it is in the public interest that areas in the eastern half of the United States be promptly designated as wilderness and additional areas be studied. Wilderness areas are to be managed so as to promote and perpetuate the wilderness character of the land and its specific values of solitude, physical and mental challenge, scientific study, inspiration, and primitive recreation.

##### *Section 3. Designation of areas pursuant to this bill*

Section 3 provides that only National Forest areas east of the 100th meridian may be designated pursuant to the bill as wilderness areas or wilderness study areas.

##### *Section 4. Designation of wilderness areas*

Section 4 designates nineteen areas in National Forests east of the 100th meridian as wilderness and components of the National Wilderness Preservation System. The nineteen wilderness areas are as follows:

(1) Sipsey Wilderness, approximately 12,000 acres in the Bankhead National Forest, Alabama.

(2) Caney Creek Wilderness, approximately 14,433 acres in the Ouachita National Forest, Arkansas.

(3) Upper Buffalo Wilderness, approximately 10,590 acres in the Ozark National Forest, Arkansas.

\*Many of the major provisions of S. 316 and the bill being reported by the Committee are substantially identical. Therefore, wherever appropriate, this section-by-section analysis utilizes the excellent analysis set forth in the report on 316 by the Committee on Interior and Insular Affairs.

(4) Bradwell Bay Wilderness, approximately 22,000 acres in the Appalachian National Forest, Florida.

(5) Cohutta Wilderness, approximately 37,300 acres in the Chattahoochee and Cherokee National Forests, Georgia and Tennessee.

(6) Beaver Creek Wilderness, approximately 5,500 acres in the Daniel Boone National Forest, Kentucky.

(7) Big Island Lake Wilderness, approximately 6,600 acres in the Hiawatha National Forest, Michigan.

(8) Glades Wilderness, approximately 16,400 acres in the Mark Twain National Forest, Missouri.

(9) Irish Wilderness, approximately 19,000 acres in the Mark Twain National Forest, Missouri.

(10) Presidential Range-Dry River Wilderness, approximately 20,380 acres in the White Mountain National Forest, New Hampshire.

(11) Joyce Kilmer-Slickrock Wilderness, approximately 15,000 acres in the Nantahala and Cherokee National Forests, North Carolina and Tennessee.

(12) Ellicott Rock Wilderness, approximately 3,600 acres in the Sumter, Nantahala, and Chattahoochee National Forests in South Carolina, North Carolina, and Georgia.

(13) Gee Creek Wilderness, approximately 2,570 acres, in the Cherokee National Forest, Tennessee.

(14) Bristol Cliffs Wilderness, approximately 6,500 acres, in the Green Mountain National Forest, Vermont.

(15) Lye Brook Wilderness, approximately 14,300 acres, in the Green Mountain National Forest, Vermont.

(16) James River Face Wilderness, approximately 8,800 acres, in the Jefferson National Forest, Virginia.

(17) Dolly Sods Wilderness, approximately 10,215 acres, in the Monongahela National Forest, West Virginia.

(18) Otter Creek Wilderness, approximately 20,000 acres, in the Monongahela National Forest, West Virginia.

(19) Rainbow Lake Wilderness, approximately 6,600 acres, in the Chequamegon National Forest, Wisconsin.

#### *Section 5. Designation of wilderness study areas*

Section 5 designates forty areas in National Forests east of the 100th meridian for review and study by the Secretary of Agriculture as to their suitability for preservation as wilderness. The review is to be made in accordance with the procedures specified in section 3(d) of the Wilderness Act of 1964, as amended by the bill. The forty wilderness study areas are as follows:

(1) Belle Starr Cave Wilderness Study Area, approximately 5,700 acres, in the Ouachita National Forest, Arkansas.

(2) Dry Creek Wilderness Study Area, approximately 5,500 acres, in the Ouachita National Forest, Arkansas.

(3) Richland Creek Wilderness Study Area, approximately 2,100 acres, in the Ozark National Forest, Arkansas.

(4) Alexander Springs Wilderness Study Area, approximately 10,000 acres, in the Ocala National Forest, Florida.

(5) Sopchoppy River Wilderness Study Area, approximately 1,100 acres in the Appalachian National Forest, Florida.

(6) LaRue-Pine Hills Wilderness Study Area, approximately 2,800 acres, in the Shawnee National Forest, Illinois.

(7) Lusk Creek Wilderness Study Area, approximately 15,000 acres, in the Shawnee National Forest, Illinois.

(8) Nebo Ridge Wilderness Study Area, approximately 30,750 acres in the Hoosier National Forest, Indiana.

(9) Kisatchie Hills Wilderness Study Area, approximately 10,000 acres in the Kisatchie National Forest, Louisiana.

(10) Saline Bayou Wilderness Study Area, approximately 5,000 acres in the Kisatchie National Forest, Louisiana.

(11) Caribou-Speckled Mountain Wilderness Study Area, approximately 12,000 acres in the White Mountain National Forest, Maine.

(12) Rock River Canyon Wilderness Study Area, approximately 5,400 acres in the Hiawatha National Forest, Michigan.

(13) Sturgeon River Wilderness Study Area, approximately 13,200 acres in the Ottawa National Forest, Michigan.

(14) Bell Mountain Wilderness Study Area, approximately 7,640 acres in the Clark National Forest, Missouri.

(15) Rockpile Mountain Wilderness Study Area, approximately 6,800 acres in the Clark National Forest, Missouri.

(16) Carr Mountain Wilderness Study Area, approximately 10,000 acres in the White Mountain National Forest, New Hampshire.

(17) Great Gulf Wilderness Extension Study Area, approximately 14,400 acres in the White Mountain National Forest, New Hampshire.

(18) Kilkenny Wilderness Study Area, approximately 16,000 acres in the White Mountain National Forest, New Hampshire.

(19) Wild River Wilderness Study Area, approximately 20,000 acres in the White Mountain National Forest, New Hampshire.

(20) Craggy Mountain Wilderness Study Area, approximately 1,100 acres in the Pisgah National Forest, North Carolina.

(21) Pocosin Wilderness Study Area, approximately 17,000 acres in the Croatan National Forest, North Carolina.

(22) Archers Fork Wilderness Study Area, approximately 19,000 acres in the Wayne National Forest, Ohio.

(23) Hickory Creek Wilderness Study Area, approximately 11,200 acres in the Allegheny National Forest, Pennsylvania.

(24) Tracy Ridge Wilderness Study Area, approximately 10,000 acres in the Allegheny National Forest, Pennsylvania.

(25) Allegheny Front Wilderness Study Area, approximately 10,000 acres in the Allegheny National Forest, Pennsylvania.

(26) Wambaw Swamp Wilderness Study Area, approximately 1,500 acres in the Francis Marion National Forest, South Carolina.

(27) Big Frog Wilderness Study Area, approximately 4,500 acres in the Cherokee National Forest, Tennessee.

(28) Citico Creek Area, approximately 14,000 acres in the Cherokee National Forest, Tennessee.

(29) Big Slough Wilderness Study Area, approximately 4,000 acres in the Davy Crockett National Forest, Texas.

(30) Chambers Ferry Wilderness Study Area, approximately 4,000 acres in the Sabine National Forest, Texas.

(31) Mill Creek Wilderness Study Area, approximately 4,000 acres in the Jefferson National Forest, Virginia.

(32) Mountain Lake Wilderness Study Area, approximately 8,400 acres in the Jefferson National Forest, Virginia.

(33) Peters Mountain Wilderness Study Area, approximately 5,000 acres in the Jefferson National Forest, Virginia.

(34) Ramsey's Draft Wilderness Study Area, approximately 6,700 acres in the George Washington National Forest, Virginia.

(35) Cranberry Wilderness Study Area, approximately 36,300 acres, in the Monongahela National Forest, West Virginia.

(36) Black Jack Springs Wilderness Study Area, approximately 2,600 acres in the Nicolet National Forest, Wisconsin.

(37) Flynn Lake Wilderness Study Area, approximately 6,300 acres in the Chequamegon National Forest, Wisconsin.

(38) Round Lake Wilderness Study Area, approximately 4,200 acres in the Chequamegon National Forest, Wisconsin.

(39) Whisker Lake Wilderness Study Area, approximately 2,700 acres in the Nicolet National Forest, Wisconsin.

(40) El Cacique Wilderness Study Area, approximately 8,500 acres in the Caribbean National Forest, Puerto Rico.

*Subsection (c)* provides that the Secretary of Agriculture shall, within five years from the date of enactment of the bill, complete his review of the wilderness study areas. The Secretary is to send his recommendations to the President, and the President is to advise the Congress of his recommendations with respect to the designation of each study area as wilderness. The President's recommendation that a study area be designated as wilderness shall be effective only if so provided by an Act of Congress.

*Subsection (d)* authorizes the Secretary of Agriculture to designate additional National Forest wilderness study areas in National Forests east of the 100th meridian. However, the authority to designate additional study areas is not to be construed as limiting the Secretary's authority to carry out multiple-use and sustained-yield management on areas *not* designated for review under subsection (d).

*Subsection (e)* of section 5 provides that each recommendation of the Secretary of Agriculture concerning a wilderness study area designated by or pursuant to the bill shall be accompanied by a report. The report shall include maps and illustrations showing the study area boundaries and a description of the characteristics which make or do not make the area worthy for classification as wilderness, including the area's scenic, natural, and wilderness attraction, its restorability to near natural conditions, the existing and expected land ownership patterns, and the surface and subsurface rights not held or controlled by the public. The report shall identify the foreseeable potential land and water uses enhanced, foreclosed, or curtailed by wilderness designation; the environmental, economic, and social consequences of such designation; and the interrelationship of the designation of a wilderness area to the overall management of the National Forest under applicable multiple-use management plans.

*Subsection (f)* provides that nothing in the bill shall limit the President in proposing, as part of his recommendations to the Congress, the alteration of existing boundaries of any wilderness study area. The

Secretary may, therefore, review a larger area than the one designated for review by Congress, and the President may propose the addition to any study area of any contiguous area predominantly of wilderness value.

#### *Section 6. Filing of maps and descriptions*

Section 6 requires that, as soon as practicable after enactment of the bill, maps of the wilderness study areas and maps and legal descriptions of the wilderness areas designated by the bill shall be filed with the House and Senate Interior and Agriculture Committees. The maps and legal description shall have the same force and effect as if included in the bill. However, the Secretary may correct clerical and typographical errors in the maps and legal descriptions. Section 6 also requires that the maps and legal descriptions be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

#### *Section 7. Management of areas*

Section 7 contains provisions concerning the management of the wilderness areas and wilderness study areas designated by or pursuant to the bill. Section 7 also contains provisions which affect the management of wilderness areas designated by or pursuant to the Wilderness Act of 1964.

*Subsection (a)* provides that, except where otherwise provided in the bill, wilderness areas designated by or pursuant to the bill are to be managed by the Secretary of Agriculture in accordance with the provisions of the original Wilderness Act, as amended by the bill. Wilderness study areas designated by or pursuant to the bill are to be managed by the Secretary so as to maintain their potential for inclusion in the National Wilderness Preservation System until Congress determines otherwise, except that this management requirement shall not extend for more than three years from the date the President's recommendations concerning the particular study area are submitted to Congress. Therefore, while a review is proceeding or while Congress is considering the recommendations of the President upon completion of the studies, the Forest Service must protect the wilderness potential of the study area.

*Subsection (b)* withdraws, subject to valid existing rights, all federally owned land within National Forest wilderness areas and wilderness study areas designated by or pursuant to the bill and the Wilderness Act of 1964 and all land acquired within such areas from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing. The withdrawal would take effect upon enactment of the bill for wilderness areas designated by the bill or previously designated by or pursuant to the Wilderness Act. For any wilderness study area recommended for inclusion in the National Wilderness Preservation System pursuant to the bill or the Wilderness Act, the withdrawal would take effect upon the date of the President's submission of such recommendation to the Congress.

