

104TH CONGRESS  
2D SESSION

# H. R. 4145

To amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal lands, and to designate certain Federal lands as Northwest Ancient Forests, roadless areas, and special areas where logging and other intrusive activities are prohibited.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 1996

Mr. BRYANT of Texas (for himself, Mrs. MALONEY, Mr. CLAY, Ms. ESHOO, Mr. YATES, Mrs. LOWEY, Mr. TORRICELLI, Mr. LEWIS of Georgia, Mr. MORAN, Ms. VELÁZQUEZ, Mr. LANTOS, Mr. BERMAN, Mr. FRANKS of New Jersey, Mr. FILNER, Mr. STARK, Mr. HINCHEY, Mr. FARR of California, Mr. DELLUMS, Mr. EVANS, Mr. GUTIERREZ, Mr. SERRANO, Ms. WOOLSEY, Mr. PORTER, Mr. ANDREWS, Mr. BROWN of California, Mr. BEILENSEN, and Mr. NADLER) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Resources and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal lands, and to designate certain Federal lands as Northwest Ancient Forests, roadless areas, and special areas where logging and other intrusive activities are prohibited.

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

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

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes, findings, conflict with Endangered Species Act.
- Sec. 3. Effective date.

**TITLE I—AMENDMENTS TO EXISTING LAND MANAGEMENT LAWS**

- Sec. 101. Amendment of Forest and Rangeland Renewable Resources Planning Act of 1974 relating to National Forest System lands.
- Sec. 102. Amendment of Federal Land Policy and Management Act of 1976 relating to the public lands.
- Sec. 103. Amendment of National Wildlife Refuge System Administration Act of 1966 relating to the National Wildlife Refuge System.
- Sec. 104. Amendment of National Indian Forest Resources Management Act relating to Indian lands.
- Sec. 105. Amendment of title 10, United States Code, relating to forest management on military lands.

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

- Sec. 201. Definitions and findings.
- Sec. 202. Designation of special areas.
- Sec. 203. Restrictions on management activities in Northwest Ancient Forests, roadless areas, and special areas.
- Sec. 204. Effect on private inholdings.

8 **SEC. 2. PURPOSES, FINDINGS, CONFLICT WITH ENDAN-**  
 9 **GERED SPECIES ACT.**

10 (a) PURPOSES.—The purposes of this Act are, on all  
 11 Federal public lands, to conserve native biodiversity and  
 12 to protect all native ecosystems against losses that result  
 13 from clearcutting and other forms of even-age logging.

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

1           (1) Federal agencies of the United States that  
2           engage in even-age logging practices include the  
3           Forest Service of the Department of Agriculture, the  
4           United States Fish and Wildlife Service, Bureau of  
5           Land Management, and Bureau of Indian Affairs of  
6           the Department of the Interior, and the Army,  
7           Navy, and Air Force of the Department of Defense.

8           (2) Even-age logging causes substantial alter-  
9           ations in native biodiversity by emphasizing the pro-  
10          duction of a limited number of commercial species of  
11          trees on each site, generally only one; by manipulat-  
12          ing the vegetation toward greater relative density of  
13          such commercial species, by suppressing competing  
14          species, and by planting, on numerous sites, a com-  
15          mercial strain that was developed to reduce the rel-  
16          ative diversity of genetic strains that previously oc-  
17          curred within the species on the same sites.

18          (3) Even-age logging kills immobile species and  
19          the very young of mobile species of wildlife and de-  
20          pletes the habitat of deep-forest species of animals,  
21          including endangered species.

22          (4) Even-age logging exposes the soil to direct  
23          sunlight and the impact of rains, disrupts the sur-  
24          face, and compacts organic layers. It disrupts the  
25          run-off restraining capabilities of roots and low-lying

1 vegetation, which results in soil erosion, the leaching  
2 out of nutrients, a reduction in the biological content  
3 of the soil, and the impoverishment of the soil. All  
4 these consequences have a long-range deleterious ef-  
5 fect on all land resources, including timber produc-  
6 tion.