*Subsection (c)* authorizes—with restrictions—the Secretary of Agriculture to acquire inholdings in National Forest wilderness areas designated by or pursuant to the bill and the Wilderness Act of 1964.

Paragraph (1) provides for the acquisition of lands, waters, or interests within wilderness areas by means of purchase with donated or appropriated funds, by gift, exchange, condemnation, or otherwise when the Secretary determines such acquisition is necessary or desirable for the purposes of the bill or the Wilderness Act.

Paragraph (2) provides that, when the Secretary exercises the exchange authority, he may accept title to non-Federal property for federally owned property of substantially equal value. If the properties are not of substantially equal value, the value can be equalized by payment of money to the grantor or the Secretary, as the circumstances require.

Paragraphs (3) through (8) circumscribe the condemnation authority of the Secretary of Agriculture so as to respect as much as possible the rights and wishes of inholders.

Paragraph (3) provides that the Secretary may not condemn private land within any wilderness area so long as the owner holds and uses it in the same manner and for the same purpose that it was held and used when the area was designated as wilderness. The Secretary, however, may condemn such private land upon a finding that the use on the date of designation is incompatible with the management of the wilderness. This required finding is, of course, narrower than the general public purpose finding normally required for condemnation purposes. Paragraph (3) further provides that even if a finding of incompatibility is made, the owner of the inholding does not automatically find his inholding condemned. Instead, he enjoys the option of either selecting another use which is compatible with management of a wilderness area or accepting condemnation and payment of full market value for his property.

Paragraphs (4) and (5) insure that change of ownership or use of an inholding does not automatically result in condemnation. These paragraphs provide a notice procedure to alert the Secretary of any change of ownership or use of an inholding so that he may determine if condemnation is necessary and may so advise the owner. The procedure calls for notification of the supervisor of the National Forest by the owner at least sixty days prior to any transfer of the inholding by exchange, sale, or otherwise (except by bequest) or any change of use which will result in any significant new construction or disturbance of land surface or flora or will require the use of motor vehicles and other forms of mechanized transport or motorized equipment (except as otherwise authorized by law for ingress or egress or for existing agricultural activities begun before the date of designation of the wilderness area other than timber cutting). This notice procedure will insure that no action will be taken in relation to an inholding which necessitates condemnation against the desires of both the inholding owner and the Secretary. Instead, it provides a grace period so that both parties may apprise themselves of the likely consequences of the contemplated action of the owner and discuss alternatives before that action becomes irrevocable.

Paragraphs (6), (7) and (8) provide that the owners of property within a wilderness area used for noncommercial residential or agricultural purposes (other than timber cutting) on or before the date of designation of the wilderness area may continue to reside on and use such property, even though acquired by the Secretary, for a certain

period of time. This right of occupancy and use is available whether the property is acquired by other than condemnation or whether its use is found to be incompatible with wilderness area management and is thus taken by eminent domain. The right extends for twenty-five years, or a term ending at the death of the owner or his spouse, whichever is later. The owner can elect either term. If he does, he will be paid full market value for the property discounted for the period of continued residence. Or the owner can elect to receive the entire full market value and not retain the right of use and occupancy for the noncommercial residential purpose or the agricultural activity. Property is defined to mean a detached, noncommercial residential dwelling or an existing agricultural activity, other than timber cutting. Construction of the dwelling or the agricultural activity must have begun prior to the date of the designation of the wilderness area. The Secretary may permit occupancy of so much of the land on which the dwelling or agricultural activity is situated as he determines is necessary for noncommercial residential or agricultural purposes.

This right of continued use and occupancy is a modification of the "Cape Cod formula" which the Congress places in most national park legislation. The formula has proven popular with landowners because it allows them to receive money at the time of condemnation and live rent and tax free for an extended period of time thereafter. The modification of the Cape Cod formula is the addition of "agricultural activity" to noncommercial residential purposes as the only uses for which the formula can be invoked.

The only restrictions concerning the right of use and occupancy allowed under this version of the Cape Cod formula is that the owner waives Federal relocation assistance when his term is finally completed and that the right ends if the inholding ceases to be used for the noncommercial residential purpose or agricultural activity. If the right is terminated, the holder of the terminated right receives the fair market value of that portion of the right which remains unexpired on the date of termination.

#### *Section 8. Amendments to the Wilderness Act of 1964*

Section 8 contains certain amendments to the Wilderness Act of 1964 which shall be applicable to the management of wilderness areas designated by or pursuant to the bill and the Wilderness Act of 1964.

*Subsection (a)* amends section 2(c) of the Wilderness Act of 1964 to provide that the term "wilderness" as defined in section 2(c) shall include wilderness areas designated by or pursuant to the bill.

*Subsection (b)* amends section 3(d) of the Wilderness Act of 1964. Section 3(d) requires that, as part of each individual wilderness area study, a public hearing must be held at or near the area in question. There is the additional requirement of thirty days advance notice to the affected State and local governments, including the invitation to testify at the hearing or to submit views. Furthermore, advance notice by publication in local newspapers is required. There is no time limit on the public notice although thirty days advance notice has been provided by the Forest Service to the public as well as to the affected governments. Government officials and citizens alike have voiced the concern that a thirty day period is not sufficient time to apprise themselves of the area concerned, the wilderness qualities or lack thereof,



and the implications of wilderness designation. To insure an informative public hearing, subsection (b) of section 8 amends section 3(d)(1)(B) of the Wilderness Act to require a minimum 60 days prior notice of hearings on any wilderness study area. Such notice would be given to the public as well as to the Federal, State, and other political, planning and development, or environmental protection authorities specified in section 3(d)(1)(C) of the Wilderness Act, as amended by subsection (b).

*Subsection (c)* amends section 4(d) of the Wilderness Act of 1964 by adding a provision to paragraph (1) that no timber stand modification is to occur except in connection with measures necessary to control fire, insects, and disease.

Subsection (c) also amends paragraph (4) of section 4(d) of the Wilderness Act by the addition of two provisos. The authority of the President in section 4(d)(4) of the Wilderness Act to permit—within National Forest wilderness areas designated by or pursuant to the Wilderness Act—the establishment and maintenance of reservoirs, water conservation works, power projects, transmission lines, and other facilities is unchanged. However, by the first proviso, the authority of the President is limited to maintaining *existing* reservoirs, water conservation works, power projects, transmission lines, and other facilities in National Forest wilderness areas designated by or pursuant to the bill. The authority to establish *new* facilities is eliminated for National Forest wilderness areas designated by or pursuant to the bill.

Paragraph (4) is also amended by adding a proviso to the provision that livestock grazing shall be permitted to continue where established prior to the date of the Wilderness Act. The proviso states that the Secretary of Agriculture may permit grazing in any National Forest area designated as wilderness after January 1, 1974, where such use is consistent with the purposes of the Wilderness Act. The Secretary now has the authority to subject continued grazing use to reasonable regulations deemed necessary to preserve wilderness values. Under the proviso, the Secretary of Agriculture would be able—in National Forest areas designated as wilderness after January 1, 1974—to continue grazing, eliminate it, or shift a permit to a nonwilderness area depending upon its impact on the preservation of wilderness characteristics.

*Subsection (d)* amends section 5 of the Wilderness Act of 1964 by repealing paragraph (c). Paragraph (c) of section 5 of the Wilderness Act provides that the Secretary of Agriculture may acquire privately-owned land in National Forest wilderness areas designated by the Wilderness Act of 1964 only if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress. Section 7(c) of the bill authorizes—with restrictions—the Secretary of Agriculture to acquire privately-owned land in National Forest wilderness areas designated by or pursuant to the bill and the Wilderness Act.

*Subsection (e)* amends the reporting requirements of section 7 of the Wilderness Act of 1964. Instead of reporting at the opening of each session of Congress, the Secretaries of Agriculture and the Interior will jointly report to the President, for transmission to the Congress, at the opening of each Congress. The biennial report will, how-

ever, be a more comprehensive one. In addition to the subjects now required in the report, the Secretaries will include descriptions of the wilderness study areas recommended for designation as wilderness and those portions of such areas not recommended for designation, together with the reasons for such recommendations, and the recommendations, if any, made by the National Wilderness Advisory Committee.

*Subsection (f)* amends the Wilderness Act of 1964 by adding new sections 8 through 12, which, in part, affect both wilderness areas designated by or pursuant to the bill and the Wilderness Act.

The *new section 8* authorizes the Secretary of Agriculture to permit hunting, fishing, and trapping in all National Forest wilderness areas in accordance with applicable Federal and State laws. The Secretary may, through regulations, designate zones where, and establish periods when, no hunting, fishing or trapping will be permitted for reasons of public safety, administration, or public use enjoyment. Such regulations, except in emergency situations, are to be issued only after consultation with appropriate State wildlife agencies.

The *new section 9* requires the preparation of a management plan for each wilderness area and each wilderness study area. A multidisciplinary approach will be used in formulating this plan, including appropriate public involvement.

The *new section 10* provides for a National Wilderness Advisory Committee to be appointed by the President upon the recommendations of the Secretaries of Agriculture and the Interior. The committee, which is to be composed of nine persons knowledgeable of natural resources and their management and use, is to advise, consult with, and make recommendations to the Secretaries concerning the National Wilderness Preservation System. The advisory committee shall be appointed and function in accordance with the Federal Advisory Committee Act.

The *new section 11* authorizes the head of any Federal department or agency having jurisdiction over any lands or interests therein inside wilderness areas and study areas to transfer jurisdiction over such lands to the appropriate Secretary for administration in accordance with the Wilderness Act.

The *new section 12* provides that the Secretaries of Agriculture and the Interior shall cooperate with States and political subdivisions thereof in the administration and protection of wilderness areas and lands within or adjacent to such areas owned or controlled by States or political subdivisions.

#### *Section 9. Regulations*

Section 9 authorizes the Secretaries of Agriculture and the Interior to issue such rules and regulations as they deem necessary to carry out the purposes of the bill.

#### *Section 10. Authorization of appropriations*

Section 10 authorizes the appropriation of such sums as may be necessary to carry out the provisions of the bill. As provided in section 2(b) of the Wilderness Act of 1964, no appropriation shall be made for the payment of expenses or salaries for the administration of the National Wilderness Preservation System as a separate unit or for additional personnel required solely for the purpose of managing or administering areas solely because they are included within the system.

## (3) UPPER BUFFALO WILDERNESS

The proposed 10,590 acre Upper Buffalo Wilderness is located in the Ozark National Forest in Newton County, Arkansas. The area is approximately 100 miles northwest of Little Rock, 70 miles northeast of Fort Smith on the Arkansas-Oklahoma border, and lies approximately 30 miles north of Interstate 40, the principal east-west route for highway traffic through Arkansas. Major urban centers within a 200 mile radius include Tulsa, Oklahoma City, and Kansas City.

The proposed Upper Buffalo Wilderness contains an allowable annual timber harvest of approximately .5 million board feet which is about 1% of the annual allowable cut of 44 million board feet on the Ozark National Forest. It is estimated that outstanding private mineral rights within the proposed area have a value of \$6,000. Privately owned lands within the proposed boundary constitute 690 acres with a value of approximately \$125,000.

The area is characterized by rocky bluffs, narrow ridge tops, and isolated stands of large mature broadleaf trees.

## (4) BRADWELL BAY WILDERNESS

The proposed 22,000 acre Bradwell Bay Wilderness is located in the Appalachian National Forest in Liberty County in northwestern Florida. The proposed area is approximately 25 miles southwest of Tallahassee, 150 miles west of Jacksonville, and 30 miles south of Interstate 10, midway between Jacksonville and Mobile, Alabama. The proposed Bradwell Bay Wilderness contains an annual allowable timber harvest of approximately .5 million board feet which is about 2% of the annual allowable cut of 22.5 million board feet of the Appalachian National Forest. No private lands or mineral rights are included within the boundaries of the proposed area.

Bradwell Bay can be characterized as swampy, with a relative relief of less than one foot throughout the proposed area and containing a dense vegetative cover.

## (5) COHUTTA WILDERNESS

The proposed 37,300 acre Cohutta Wilderness is located in the Chattahoochee and Cherokee National Forests in Georgia and Tennessee. Portions of the area are included in Fannin, Gilmer, and Murray Counties in Georgia (35,314 acres) and Polk County in Tennessee (1,660 acres). The proposed area is approximately 80 miles north of Atlanta, 40 miles east of Chattanooga, and approximately 20 miles east of Interstate 75. Major urban areas within a 200 mile radius include Nashville, Tennessee and Birmingham, Alabama.

The proposed Cohutta Wilderness contains an annual allowable timber harvest of approximately .9 million board feet in that portion of the area which lies within the Chattahoochee National Forest. This is approximately 2.3% of the annual allowable cut of the Chattahoochee National Forest which is 38.3 million board feet. The Forest Service has indicated that timber resources of that portion of the area located in Tennessee are not used in the computation of the annual allowable cut for the Cherokee National Forest. It is estimated that

## WILDERNESS AREAS DESIGNATED BY THE COMMITTEE BILL

The Committee felt that the Interior Committee's description and discussion of the wilderness areas that would be designated by S. 316 were excellent. Therefore, the following descriptions of these areas are taken directly from that Committee's report on S. 316. They have been modified only to reflect the changes in acreage made by the Committee bill. The numbers in parentheses correspond to the paragraphs of section 4 of the Committee bill wherein the areas are identified.

## (1) SIPSEY WILDERNESS

The proposed 12,000 acre Sipsey Wilderness is located in the Bankhead National Forest in Lawrence and Winston Counties in northern Alabama. The area is approximately 70 miles northwest of Birmingham, 60 miles southwest of Huntsville, and 35 miles directly west of Interstate 65, the major north-south highway route through Alabama.

The proposed Sipsey Wilderness contains an annual allowable timber harvest of approximately 1.5 million board feet which is about 9% of the annual allowable cut of 16 million board feet on the Bankhead National Forest. Outstanding private mineral rights exist on 119.28-acres of land and there is no known mineral production at this time. The estimated value of the mineral rights is \$11,900. Privately owned lands within the proposed boundary constitute 80 acres with a value of approximately \$25,000.

The area is widely known and acclaimed for its esthetic values and biological variety.

## (2) CANEY CREEK WILDERNESS

The proposed 14,433 acre Caney Creek Wilderness is located in the Ouachita National Forest in Polk County, in western central Arkansas. The proposed area is approximately 100 miles southwest of Little Rock, 70 miles south of Fort Smith on the Arkansas-Oklahoma border, and approximately 60 miles northwest of Interstate 30. The area is readily accessible by Federal, State, and county roads. Major urban centers within a 200 mile radius include Dallas, Tulsa, and Oklahoma City.

The proposed Caney Creek Wilderness contains an annual allowable timber harvest of approximately 1.4 million board feet which is less than 1% of the annual allowable cut of 152 million board feet of the Ouachita National Forest. The actual harvest of the Ouachita National Forest in 1972 was 127 million board feet. It is estimated that outstanding private mineral rights within the proposed area have a value of \$550 with evidence of silica and magnesium deposits in the vicinity.

The area is characterized by rugged rock outcroppings, steep slopes and "razorback" ridges.

outstanding private mineral rights within the proposed area have a value of \$7,000. Privately owned lands within the proposed boundary constitute 326 acres with a value of approximately \$231,000. Both the mineral rights and privately owned lands are in the Chattahoochee National Forest in Georgia.

The area is characterized by rugged mountainous terrain and outstanding water quality.

#### (6) BEAVER CREEK WILDERNESS

The proposed 5,500 acre Beaver Creek Wilderness is located in the Daniel Boone National Forest in McCreary County in southeastern Kentucky. The proposed area is approximately 80 miles south of Lexington, 130 miles southeast of Louisville, and 18 miles west of Interstate 75, the major north-south route for highway traffic in eastern Kentucky. Major urban centers within a 200 mile radius include Chattanooga, Knoxville, and Nashville, Tennessee; and Cincinnati, Ohio.

The proposed Beaver Creek Wilderness contains an annual allowable timber harvest of .5 million board feet which is about 1.3% of the annual allowable cut of 38 million board feet on the Daniel Boone National Forest. The actual harvest on the Daniel Boone National Forest in 1972 was 31 million board feet. It is estimated that outstanding private mineral rights within the proposed area have a value of \$722,000. Privately owned lands within the proposed boundary constitute 45 acres with a value of approximately \$3,000.

The area is characterized as "cliff country" with Beaver Creek and its tributaries flowing at the base of steep sandstone cliffs.

#### (7) BIG ISLAND LAKE WILDERNESS

The proposed 6,600 acre Big Island Lake Wilderness is located in the Hiawatha National Forest in Alger County in northern Michigan. The area is approximately 15 miles from Lake Superior and 35 miles from Lake Michigan. Milwaukee, Wisconsin is the closest major urban area and is approximately 300 miles away by road. The area is approximately 125 miles west of Interstate 75, the major north-south highway of the Michigan peninsula.

The proposed Big Island Lake Wilderness contains an annual allowable timber harvest of approximately .8 million board feet which is about 1.4% of the annual allowable cut of 55 million board feet on the Hiawatha National Forest. It is estimated that outstanding private mineral rights within the proposed area have a value of \$53,500. Privately owned lands within the proposed boundary constitute 200 acres with a value of approximately \$279,100.

The area is characterized by many small undeveloped lakes, gently rolling terrain, and a mixed broadleaf-needleleaf forest.

#### (8) GLADES WILDERNESS

The proposed 16,400 acre Glades Wilderness is located in the Mark Twain National Forest in Taney County, south central Missouri. The

proposed area is approximately 40 miles south of Springfield and Interstate 44, and 110 miles east and south of Joplin. Major urban centers within a 200 mile radius include Tulsa, Kansas City, and St. Louis.

The proposed Glades Wilderness contains an annual allowable timber harvest of approximately 50,000 board feet which is two-tenths of one percent of the annual allowable cut of 47 million board feet on the Mark Twain National Forest. The actual harvest of the Mark Twain National Forest in 1972 was 23.2 million board feet. There are no outstanding private mineral rights within the boundaries of the proposed area. Privately owned lands within the proposed boundary constitute 3,700 acres with a value of approximately \$350,000.

The area is characterized by limestone glade prairies; rocky slopes with shallow soils exhibiting tall grass prairie plant associations and relatively low, rolling hills.

#### (9) IRISH WILDERNESS

The proposed 19,100 acre Irish Wilderness is located in the Mark Twain National Forest in Oregon County in southern Missouri. The proposed area is approximately 120 miles east and south of Springfield, about 90 miles west of Interstate 55, and approximately 140 miles due south of St. Louis. Other major urban areas within 200 miles include Memphis, Tennessee and Little Rock, Arkansas.

The proposed Irish Wilderness contains an annual allowable timber harvest of approximately .9 million board feet which is about 2% of the annual allowable cut of 47 million board feet of the Mark Twain National Forest. The actual timber harvest on the Mark Twain National Forest in 1972 was 23.2 million board feet. There are no outstanding private mineral rights within the boundaries of the proposed area. Privately owned lands within the proposed boundary constitute 1,600 acres with a value of approximately \$250,000.

The area is described as an outstanding example of Ozark topography and vegetation with karst topography, including many caves, sinkholes and similar features. Whites Creek Cave, in the drainage of Whites Creek, has been described as an outstanding physical feature which has been very popular with hikers and backpackers.

#### (10) PRESIDENTIAL-DRY RIVER WILDERNESS

The proposed 20,380 acre Presidential-Dry River Wilderness is located in the White Mountain National Forest in Coos and Carroll Counties in eastern central New Hampshire. The proposed area is approximately 85 miles north of Manchester, 100 miles east of Burlington, Vermont, 60 miles northwest of Portland, Maine, and about 20 miles east of Interstate 93, the major north-south route through New Hampshire. Major urban centers within a 200 mile radius also include Boston, Massachusetts; Hartford, Connecticut; Providence, Rhode Island; and Albany, New York. The area is within a 300 mile radius of New York City.

The proposed Presidential-Dry River Wilderness contains an annual allowable timber harvest of approximately .2 million board feet, which

is less than 1/2 of one percent of the annual allowable cut of 55 million board feet on the White Mountain National Forest. The actual harvest on the White Mountain National Forest in 1972 was 33.4 million board feet. There are no outstanding private mineral rights or acreage within the boundaries of the proposed area.

The area can be characterized as being extremely rugged with relative reliefs approaching 6,000 feet. Just to the northeast of the proposed area is the summit of Mount Washington, elevation 6,288 feet, the highest point in New Hampshire.

#### (11) JOYCE KILMER-SLICKROCK WILDERNESS

The proposed 15,000 acre Joyce Kilmer-Slickrock Wilderness is located in the Nantahala and Cherokee National Forests in North Carolina and Tennessee. Approximately 10,742 acres are in the Nantahala National Forest in Graham County, North Carolina with the remainder in the Cherokee National Forest, Monroe County, Tennessee. The proposed area is approximately 40 miles south of Knoxville and 80 miles northeast of Chattanooga. Major urban areas within a 200 mile radius include Columbia, South Carolina; Birmingham, Alabama; Atlanta, Georgia; and Nashville, Tennessee.

The proposed Joyce Kilmer-Slickrock Wilderness contains an annual allowable timber harvest of approximately 1.2 million board feet with .8 million board feet in the Nantahala National Forest and .4 million board feet in the Cherokee National Forest. This would be approximately 2% of the annual allowable cut of the Nantahala National Forest which is 35 million board feet and less than one percent of the annual allowable cut of the Cherokee National Forest which is 55 million board feet. There are no outstanding private mineral rights or acreage within the boundaries of the proposed area.

The area is characterized as being mountainous with steep slopes. The Joyce Kilmer Memorial Forest, which is located within the proposed area, is described as being "one of the Nation's most impressive remnants of virgin forest, having magnificent examples of over one hundred species of trees, many over 300 years old, some over 20 feet in circumference and a hundred feet high."

#### (12) ELLICOTT ROCK WILDERNESS

The proposed 3,600 acre Ellicott Rock Wilderness Area is located in the Sumter, Nantahala, and Chattahoochee National Forests in South Carolina, North Carolina, and Georgia. Approximately 3,161 acres are in the Sumter National Forest in Oconee County in South Carolina, 266 acres are in the Nantahala National Forest in Macon and Transylvania Counties in North Carolina, and 173 acres in the Chattahoochee National Forest in Rabun County in Georgia. The proposed area is approximately 100 miles northeast of Atlanta, Georgia; 40 miles west of Greenville, South Carolina; and 45 miles southeast of Interstate 26 in North Carolina.

The Forest Service has indicated that the area is presently an administratively designated scenic area and that timber resources are not used in the computation of the annual allowable timber cuts for the respective National Forests. There are no private mineral rights or acreage within the boundaries of the proposed area.

The area is described as mountainous with numerous cliffs and waterfalls. The vegetation is basically white pine and hemlock in lower elevations with northern upland hardwoods on slopes and scrub oak and pitch pine on ridgetops. There are virgin stands of timber located along many of the streams.