7 (5) Even-age logging decreases the capability of  
8 the soil to retain carbon and, during the critical pe-  
9 riods of felling and site preparation, reduces the ca-  
10 pacity of the biomass to process and to store carbon,  
11 with a resultant of loss of such carbon to the atmos-  
12 phere, thereby aggravating global warming.

13 (6) Even-age logging renders the soil increas-  
14 ingly sensitive to acid deposits by causing a decline  
15 of soil wood and coarse woody debris, thereby reduc-  
16 ing the capacity of the soil to retain water and nutri-  
17 ents, which increases soil heat and impairs the soil's  
18 ability to maintain protective carbon compounds on  
19 its surface.

20 (7) Even-age logging results in increased  
21 stream sedimentation, the silting of stream bottoms,  
22 a decline in water quality, and the impairment of life  
23 cycles and spawning processes of aquatic life from  
24 benthic organisms to large fish, thereby depleting

1 the sports and commercial fisheries of the United  
2 States.

3 (8) Even-age logging increases harmful edge ef-  
4 fects, including blowdowns, invasions by weed spe-  
5 cies, and heavier losses to predators and competi-  
6 tors.

7 (9) Even-age logging decreases the land's rec-  
8 reational values, reducing deep, canopied, variegated,  
9 permanent forests, thereby limiting areas where the  
10 public can fulfill an expanding need for recreation.  
11 Even-age logging replaces such forests with a sur-  
12 plus of clearings that grow into relatively impen-  
13 etrable thickets of saplings, and then into  
14 monoculture tree plantations.

15 (10) Human beings depend on native biological  
16 resources, including plants, animals, and micro-orga-  
17 nisms, for food, medicine, shelter, and other impor-  
18 tant products, and as a source of intellectual and  
19 scientific knowledge, recreation, and aesthetic pleas-  
20 ure.

21 (11) Alteration of native biodiversity has seri-  
22 ous consequences for human welfare as America  
23 irretrievably loses resources for research and agricul-  
24 tural, medicinal, and industrial development.

1           (12) Alteration of biodiversity in Federal forests  
2 adversely affects the functions of ecosystems and  
3 critical ecosystem processes that moderate climate,  
4 govern nutrient cycles and soil conservation and pro-  
5 duction, control pests and diseases, and degrade  
6 wastes and pollutants.

7           (13) The harm of even-age logging to the natu-  
8 ral resources of this Nation and the quality of life  
9 of its people are substantial, severe, and avoidable.

10          (14) By substituting selection management, as  
11 prescribed in this Act, for the even-age system, the  
12 Federal agencies now engaged in even-age logging  
13 would substantially reduce devastation to the envi-  
14 ronment and would improve the quality of life of the  
15 American people.

16          (15) By protecting native biodiversity, as pre-  
17 scribed in this Act, Federal agencies would maintain  
18 vital native ecosystems and would improve the qual-  
19 ity of life of the American people.

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

24          (17) The court remedies now available to en-  
25 force Federal forest laws are inadequate, and should

1 be strengthened by providing for injunctions, declar-  
2 atory judgments, civil penalties, and reasonable costs  
3 of suit.

4 (c) CONFLICT WITH ENDANGERED SPECIES ACT.—

5 In the event of any conflict between a provision of this  
6 Act, or an amendment made by this Act, and the Endan-  
7 gered Species Act of 1973 (16 U.S.C. 1531), the latter  
8 shall prevail.

9 **SEC. 3. EFFECTIVE DATE.**

10 (a) IN GENERAL.—This Act and the amendments  
11 made by this Act shall take effect on the date of the enact-  
12 ment of this Act.

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

17 (c) APPLICATION TO EMERGENCY SALVAGE TIMBER  
18 SALE PROGRAM.—The amendments made by this Act  
19 shall apply with respect to any timber salvage sale under  
20 section 2001 of Public Law 104–19 (109 Stat. 240; 16  
21 U.S.C. 1611 note) which has not been awarded as of the  
22 date of the enactment of this Act, notwithstanding any  
23 provision of that section 2001.