#### (13) GEE CREEK WILDERNESS

The proposed 2,570 acre Gee Creek Wilderness is located in the Cherokee National Forest in Polk County in southeastern Tennessee. The area is approximately 75 miles south of Knoxville, 45 miles northeast of Chattanooga, and 15 miles east of Interstate 75. Major urban areas within a 200 mile radius include Columbia, South Carolina; Birmingham, Alabama; Atlanta, Georgia; and Nashville, Tennessee.

The proposed Gee Creek Wilderness contains an annual allowable timber harvest of approximately .1 million board feet which is less than two-tenths of one percent of the annual allowable cut of 55 million board feet on the Cherokee National Forest. The actual harvest on the Cherokee National Forest in 1972 was 42.8 million board feet. There are no outstanding private mineral rights or acreage within the boundaries of the proposed area.

The area may be described as having rugged terrain and sharp relief. The principal feature is Gee Creek which flows through a deep gorge. Vegetation consists of mixed broadleaf and needleleaf trees including oak, polar, hemlock and pine.

#### (14) BRISTOL CLIFF WILDERNESS

The proposed 7,100 acre Bristol Cliff Wilderness Area is located in the Green Mountain National Forest in Addison County in west central Vermont. The proposed area is approximately 30 miles south of Burlington and Interstate 89, and 50 miles north of Rutland. Major urban centers within a 200 mile radius include, Boston, Massachusetts; Hartford, Connecticut; Providence, Rhode Island; and New York City and Albany, New York.

The proposed Bristol Cliff Wilderness contains an annual allowable timber harvest of approximately .7 million board feet which is about two percent of the annual allowable cut of 24 million board feet of the Green Mountain National Forest. The actual harvest on the Green Mountain National Forest in 1972 was 12.9 million board feet. There are no outstanding private mineral rights within the proposed area. Privately owned lands within the area constitute 2,700 acres with a value of approximately \$634,000.

The area can be characterized as encompassing a single steep mountain, with a relative relief of 1,800 feet. The top of the mountain is



relatively flat with several ponds and supports mixed stands of northern hardwoods and softwoods.

#### (15) LYE BROOK WILDERNESS AREA

The proposed 14,300 acre Lye Brook Wilderness is located in the Green Mountain National Forest in Bennington County in southwestern Vermont. The area is approximately 80 miles west of Concord and Manchester and 30 miles west of Interstate 91. Major urban areas within a 200 mile radius include New York City, New York; Hartford, Connecticut; Boston, Massachusetts; and Portland, Maine.

The proposed Lye Brook Wilderness contains an annual allowable timber harvest of approximately .5 million board feet which is about two percent of the annual allowable cut of 24 million board feet on the Green Mountain National Forest. The actual harvest on the Green Mountain National Forest in 1972 was 12.9 million board feet. There are no outstanding private mineral rights within the proposed area. Privately owned lands within the proposed boundary constitute 2,700 acres with a value of approximately \$1,950,000.

The area is characterized as rugged mountainous terrain including within the area one of Vermont's highest waterfalls.

#### (16) JAMES RIVER FACE WILDERNESS

The proposed 8,800 acre James River Face Wilderness is located in the Jefferson National Forest in Rockbridge and Bedford Counties in western Virginia. The area is approximately 20 miles northwest of Lynchburg and 40 miles northeast of Roanoke, adjacent the Blue Ridge Parkway. Major urban areas within a 200 mile radius include Washington, D.C.; Norfolk, Virginia; and Raleigh, North Carolina.

The proposed James River Face Wilderness contains an annual allowable timber harvest of approximately .2 million board feet which is about .5 percent of the annual allowable cut of 45 million board feet on the Jefferson National Forest. The actual harvest on the Jefferson National Forest in 1972 was 32.9 million board feet. There are no outstanding private mineral rights or privately owned lands within the proposed area.

The area may be characterized as steep, with rugged terrain, which is densely forested with Appalachian hardwoods. Individual large and mature specimen trees may be found in isolated "coves" or ravines.

#### (17) DOLLY SODS WILDERNESS

The proposed 10,215 acre Dolly Sods Wilderness is located in the Monongahela National Forest in Tucker and Randolph Counties in eastern West Virginia. The area is approximately 120 miles northeast of Charleston and approximately 60 miles from Interstate 81 to the east and Interstate 79 to the west. Major urban centers within a 200 mile radius include Washington, D.C.; Pittsburgh, Pennsylvania; and Columbus, Ohio.

The proposed Dolly Sods Wilderness contains an annual allowable timber harvest of approximately .7 million board feet which is about one percent of the annual allowable cut of 56 million board feet on the Monongahela National Forest. The actual harvest on the Monongahela National Forest in 1972 was 35 million board feet. There are no outstanding private mineral rights or privately owned lands within the proposed area.

The area may be characterized as a high plateau with a landscape of bogs, heath shrubs and scattered spruce, reminiscent of vegetation found further north.

#### (18) OTTER CREEK WILDERNESS

The proposed 20,000 acre Otter Creek Wilderness is located in the Monongahela National Forest approximately ten miles to the west of the previously described Dolly Sods Wilderness, and is also located in Tucker and Randolph Counties.

The proposed Otter Creek Wilderness contains an annual allowable timber harvest of approximately 2.2 million board feet which is about 3.8 percent of the annual allowable cut of 56 million board feet on the Monongahela National Forest. The actual harvest on the Monongahela National Forest in 1972 was 35 million board feet. It is estimated that outstanding private mineral rights for coal within the proposed area have a value of \$1,100,000. Privately owned lands within the area constitute 584 acres with a value of approximately \$221,000.

The area can be characterized as a bowl-shaped basin perched on mountainous terrain with a varied vegetative cover ranging from Appalachian hardwoods to bog related plant varieties and heath.

#### (19) RAINBOW LAKE WILDERNESS

The proposed 6,600 acre Rainbow Lake Wilderness is located in the Chequamegon National Forest in Delta County in northern Wisconsin. The proposed area is approximately 40 miles southeast of Duluth and 120 miles northeast of Minneapolis-St. Paul.

The proposed Rainbow Lake Wilderness contains an annual allowable timber harvest of .4 million board feet which is about one-half of one percent of the annual allowable cut of 64.7 million board feet on the Chequamegon National Forest. The actual harvest of the Chequamegon National Forest in 1972 was 44.6 million board feet. It is estimated that outstanding private mineral rights within the proposed area have a value of \$50,000. Privately owned lands within the area constitute 200 acres with a value of approximately \$48,000.

The area may be described as rolling glaciated lake country typical of this northern portion of Wisconsin. Dominant vegetation types are northern hardwoods and birch.

In addition to the foregoing descriptions of the 19 instant areas, the following chart prepared by the Congressional Research Service summarizes the data on the areas.

DATA ON 19 INSTANT AREAS

Area	Private lands				National Forest						
	Gross area, acres	Acres	Percent private	Value	Value per acre	Private mineral values	Acres	Public domain lands, acres	Timber allow. cut (million board feet)	Growth per acre	Percent of National Forest allow. cut
1. Sipsey, Ala.	12,000	80	1	\$25,000	\$310	11,900	11,920	2,880	1.5	115	9
2. Caney Creek, Ark.	14,433	690	6	125,000		550	14,433	7,410	1.4	100	1
3. Upper Buffalo, Ark.	10,500	22,000	0	0	0	6,000	9,810	630	.5	50	1
4. Bradwell Bay, Fla.	37,300	326	1	231,000	710	7,000	22,900		.5	25	2
5. Cohutta, Ga., Tenn.	5,500	45	3	3,000	65	722,000	36,974		.9	25	2
6. Beaver Creek, Ky.	6,600	200	3	279,100	1,400	53,500	5,455	995	.8	90	1
7. Big Island Lake, Mich.	16,400	3,700	22	350,000	95	0	6,400		.05	5	1
8. Glades, Mo.	19,100	1,600	8	250,000	155	0	12,700		.9	50	0
9. Irish, Mo.	20,380	0	0	0	0	0	17,500		.2		2
10. Presidential-Dry River, N.H.	15,000	0	0	0	0	0	15,000		1.2	80	0
11. Joyce Kilmer-Slickrock, N.C., Tenn.	3,600	0	0	0	0	0	(3,600)		NC	NC	2
12. Ellcott Rock, S.C., N.C., Ga.	2,570	0	0	0	0	0	2,570		.01	40	0
13. Gee Creek, Tenn.	7,100	2,700	38	634,000	235	0	4,400		.7	160	2
14. Bristol Cliff, Va.	14,300	2,700	18	1,950,000	720	0	11,600		.5	45	2
15. Lye Brook, Va.	8,800	0	0	0	0	0	8,800		.2	25	0
16. James River Face, Va.	10,215	584	2	221,000	380	0	10,215		.7	70	1
17. Dolly Sods, W. Va.	20,000	200	3	48,000	240	1,100,000	19,416		2.2	110	4
18. Otter Creek, W. Va.	6,600					50,000	6,400		.4	65	0
19. Rainbow Lake, Wis.											
Total	1252,398	12,825	5	4,116,100	320	1,950,950	219,193	11,915	11.7	55	2

111 of the 19 units have private land in them—12,825 acres out of 12,575 National Forest acres, 9 percent; 8 of the 19 units are all National Forests. Only 4 units, Sipsey (Alabama), Caney Creek and Upper Buffalo (Arkansas) and Big Island Lake (Michigan) have public domain land, 11,915 acres, 5 percent of the total National Forest in the 19 instant areas.

WILDERNESS STUDY AREAS DESIGNATED BY THE BILL

The Committee felt that the following chart that was included in the Interior Committee's report on S. 316 provided an excellent summary of the wilderness study areas that would have been designated by S. 316. Therefore, this chart is reprinted as it appeared in the Interior Committee's Report on S. 316, with the addition of the Allegheny Front Study Area in Pennsylvania and the additional acreage that would be added to other study areas in Pennsylvania and Illinois. The chart has been modified to reflect the change in data that this additional acreage would entail. The numbering of the areas corresponds to the paragraphs of section 5 of the Committee bill wherein the areas are identified.

DESIGNATED STUDY AREAS

Proposed area and location	National Forest acreage in mgmt. unit <sup>1</sup>	Allow. cut in mgmt. unit (mil. b.f.)	Nat. For. acres in prop. area	Approx. allow. cut in prop. area (mil. b.f.)	Priv. acres in prop. area <sup>2</sup>	Est. cost of priv. land <sup>3</sup>	Est. cost of priv. mi. n.
1. Belle Starr Cave (Ouachita National Forest, Ark.)	1,540,486	152.0	5,600	0.2	100	\$11,500	\$2,040
2. Dry Creek (Ouachita National Forest, Ark.)	1,540,486	152.0	5,320	.5	170	28,600	
3. Richland Creek (Ozark National Forest, Ark.)	1,105,192	44.0	2,100	.1			
4. Alexander Springs (Ocala National Forest, Fla.)	366,742	34.0	10,000	.1	20	150,000	22,000
5. Sopchoppy River (Appalachicola National Forest, Fla.)	557,446	22.5	1,100				
6. LaRue-Pine Hills (Shawnee National Forest, Ill.)	247,569	20.4	2,300		500	113,500	
7. Lusk Creek (Shawnee National Forest, Ill.)	247,569	20.4	11,010	.8	3,990	1,200,000	330,000
8. Nebo Ridge (Hoosier National Forest, Ind.)	177,463	6.2	25,460	1.2	4,200	1,260,000	
9. Kisatchie Hills (Kisatchie National Forest, La.)	594,849	84.0	9,000	1.6	855	246,000	
10. Saline Bayou (Kisatchie National Forest, La.)	594,849	84.0	4,045	1.6	955	230,000	
11. Caribou-Speckled Mountain (White Mtn. N.F., Me.)	729,105	55.0	12,000	.7			
12. Rock River Canyon (Hiawatha National Forest, Mich.)	855,238	55.0	3,700	.9	1,700	212,500	48,200
13. Sturgeon River (Ottawa National Forest, Mich.)	915,339	32.2	9,500	.2	3,700	481,000	162,000
14. Bell Mountain (Clark National Forest, Mo.)	799,878	62.0	7,000	.7	440	50,600	36,750
15. Rockpile Mountain (Clark National Forest, Mo.)	799,878	62.0	4,400	.3	2,400	360,000	43,400
16. Carr Mountain (White Mountain National Forest, N.H.)	729,105	55.0	10,000	.6			
17. Great Gulf Wilderness Extension (White Mtn. N.F., N.H.)	729,105	55.0	13,750	.2	650	325,000	
18. Kilkenny (White Mountain National Forest, N.H.)	729,105	55.0	16,000	.4			
19. Wild River (White Mountain National Forest, N.H.)	729,105	55.0	20,000	.8			
20. Craggy Mountain (Pisgah National Forest, N.C.)	478,927	26.5	1,100				
21. Pocosin (Croatan National Forest, N.C.)	152,351	13.0	17,000	1.5			
22. Archers Fork (Wayne National Forest, Ohio)	162,136	7.7	6,300	.4	12,700	1,910,100	1,523,400
23. Hickory Creek (Allegheny National Forest, Pa.)	498,925	95.3	11,120	2.2	80	40,000	2,900,000
24. Tracy Ridge (Allegheny National Forest, Pa.)	498,925	95.3	10,000	1.9			10,000,000
25. Allegheny Front (Allegheny National Forest, Pa.)	498,925	95.3	8,500	1.1	1,500	150,000	850,000
26. Wambaw Swamp (Francis Marion National Forest, S.C.)	249,025	39.0	1,500				

See footnotes at end of table, p. 32.

## DESIGNATED STUDY AREAS—Continued

Proposed area and location	National Forest acreage in mgmt. unit <sup>1</sup>	Allow. cut in mgmt. unit (mil. b.f.)	Nat. For. acres in prop. area	Approx. allow. cut in prop. area (mil. b.f.)	Priv. acres in prop. area <sup>2</sup>	Est. cost of priv. land <sup>3</sup>	Est. cost of priv. min.
27. Big Frog (Cherokee National Forest, Tenn.)	613,780	55.0	4,500	0.9			
28. Citico Creek (Cherokee National Forest, Tenn.)	613,780	55.0	14,000	1.4			
29. Big Slough (Davy Crockett National Forest, Tex.)	161,478	25.0	4,000	.8			
30. Chambers Ferry (Sabine National Forest, Tex.)	186,589	37.0	4,000	.4			
31. Mill Creek (Jefferson National Forest, Va.)	666,581	45.0	3,870	.2	130	\$28,000	\$56,000
32. Mountain Lake (Jefferson National Forest, Va.)	666,581	45.0	6,800	.5	1,600	370,000	
33. Peters Mountain (Jefferson National Forest, Va.)	666,581	45.0	4,940	.2	60	13,000	
34. Ramsey's Draft (George Washington National Forest, Va.)	1,033,847	77.0	6,700	.7			670,000
35. Cranberry (Monongahela National Forest, W. Va.)	1,647,146	56.0	36,300	5.2			10,000,000
36. Black Jack Springs (Nicolet National Forest, Wis.)	650,346	50.5	2,600	.7			3,000
37. Flynn Lake (Chequamegon National Forest, Wis.)	839,055	64.7	6,200	.3	90	75,000	75,000
38. Round Lake (Chequamegon National Forest, Wis.)	839,055	64.7	4,200	.8			20,000
39. Whisker Lake (Nicolet National Forest, Wis.)	650,346	50.5	2,635	.4	65	25,000	
40. El Caciqu� (Caribbean National Forest, Puerto Rico)	27,889	1.5	8,500				
Total	15,986,527	1,160.5	1337,050	38.5	35,905		

<sup>1</sup> Total public and private acres are 372,555, 2 percent of these National Forests.

<sup>2</sup> 9.6 percent of total study areas is private land.

<sup>3</sup> This data is only a rough estimate.

## EXECUTIVE COMMUNICATION

The following report was received from the Department of Agriculture on S. 316:

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D.C., April 9, 1974.

HON. HERMAN E. TALMADGE,  
Chairman, Committee on Agriculture and Forestry, U.S. Senate,  
Washington, D.C.

DEAR MR. CHAIRMAN: As you requested, here are our views on S. 316 as reported by the Senate Committee on Interior and Insular Affairs. S. 316 is a bill "To further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the national wilderness preservation system, and for other purposes."

The Department's views on S. 316, as introduced, were previously expressed in our report of February 21, 1973, to the Senate Committee on Interior and Insular Affairs, and in the testimony of John R. McGuire, Chief, Forest Service, presented on the same date before the Subcommittee on Public Lands of that committee. In our report and testimony, we recommended that the Administration's proposed "Eastern Wilderness Amendments of 1973" be enacted in lieu of S. 316. The Administration's proposal was embodied in S. 938. We have since transmitted a revision of our original proposal that would immediately designate sixteen areas as wilderness under the concepts included in S. 938. This revision is embodied in S. 2487. On September 17, 1973, we offered further views on S. 316 as reported to the full Committee on Interior and Insular Affairs by the Subcommittee on Public Lands.

As reported, S. 316 differs substantially from S. 2487. Certain provisions of the present version would hamper the orderly administration of the National Forest System. Our primary concern is that S. 316 does not expressly limit to the eastern United States the addition of predominantly restored National Forest lands to the National Wilderness Preservation System. S. 316 purports that the definition of wilderness as contained in the Wilderness Act is broad enough to include restored lands. In S. 2487, we have proposed that the Wilderness Act be amended to provide that predominantly "restored" lands be considered for wilderness only in the eastern United States.

We continue to believe that the present definition of wilderness contemplates that to qualify as wilderness, lands shall have "retained" their primeval character. We do not think the definition was intended to or in fact does embrace predominantly "restored" lands.

A broad interpretation of the definition of wilderness by Congress would imply that "restored" areas in the West also warrant consideration as wilderness. Such direction would hamper our efforts in orderly land use planning. Vast areas of the West, with high resource values

and opportunities, will be involved. Because wilderness and the pursuit of other natural resource management activities tend to be mutually exclusive, a broad interpretation would make it extremely difficult to move forward with the other management activities for which the National Forests were established, and for which the Forest Service has responsibility as a result of other Congressional direction. While primeval, roadless, and undeveloped characteristics of land are relatively easy to identify, distinctions between degrees of restoration are largely subjective and are likely to be controversial. If a restored lands concept of wilderness is applied to the West, the process of establishing wilderness areas is likely to become merely an extensive land allocation exercise in which the issues will simply be how much land will be managed as "wilderness." The significance of "wilderness" as a high quality area, with minimal human disturbance, will be diminished.

It is not necessary in the West to look to "restored" lands for opportunities to establish wilderness. There are over 124 million acres of land located mainly in the West that still retain their primeval character. Over 80 million acres with the National Forests, National Parks, and National Wildlife Refuges are presently designated as wilderness or are under formal review for possible inclusion in the Wilderness System. An additional 44 million acres of roadless and undeveloped western National Forest areas have been identified in which wilderness is a management alternative.

We therefore strongly urge that your Committee amend S. 316 to include section 4 of S. 2487.

Our additional concerns with respect to other provisions of S. 316 are expressed in detail in an attachment to this letter.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CLAYTON YEUTTER,  
*Acting Secretary.*

USDA SUPPLEMENTAL STATEMENT ON S. 316 AS REPORTED BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS ON DECEMBER 20, 1973

Following are additional concerns and recommendations regarding certain provisions of S. 316:

*Sec. 2. Statement of Findings and Policy*

This section would in effect provide a precedent that predominantly "restored" National Forest lands could be added to the Wilderness System under the Wilderness Act without amendment of the basic Act. It is not specific in limiting a "restored" concept to the National Forest lands east of the 100th Meridian. We urge this section be deleted, and that section 4 of S. 2487 be included in the bill.

*Sec. 3. Designation of Areas*

This section designates 19 areas, located within eastern National Forests, as wilderness. We recommend that the Bradwell Bay, Joyce Kilmer-Slickrock, Upper Buffalo, and Otter Creek areas be designated as wilderness study areas rather than being immediately established

as wilderness areas. None of these areas have been studied in depth by the Forest Service as to their suitability or nonsuitability for wilderness. Nor has the Forest Service had the advantage of public comment and reaction on the specific boundaries. All of the other 15 listed "instant" areas in the bill have already been the subject of comprehensive studies of the various resource values involved. These views included opportunities for public comment and advice with respect to the Forest Service proposals.

The Bradwell Bay and Joyce Kilmer-Slickrock areas have recently been identified as new wilderness study areas in the Forest Service Roadless Area Review and Evaluation process. These tracts of undeveloped National Forest lands are presently being evaluated to determine their suitability for addition to the National Wilderness Preservation System.

Upper Buffalo and Otter Creek particularly need thorough study to evaluate the resource loss and gain if designated as wilderness and their suitability for such designation. Final boundary location of the Upper Buffalo area needs much indepth study and public input to reach a desirable decision.

The other 15 areas include lands that have been influenced by the works of man, but which have been generally restored to a near-natural condition. We recommend these general areas be immediately designated as wilderness if S. 316 is amended to include section 4 of S. 2487.

We recommend that the Laurel Fork area contained in section 2 of S. 2487 be added to the list of designated areas.

As an alternative to our previous recommendations to the Interior and Insular Affairs Committee, we recommend that the area comprising the proposed Presidential Range-Dry River Wilderness (section 3(10)) be modified. The Presidential Range-Dry River Wilderness Area presently contains a heavily traveled section of the Appalachian Trail and a large hostel used by hikers which is not feasible to remove. The combination is not compatible with Wilderness designation and management, and we recommend a boundary adjustment be made to exclude the trail and hostel. This can be accomplished by substituting a new map reference and total acreage figure in section 3(10). Recommended wording follows:

(10) certain lands in the White Mountain National Forest, New Hampshire, which comprise about twenty thousand three hundred and eighty acres, and are generally depicted on a map entitled "Presidential Range-Dry River Wilderness Area—Proposed," dated March 1974, and shall be known as the Presidential Range-Dry River Wilderness.

*Sec. 4. Designation of Study Areas*

We urge that the Nebo Ridge study area be limited to 15,500 acres as provided in S. 2487. The additional 15,250 acres included in S. 316 contain substantial values which would have to be foregone if in study status. These values include motorized recreation pursuits and timber sales, both contracted and planned.

Subsection 4(d) directs that the reviews of wilderness study areas shall be completed and recommendations made to Congress within ten years of enactment. We emphasize that the ten year period represents

the minimum amount of time that will be necessary in order for us to complete the reviews.

*Sec. 7(a). Management of Areas*

This subsection provides in part that the thirty-nine wilderness study areas shall be administered in accordance with the provisions of the Wilderness Act, except with respect to roads, until Congress had determined otherwise.

We strongly recommend that the Committee adopt the language of S. 2487 with respect to management of study areas. Subsection 3(c) of S. 2487 provides that study areas will be "managed by the Secretary of Agriculture so as to maintain their potential for inclusion in the National Wilderness Preservation System until the Congress has acted on a recommendation that the area be included in the wilderness system or until the President had determined that the area should not be included in the system."

The effect of subsection 7(a) of S. 316 would be to establish the study areas as wilderness until Congress acts to declassify them. This would mean that the use of motorized vehicles, motorized equipment, motorboats, or any form of mechanical transport would be prohibited, and that no structures or installation would be permitted within any such areas, until Congress enacted an affirmative law to "declassify" an area. It also means that structures or installations existing on the areas would have to be eliminated or removed, except for roads found to be necessary for continued public use. We urge that such rigid and long-term restrictions not apply to study areas, and that management activities be permitted to be renewed if, after detailed study and public involvement, the President decides not to recommend designation of a particular area.

We do not believe that it is necessary or desirable to curtail established uses and activities within a study area as long as such uses or activities do not detract from the area's potential for being considered for inclusion in the wilderness system. The study area boundaries may be suitable as they now exist for purposes of a study, but they may be altered significantly after the study is completed. The language of S. 2487 provides flexibility to permit the continuance of compatible activities and uses. However, no activity or use would be allowed if its presence would possibly lead to a negative recommendation as to the suitability of an area for wilderness classification.

*Sec. 7(e). Acquisition and Condemnation Limitations*

Subsection 7(e)(3) provides that owners of private lands or interests therein within wilderness areas or wilderness study areas designated by the bill may continue to hold and use their lands in the same manner and for the same purposes for which they were held or used on the date of enactment of the bill, unless the Secretary finds that such use would be incompatible with the management of an area as a component of the National Wilderness Preservation System.

We assume that this subsection would not prevent the Secretary from acquiring property without the owner's consent, as authorized under subsection 7(e)(1), so long as he finds that the owner's use "would be incompatible with the management of such area as a component of the National Wilderness Preservation System." Although we have no

objection to this limitation, we would prefer the direct condemnation authority that would be provided by subsection 5(b) of S. 2487.

The provisions of subsection 7(e)(3) also raise the questions as to whether the Secretary would be bound to condemn lands used in a manner incompatible with wilderness. Such a situation might even occur in the study areas. Thus one potential effect of the provision could be to obligate the United States to acquire large acreages of private lands within both designated areas and study areas. As we indicated in our February 21, 1973, letter to the President of the Senate, we intend to use condemnation authority sparingly in designated areas. Condemnation would be used to protect critical areas, when all other means of negotiated acquisition are to no avail.

SECTION 1. This Act may be cited as the "Wilderness Act".

WILDERNESS SYSTEM ESTABLISHED STATEMENT OF POLICY

COST ESTIMATES

In accordance with section 252 of the Legislative Reorganization Act of 1970, the following is the Committee's estimate of the costs which would be incurred in carrying out the provisions of the bill:

Subsection 2(b) of the original Wilderness Act (78 Stat. 890) contains the following sentence: "No appropriation shall be available for the payment of expenses or salaries for the administration of the National Wilderness Preservation System as a separate unit nor shall any appropriations be available for additional personnel stated as being required solely for the purpose of managing or administering areas solely because they are included within the National Wilderness Preservation System."

This subsection is made applicable to the Committee bill by the provisions of subsection 6(a) of the Committee bill.

Therefore, the estimated costs listed below represent, principally, the costs of conducting the wilderness study area reviews, of identifying and marking the boundaries of the wilderness areas and wilderness study areas, of materials used for marking the boundaries, and of mapping. The estimated costs do not include any costs for land acquisition or restoration; these costs cannot be judged at this time.

The estimated costs, by fiscal year, are:

Current fiscal year.....	No cost
Fiscal year 1975.....	\$590,000
Fiscal year 1976.....	590,000
Fiscal year 1977.....	490,000
Fiscal year 1978.....	490,000
Fiscal year 1979.....	590,000

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

THE WILDERNESS ACT OF SEPTEMBER 3, 1964\*

Public Law 88-577, 88th Cong., 1st Sess. 16 U.S.C. 1131-1136

\*The entire text of the Wilderness Act of 1964 is set forth in full, showing the changes made by the bill being reported, since many of the provisions of the 1964 Act in which no change is made would be applicable to the wilderness areas designated by or pursuant to the bill.

(38)

DEFINITION OF WILDERNESS

(c) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value. *The term "wilderness" shall include areas designated by or pursuant to the Eastern Wilderness Areas Act of 1974.*



## NATIONAL WILDERNESS PRESERVATION SYSTEM—EXTENT OF SYSTEM

SEC. 3. (a) All areas within the national forests classified at least 30 days before the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness", "wild", or "canoe" are hereby designated as wilderness areas. The Secretary of Agriculture shall—

(1) Within one year after the effective date of this Act, file a map and legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made.

(2) Maintain, available to the public, records pertaining to said wilderness areas, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. Maps, legal descriptions, and regulations pertaining to wilderness areas within their respective jurisdictions also shall be available to the public in the offices of regional foresters, national forest supervisors, and forest rangers.

(b) The Secretary of Agriculture shall, within ten years after the enactment of this Act, review, as to its suitability or nonsuitability for preservation as wilderness, each area in the national forests classified on the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "primitive" and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as "wilderness" or other reclassification of each area on which review has been completed, together with maps and a definition of boundaries. Such advice shall be given with respect to not less than one-third of all the areas now classified as "primitive" within three years after enactment of this Act, not less than two-thirds within seven years after the enactment of this Act, and the remaining areas within ten years after the enactment of this Act. Each recommendation of the President for designation as "wilderness" shall become effective only if so provided by an Act of Congress. Areas classified as "primitive" on the effective date of this Act shall continue to be administered under the rules and regulations affecting such areas on the effective date of this Act until Congress has determined otherwise. Any such area may be increased in size by the President at the time he submits his recommendations to the Congress by not more than five thousand acres with no more than one thousand two hundred and eighty acres of such increase in any one compact unit; if it is proposed to increase the size of any such area by more than five thousand acres or by more than one thousand two hundred and eighty acres in any one compact unit the increase in size shall not become effective until acted upon by Congress. Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of primitive areas or recommending the addition of any contiguous area of national forest lands predominantly

of wilderness value. Notwithstanding any other provisions of this Act, the Secretary of Agriculture may complete his review and delete such area as may be necessary, but not to exceed seven thousand acres, from the southern tip of the Gore Range-Eagles Nest Primitive Area, Colorado, if the Secretary determines that such action is in the public interest.

(c) Within ten years after the effective date of this Act the Secretary of the Interior shall review every roadless area of five thousand contiguous acres or more in the national parks, monuments and other units of the national park system and every such area of, and every roadless island within, the national wildlife refuges and game ranges, under his jurisdiction on the effective date of this Act and shall report to the President his recommendation as to the suitability or nonsuitability of each such area or island for preservation as wilderness. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendation with respect to the designation as wilderness of each such area or island on which review has been completed, together with a map thereof and a definition of its boundaries. Such advice shall be given with respect to not less than one-third of the areas and islands to be reviewed under this subsection within three years after enactment of this Act, not less than two-thirds within seven years of enactment of this Act, and the remainder within ten years of enactment of this Act. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress. Nothing contained herein shall, by implication or otherwise, be construed to lessen the present statutory authority of the Secretary of the Interior with respect to the maintenance of roadless areas within units of the national park system.

(d) (1) The Secretary of Agriculture and the Secretary of the Interior shall, prior to submitting any recommendations to the President with respect to the suitability of any area for preservation as wilderness—

(A) give such public notice of the proposed action as they deem appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land;

(B) hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the respective Secretaries involved deem appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: *Provided,* That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies[;]: *And provided further,* That the respective Secretaries shall give public notice at least sixty days in advance of any hearing or other public meeting concerning any wilderness study area; and

(C) at least [thirty] sixty days before the date of a hearing advise the Governor of each State [and], the governing board of each county, or in Alaska the borough, *parish, town, and municipality* in which the lands are located, *the governing board of each appropriate substate multipurisdictional general purpose planning and development agency that has been officially desig-*

nated as a clearinghouse agency, the governing board of each appropriate established environmental protection district, and Federal departments and agencies concerned, and invite such officials and Federal agencies to submit their views on the proposed action at the hearing or by no later than thirty days following the date of the hearing.

(2) Any views submitted to the appropriate Secretary under the provisions of (1) of this subsection with respect to any area shall be included with any recommendations to the President and to Congress with respect to such area.

(e) Any modification or adjustment of boundaries of any wilderness area shall be recommended by the appropriate Secretary after public notice of such proposal and public hearing or hearings as provided in subsection (d) of this section. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recommendations shall become effective only in the same manner as provided for in subsections (b) and (c) of this section.

#### USE OF WILDERNESS AREAS

SEC. 4. (a) The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forests and units of the national park and national wildlife refuge systems are established and administered and—

(1) Nothing in this Act shall be deemed to be in interference with the purpose for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215).

(2) Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act (Public Law 539, Seventy-first Congress, July 10, 1930; 46 Stat. 1020), the Thyse-Blatnik Act (Public Law 733, Eightieth Congress, June 22, 1948; 62 Stat. 568), and the Humphrey-Thyse-Blatnik-Andresen Act (Public Law 607, Eighty-fourth Congress, June 22, 1956; 70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

(3) Nothing in this Act shall modify the statutory authority under which units of the national park system are created. Further, the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with the Act of August 25, 1916, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area, including, but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 et seq.); section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

#### PROHIBITION OF CERTAIN USES

(c) Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

#### SPECIAL PROVISIONS

(d) The following special provisions are hereby made:

(1) Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable. *No timber stand modification shall be permitted except as provided for in this paragraph (1).*

(2) Nothing in this Act shall prevent within national forest wilderness areas any activity, including prospecting, for the purpose of gathering information about mineral or other resources, if such activity is carried on in a manner compatible with the preservation of the wilderness environment. Furthermore, in accordance with such program as the Secretary of the Interior shall develop and conduct in consultation with the Secretary of Agriculture, such areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.

(3) Notwithstanding any other provisions of this Act, until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the same extent as applicable prior to the effective date of this Act, extend to those national forest lands designated by this Act as "wilderness areas"; subject, however, to such reasonable regulations governing ingress and egress as may be prescribed by the Secretary of Agriculture consistent with the use of the land for mineral location and development and exploration, drilling, and production, and use of land for transmission lines, water-



lines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including where essential the use of mechanized ground or air equipment and restoration as near as practicable of the surface of the land disturbed in performing prospecting, location, and, in oil and gas leasing, discovery work, exploration, drilling, and production, as soon as they have served their purpose. Mining locations lying within the boundaries of said wilderness areas shall be held and used solely for mining or processing operations and uses reasonably incident thereto; and hereafter, subject to valid existing rights, all patents issued under the mining laws of the United States affecting national forest lands designated by this Act as wilderness areas shall convey title to the mineral deposits within the claim, together with the right to cut and use so much of the mature timber therefrom as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the national forest rules and regulations, but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except as otherwise expressly provided in this Act: *Provided*, That, unless hereafter specifically authorized, no patent within wilderness areas designated by this Act shall issue after December 31, 1983, except for the valid claims existing on or before December 31, 1983. Mining claims located after the effective date of this Act within the boundaries of wilderness areas designated by this Act shall create no rights in excess of those rights which may be patented under the provisions of this subsection. Mineral leases, permits, and licenses covering lands within national forest wilderness areas designated by this Act shall contain such reasonable stipulations as may be prescribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed. Subject to valid rights then existing, effective January 1, 1984, the minerals in lands designated by this Act as wilderness areas are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.\*

(4) Within wilderness areas in the national forests [designated by this Act, (1)], (A) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of

\*Section 7(b) of the bill being reported would, subject to valid existing mining or mineral leasing rights, withdraw all federally owned land within national forest wilderness study areas designated by or pursuant to the bill and the Wilderness Act from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing. The withdrawal would take effect upon enactment of the bill for national forest wilderness areas designated by the bill and previously designated by or pursuant to the Wilderness Act. For any national forest wilderness study area recommended for inclusion in the National Wilderness Preservation System pursuant to the bill or the Wilderness Act, the withdrawal would take effect upon the date of the President's submission of such recommendation to the Congress.

reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial: *Provided*, That with respect to areas designated as wilderness by or pursuant to the Eastern Wilderness Areas Act of 1974, the President shall not authorize the establishment of any new reservoirs, water-conservation works, power projects, transmission lines, or other facilities; and [(2)] (B) the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture: *Provided*, That with respect to national forest areas designated as wilderness after January 1, 1974, grazing of livestock may be continued under permits consistent with the purposes of this Act.

(5) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, shall be in accordance with regulations established by the Secretary of Agriculture in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: *Provided*, That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats.

(6) Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

(7) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(8) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

#### STATE AND PRIVATE LANDS WITHIN WILDERNESS AREAS

SEC. 5. (a) In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this Act as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture: *Provided, however*, That the United States shall not transfer to a State or private owner any mineral interests unless the State or private owner relinquishes or causes to be relinquished to the United States the mineral interest in the surrounded land.

(b) In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

[(c) Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this Act as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress.]\*

#### GIFTS, BEQUESTS, AND CONTRIBUTIONS

SEC. 6. (a) The Secretary of Agriculture may accept gifts or bequests of land within wilderness areas designated by this Act for preservation as wilderness. The Secretary of Agriculture may also accept gifts or bequests of land adjacent to wilderness areas designated by this Act for preservation as wilderness if he has given sixty days advance notice thereof to the President of the Senate and the Speaker of the House of Representatives. Land accepted by the Secretary of Agriculture under this section shall become part of the wilderness area involved. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this Act, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

(b) The Secretary of Agriculture or the Secretary of the Interior is authorized to accept private contributions and gifts to be used to further the purposes of this Act.

#### [ANNUAL] REPORTS

SEC. 7. (a) At the opening of each [session of] Congress, the Secretaries of Agriculture and the Interior shall jointly report to the President, for transmission to Congress, on the status of the [wilderness system] *National Wilderness Preservation System*, including a list and descriptions of the areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make.

(b) *There shall be included in the report—*

(1) *descriptions of those wilderness study areas that are recommended for designation as components of the National Wilderness Preservation System, in accordance with the procedures specified in section 3(d) of this Act;*

(2) *descriptions of those portions of wilderness study areas that are recommended not to be designated as wilderness, together with the reasons for the recommendation; and*

\*Section 7(c) of the bill being reported provides that within national forest wilderness areas designated by or pursuant to the bill and the Wilderness Act, the Secretary of Agriculture may, under certain restrictions, acquire by condemnation such lands, water, or interests therein as he determines necessary or desirable for the purposes of the bill and the Wilderness Act.

(3) *the recommendations, if any, made by the National Wilderness Advisory Committee during the preceding year.*

#### HUNTING, FISHING, AND TRAPPING

Sec. 8. *The Secretary of Agriculture shall permit hunting, fishing, and trapping on the lands and waters within national forest wilderness areas in accordance with applicable Federal and State laws; except that the Secretary may issue regulations designating zones where, and establishing periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use enjoyment. Except in emergencies, any regulations promulgated pursuant to this section shall be issued only after consultation with the wildlife agency of the State or States affected.*

#### MANAGEMENT PLAN

Sec. 9. *The Secretary of Agriculture and the Secretary of the Interior shall each prepare a management plan for each wilderness area and wilderness study area for which they have jurisdiction, utilizing a multidisciplinary approach and providing for appropriate public involvement.*

#### ADVISORY COMMITTEE

Sec. 10. (a) *The President, in accordance with the Federal Advisory Committee Act (86 Stat. 770) and upon the recommendations of the Secretary of Agriculture and the Secretary of the Interior, shall appoint a National Wilderness Advisory Committee to advise, consult with, and make recommendations to the Secretary of Agriculture and the Secretary of the Interior concerning the National Wilderness Preservation System. The committee shall be composed of at least nine persons who are broadly knowledgeable of natural resources and their management and use. The committee shall continue for the duration of this Act.*

(b) *Members of the committee shall serve for three years, except that one-third of the initial appointees shall serve for three years, one-third for two years, and one-third for one year.*

(c) *The committee shall meet not less than two times every year.*

#### TRANSFER OF FEDERAL PROPERTY

Sec. 11. *The head of any Federal department or agency having jurisdiction over any lands or interests in lands within the boundaries of wilderness areas and wilderness study areas is authorized to transfer to the Secretary of Agriculture or the Secretary of the Interior, where appropriate, jurisdiction over such lands for administration in accordance with the provisions of this Act.*

#### COOPERATION WITH STATES

Sec. 12. *The Secretary of Agriculture and the Secretary of the Interior shall cooperate with the States and political subdivisions thereof in the administration of wilderness areas and in the administration and protection of lands within or adjacent to the wilderness area owned or controlled by the State or political subdivision thereof.*



# Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,  
one thousand nine hundred and seventy-four*

## An Act

To further the purposes of the Wilderness Act by designating certain acquired lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes.

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

### STATEMENT OF FINDINGS AND POLICY

SEC. 2. (a) The Congress finds that—

(1) in the more populous eastern half of the United States there is an urgent need to identify, study, designate, and preserve areas for addition to the National Wilderness Preservation System;

(2) in recognition of this urgent need, certain areas in the national forest system in the eastern half of the United States were designated by the Congress as wilderness in the Wilderness Act (78 Stat. 890); certain areas in the national wildlife refuge system in the eastern half of the United States have been designated by the Congress as wilderness or recommended by the President for such designation, and certain areas in the national park system in the eastern half of the United States have been recommended by the President for designation as wilderness; and

(3) additional areas of wilderness in the more populous eastern half of the United States are increasingly threatened by the pressures of a growing and more mobile population, large-scale industrial and economic growth, and development and uses inconsistent with the protection, maintenance, and enhancement of the areas' wilderness character.

(b) Therefore, the Congress finds and declares that it is in the national interest that these and similar areas in the eastern half of the United States be promptly designated as wilderness within the National Wilderness Preservation System, in order to preserve such areas as an enduring resource of wilderness which shall be managed to promote and perpetuate the wilderness character of the land and its specific values of solitude, physical and mental challenge, scientific study, inspiration, and primitive recreation for the benefit of all of the American people of present and future generations.

### DESIGNATION OF WILDERNESS AREAS

SEC. 3. (a) In furtherance of the purposes of the Wilderness Act, the following lands (hereinafter in this Act referred to as "wilderness areas"), as generally depicted on maps appropriately referenced, dated April 1974, are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Bankhead National Forest, Alabama, which comprise about twelve thousand acres, are generally depicted on a map entitled "Sipsey Wilderness Area—Proposed", and shall be known as the Sipsey Wilderness;

(2) certain lands in the Ouachita National Forest, Arkansas, which comprise about fourteen thousand four hundred and thirty-three acres, are generally depicted on a map entitled "Caney Creek Wilderness Area—Proposed", and shall be known as the Caney Creek Wilderness;

(3) certain lands in the Ozark National Forest, Arkansas, which comprise about ten thousand five hundred and ninety acres, are generally depicted on a map entitled "Upper Buffalo Wilderness Area—Proposed", and shall be known as the Upper Buffalo Wilderness;

(4) certain lands in the Appalachian National Forest, Florida, which comprise about twenty-two thousand acres, are generally depicted on a map entitled "Bradwell Bay Wilderness Area—Proposed", and shall be known as the Bradwell Bay Wilderness;

(5) certain lands in the Daniel Boone National Forest, Kentucky, which comprise about five thousand five hundred acres, are generally depicted on a map entitled "Beaver Creek Wilderness Area—Proposed", and shall be known as the Beaver Creek Wilderness;

(6) certain lands in the White Mountain National Forest, New Hampshire, which comprise about twenty thousand three hundred and eighty acres, are generally depicted on a map entitled "Presidential Range-Dry River Wilderness Area—Proposed", and shall be known as the Presidential Range-Dry River Wilderness;

(7) certain lands in the Nantahala and Cherokee National Forests, North Carolina and Tennessee, which comprise about fifteen thousand acres, are generally depicted on a map entitled "Joyce Kilmer-Slickrock Wilderness Area—Proposed", and shall be known as the Joyce Kilmer-Slickrock Wilderness;

(8) certain lands in the Sumter, Nantahala, and Chattahoochee National Forests in South Carolina, North Carolina, and Georgia, which comprise about three thousand six hundred acres, are generally depicted on a map entitled "Ellicott Rock Wilderness Area—Proposed", and shall be known as Ellicott Rock Wilderness;

(9) certain lands in the Cherokee National Forest, Tennessee, which comprise about two thousand five hundred and seventy acres, are generally depicted on a map entitled "Gee Creek Wilderness Area—Proposed", and shall be known as the Gee Creek Wilderness;

(10) certain lands in the Green Mountain National Forest, Vermont, which comprise about six thousand five hundred acres, are generally depicted on a map entitled "Bristol Cliffs Wilderness Area—Proposed", and shall be known as the Bristol Cliffs Wilderness;

(11) certain lands in the Green Mountain National Forest, Vermont, which comprise about fourteen thousand three hundred acres, are generally depicted on a map entitled "Lye Brook Wilderness Area—Proposed", and shall be known as the Lye Brook Wilderness;

(12) certain lands in the Jefferson National Forest, Virginia, which comprise about eight thousand eight hundred acres, are generally depicted on a map entitled "James River Face Wilderness Area—Proposed", and shall be known as the James River Face Wilderness;

(13) certain lands in the Monongahela National Forest, West Virginia, which comprise about ten thousand two hundred and fifteen acres, are generally depicted on a map entitled "Dolly Sods Wilderness Area—Proposed", and shall be known as the Dolly Sods Wilderness;

(14) certain lands in the Monongahela National Forest, West Virginia, which comprise about twenty thousand acres, are generally depicted on a map entitled "Otter Creek Wilderness Study Area", and shall be known as the Otter Creek Wilderness; and

(15) certain lands in the Chequamegon National Forest, Wisconsin, which comprise about six thousand six hundred acres, are generally depicted on a map entitled "Rainbow Lake Wilderness Area—Proposed", and shall be known as the Rainbow Lake Wilderness.

(b) In furtherance of the purposes of the Wilderness Act, the following lands (hereinafter referred to as "wilderness areas"), as generally depicted on maps appropriately referenced, dated April 1973, are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System: certain lands in the Chattahoochee and Cherokee National Forests, Georgia and Tennessee, which comprise about thirty-four thousand five hundred acres, are generally depicted on a map dated April 1973, entitled "Cohutta Wilderness Area—Proposed", and shall be known as the Cohutta Wilderness.

#### DESIGNATION OF WILDERNESS STUDY AREA

SEC. 4. (a) In furtherance of the purposes of the Wilderness Act and in accordance with the provisions of subsection 3(d) of that Act, the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall review, as to its suitability or nonsuitability for preservation as wilderness, each area designated by or pursuant to subsection (b) of this section and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as wilderness of each such area on which the review has been completed.

(b) Areas to be reviewed pursuant to this section (hereinafter referred to as "wilderness study areas"), as generally depicted on maps appropriately referenced, dated April 1974, include—

(1) certain lands in the Ouachita National Forest, Arkansas, which comprise approximately five thousand seven hundred acres and are generally depicted on a map entitled "Belle Starr Cave Wilderness Study Area";

(2) certain lands in the Ouachita National Forest, Arkansas, which comprise approximately five thousand five hundred acres and are generally depicted on a map entitled "Dry Creek Wilderness Study Area";

(3) certain lands in the Ozark National Forest, Arkansas, which comprise approximately two thousand one hundred acres and are generally depicted on a map entitled "Richland Creek Wilderness Study Area";

(4) certain lands in the Apalachicola National Forest, Florida, which comprise approximately one thousand one hundred acres and are generally depicted as the "Sopchoppy River Wilderness Study Area" on a map entitled "Bradwell Bay Wilderness Area—Proposed";

(5) certain lands in the Hiawatha National Forest, Michigan, which comprise approximately five thousand four hundred acres and are generally depicted on a map entitled "Rock River Canyon Wilderness Study Area";

(6) certain lands in the Ottawa National Forest, Michigan, which comprise approximately thirteen thousand two hundred acres and are generally depicted on a map entitled "Sturgeon River Wilderness Study Area";

(7) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately one thousand one hundred acres and are generally depicted on a map entitled "Craggy Mountain Wilderness Study Area";



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- (8) certain lands in the Francis Marion National Forest, South Carolina, which comprise approximately one thousand five hundred acres and are generally depicted on a map entitled "Wambaw Swamp Wilderness Study Area";
- (9) certain lands in the Jefferson National Forest, Virginia, which comprise approximately four thousand acres and are generally depicted on a map entitled "Mill Creek Wilderness Study Area";
- (10) certain lands in the Jefferson National Forest, Virginia, which comprise approximately eight thousand four hundred acres and are generally depicted on a map entitled "Mountain Lake Wilderness Study Area";
- (11) certain lands in the Jefferson National Forest, Virginia, which comprise approximately five thousand acres and are generally depicted on a map entitled "Peters Mountain Wilderness Study Area";
- (12) certain lands in the George Washington National Forest, Virginia, which comprise approximately six thousand seven hundred acres and are generally depicted on a map entitled "Ramsey's Draft Wilderness Study Area";
- (13) certain lands in the Chequamegon National Forest, Wisconsin, which comprise approximately six thousand three hundred acres and are generally depicted on a map entitled "Flynn Lake Wilderness Study Area";
- (14) certain lands in the Chequamegon National Forest, Wisconsin, which comprise approximately four thousand two hundred acres and are generally depicted on a map entitled "Round Lake Wilderness Study Area";
- (15) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately thirty-six thousand three hundred acres and are generally depicted on a map entitled "Cranberry Wilderness Study Area";
- (16) certain lands in the Cherokee National Forest, Tennessee, which comprise approximately four thousand five hundred acres and are generally depicted on a map entitled "Big Frog Wilderness Study Area"; and
- (17) certain lands in the Cherokee National Forest, Tennessee, which comprise approximately fourteen thousand acres and are generally depicted as the "Citico Creek Area" on a map entitled "Joyce Kilmer-Slickrock Wilderness Area—Proposed";
- (c) Reviews shall be completed and the President shall make his recommendations to Congress within five years after enactment of this Act.
- (d) Congress may, upon the recommendation of the Secretary of Agriculture or otherwise, designate as study areas, national forest system lands east of the 100th meridian other than those areas specified in subsection (b) of this section, for review as to suitability or nonsuitability for preservation as wilderness. Any such area subsequently designated as a wilderness study area after the enactment of this Act shall have its suitability or nonsuitability for preservation as wilderness submitted to Congress within ten years from the date of designation as a wilderness study area. Nothing in this Act shall be construed as limiting the authority of the Secretary of Agriculture to carry out management programs, development, and activities in accordance with the Multiple-Use, Sustained-Yield Act of 1960 (74 Stat. 215, 16 U.S.C. 528-531) within areas not designated for review in accordance with the provisions of this Act.

(e) Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of any wilderness study area or recommending the addition to any such area of any contiguous area predominantly of wilderness value. Any recommendation of the President to the effect that such area or portion thereof should be designated as "wilderness" shall become effective only if so provided by an Act of Congress.

#### FILING OF MAPS AND DESCRIPTIONS

SEC. 5. As soon as practicable after enactment of this Act, a map of each wilderness study area and a map and a legal description of each wilderness area shall be filed with the Committees on Interior and Insular Affairs and on Agriculture of the United States Senate and House of Representatives, and each such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

#### MANAGEMENT OF AREAS

SEC. 6. (a) except as otherwise provided by this Act, the wilderness areas designated by or pursuant to this Act shall be managed by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act. The wilderness study areas designated by or pursuant to this Act shall be managed by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System until Congress has determined otherwise, except that such management requirement shall in no case extend beyond the expiration of the third succeeding Congress from the date of submission to the Congress of the President's recommendations concerning the particular study area.

(b) Within the sixteen wilderness areas designated by section 3 of this Act:

(1) the Secretary of Agriculture may acquire by purchase with donated or appropriated funds, by gift, exchange, condemnation, or otherwise, such lands, waters, or interests therein as he determines necessary or desirable for the purposes of this Act. All lands acquired under the provisions of this subsection shall become national forest lands and a part of the Wilderness System;

(2) in exercising the exchange authority granted by paragraph (1), the Secretary of Agriculture may accept title to non-Federal property for federally owned property of substantially equal value, or, if not of substantially equal value, the value shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require;

(3) the authority of the Secretary of Agriculture to condemn any private land or interest therein within any wilderness area designated by or pursuant to this Act shall not be invoked so long as the owner or owners of such land or interest holds and uses it in the same manner and for those purposes for which such land or interest was held on the date of the designation of the wilderness area: *Provided, however,* That the Secretary of Agriculture may acquire such land or interest without consent of the owner or owners whenever he finds such use to be incompatible with the management of such area as wilderness and the owner or owners manifest unwillingness, and subsequently fail, to promptly discontinue such incompatible use;

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(4) at least sixty days prior to any transfer by exchange, sale, or otherwise (except by bequest) of such lands, or interests therein described in paragraph (3) of this subsection, the owner or owners of such lands or interests therein shall provide notice of such transfer to the supervisor of the national forest concerned, in accordance with such rules and regulations as the Secretary of Agriculture may promulgate;

(5) at least sixty days prior to any change in the use of such lands or interests therein described in paragraph (3) of this subsection which will result in any significant new construction or disturbance of land surface or flora or will require the use of motor vehicles and other forms of mechanized transport or motorized equipment (except as otherwise authorized by law for ingress or egress or for existing agricultural activities begun before the date of the designation other than timber cutting), the owner or owners of such lands or interests therein shall provide notice of such change in use to the supervisor of the national forest within which such lands are located, in accordance with such rules and regulations as the Secretary of Agriculture may promulgate;

(6) for the purposes of paragraphs (7) and (8) of this subsection, the term "property" shall mean a detached, noncommercial residential dwelling, the construction of which was begun before the date of the designation of the wilderness area (hereinafter referred to as "dwelling"), or an existing agricultural activity begun before the date of the designation of the wilderness area, other than timber cutting (hereinafter referred to as "agricultural activity"), together with so much of the land on which the dwelling or agricultural activity is situated, such land being in the same ownership as the dwelling or agricultural activity, as the Secretary of Agriculture shall determine to be necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use or for the agricultural activity, together with any structures accessory to the dwelling or agricultural activity which are situated on the land so designated;

(7) any owner or owners of property on the date of its acquisition by the Secretary of Agriculture may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the property for such noncommercial residential purpose or agricultural activity for twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary of Agriculture shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner: *Provided*, That whenever an owner of property elects to retain a right of use and occupancy as provided for in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act; and

(8) a right of use and occupancy retained or enjoyed pursuant to paragraph (7) of this subsection may be terminated with respect to the entire property by the Secretary of Agriculture upon his determination that the property or any portion thereof has ceased to be used for such noncommercial residential purpose or agricultural activity and upon tender to the holder of a right



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an amount equal to the fair market value as of the date of tender of that portion of the right which remains unexpired on the date of termination.

TRANSFER OF FEDERAL PROPERTY

SEC. 7. The head of any Federal department or agency having jurisdiction over any lands or interests in lands within the boundaries of wilderness areas and wilderness study areas designated by or pursuant to this Act is authorized to transfer to the Secretary jurisdiction over such lands for administration in accordance with the provisions of this Act.

APPLICABILITY

SEC. 8. Unless otherwise provided by any other Act the provisions of this Act shall only apply to National Forest areas east of the 100th meridian.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated an amount not to exceed \$5,000,000 for the acquisition by purchase, condemnation, or otherwise of lands, waters, or interests therein located in areas designated as wilderness pursuant to section 3 of this Act and an amount not to exceed \$1,700,000 for the purpose of conducting a review of wilderness study areas designated by section 4 of this Act.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*

December 24, 1974

Dear Mr. Director:

The following bills were received at the White House on December 24th:

S.J. Res. 40 ✓	S. 3481 ✓	H.R. 8958 ✓	H.R. 14600 ✓
S.J. Res. 133 ✓	S. 3548 ✓	H.R. 8981 ✓	H.R. 14689 ✓
S.J. Res. 262 ✓	S. 3934 ✓	H.R. 9182 ✓	H.R. 14718 ✓
✓S. 251 ✓	✓S. 3943 ✓	✓H.R. 9199 ✓	✓H.R. 15173 ✓
S. 356 ✓	S. 3976 ✓	✓H.R. 9588 ✓	✓H.R. 15223 ✓
S. 521 ✓	S. 4073 ✓	✓H.R. 9654 ✓	✓H.R. 15229 ✓
S. 544 ✓	✓S. 4206 ✓	✓H.R. 10212 ✓	✓H.R. 15322 ✓
S. 663 ✓	H.J. Res. 1178 ✓	✓H.R. 10701 ✓	✓H.R. 15977 ✓
✓S. 754 ✓	✓H.J. Res. 1180 ✓	✓H.R. 10710 ✓	✓H.R. 16045 ✓
S. 1017 ✓	✓H.R. 421 ✓	✓H.R. 10827 ✓	✓H.R. 16215 ✓
S. 1083 ✓	H.R. 1715 ✓	✓H.R. 11144 ✓	H.R. 16596 ✓
✓S. 1296 ✓	H.R. 1820 ✓	✓H.R. 11273 ✓	✓H.R. 16925 ✓
S. 1418 ✓	H.R. 2208 ✓	✓H.R. 11796 ✓	✓H.R. 17010 ✓
S. 2149 ✓	✓H.R. 2933 ✓	✓H.R. 11802 ✓	H.R. 17045 ✓
S. 2446 ✓	H.R. 3203 ✓	✓H.R. 11847 ✓	✓H.R. 17085 ✓
S. 2807 ✓	H.R. 3339 ✓	✓H.R. 11897 ✓	✓H.R. 17468 ✓
S. 2854 ✓	H.R. 5264 ✓	✓H.R. 12044 ✓	✓H.R. 17558 ✓
S. 2888 ✓	H.R. 5463 ✓	✓H.R. 12113 ✓	H.R. 17597 ✓
S. 2994 ✓	✓H.R. 5773 ✓	✓H.R. 12427 ✓	✓H.R. 17628 ✓
✓S. 3022 ✓	H.R. 7599 ✓	✓H.R. 12884 ✓	✓H.R. 17655 ✓
S. 3289 ✓	H.R. 7684 ✓	✓H.R. 13022 ✓	
S. 3358 ✓	H.R. 7767 ✓	✓H.R. 13296 ✓	
S. 3359 ✓	H.R. 8214 ✓	✓H.R. 13869 ✓	
S. 3394 ✓	H.R. 8322 ✓	H.R. 14449 ✓	
✓S. 3433 ✓	H.R. 8591 ✓	✓H.R. 14461 ✓	

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder  
Chief Executive Clerk

The Honorable Roy L. Ash  
Director  
Office of Management and Budget  
Washington, D. C.