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

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

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

12 “(B) regardless of any other provision in  
13 this Act, in each stand and each watershed  
14 throughout each forested area, the Secretary  
15 shall provide for the conservation or restoration  
16 of native biodiversity except during the extrac-  
17 tion stage of authorized mineral development or  
18 during authorized construction projects, in  
19 which events the Secretary shall conserve native  
20 biodiversity to the extent possible;”.

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



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

16           (c) RESTRICTION ON USE OF CERTAIN LOGGING  
17 PRACTICES.—Section 6 of the Forest and Rangeland Re-  
18 newable Resources Planning Act of 1974 (16 U.S.C.  
19 1604) is amended by adding at the end the following:

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

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

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

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

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

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

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

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

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

16 “(F) The term ‘group selection’ means a form  
17 of selection management that emphasizes the peri-  
18 odic removal of trees, including mature, undesirable,  
19 and cull trees in small groups, where they occur that  
20 way, with a result of (i) creating openings not to ex-  
21 ceed in width in any direction the height of the tall-  
22 est tree standing within 10 feet outside the edge of  
23 the group cut, and (ii) maintaining different age  
24 groups in a given stand. In no event will more than  
25 30 percent of the basal area of a stand be felled

1 within 45 years. The foregoing limitation shall not  
2 be deemed to establish a 150-year projected felling  
3 age as the standard at which individual trees in a  
4 stand are to be cut, nor shall native biodiversity be  
5 limited to that which occurs within the context of a  
6 150-year projected felling age.

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

11 “(H) The term ‘clearcutting’ means the logging  
12 of more than one-half of the commercial trees in a  
13 patch larger than a group defined in subparagraph  
14 (F) or in a stand of any size in a short period of  
15 time.

16 “(I) The term ‘even-age management’ means  
17 the growing of commercial timber so that all trees  
18 in a patch or stand are generally within 10 years of  
19 the same age. Except for designated leave trees, or  
20 clumps of trees, the patch or stand is logged, com-  
21 pletely in any acre within a period of 30 years, by  
22 clearcutting, salvage logging, seed-tree cutting or  
23 shelterwood cutting, or any system other than selec-  
24 tion management.

1           “(J) The term ‘salvage logging’ means the fell-  
2           ing or further damaging, within any 30-year period,  
3           of a greater basal area than 20 square feet per acre  
4           of dead, damaged, or other trees, or any combination  
5           of such trees.

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

9           “(L) The term ‘selection management’ means  
10          the application of logging and other actions needed  
11          to maintain continuous high forest cover where such  
12          cover naturally occurs, recurring natural regenera-  
13          tion of all native species on the site, and the orderly  
14          growth and development of trees through a range of  
15          diameter or age classes to provide a sustained yield  
16          of forest products. Cutting methods that develop and  
17          maintain selection stands are individual-tree and  
18          group selection. A goal of selection management is  
19          to improve the quality of the site by continuously  
20          harvesting trees less likely to contribute to the long-  
21          range health of the stand.

22          “(M) The term ‘shelterwood cut’ means an  
23          even-aged logging operation that leaves a minority  
24          (larger than in a seed-tree cut) of the stand as a

1 seed source or protection cover remaining standing  
2 for any period of time.

3 “(N) The term ‘timber purposes’ shall include  
4 the use, sale, lease, or distribution of trees, or the  
5 felling of trees or portions of trees except to create  
6 land space for a structure or other use.

7 “(4)(A)(i) The purpose of this paragraph is to foster  
8 the widest possible enforcement of subsection (g)(3)(B)  
9 and this subsection.

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

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

17 “(C)(i) Any citizen harmed by a violation of this Act  
18 may enforce any provision of subsection (g)(3)(B) and this  
19 subsection by bringing an action for declaratory judgment,  
20 temporary restraining order, injunction, civil penalty, and  
21 other remedies against any alleged violator including the  
22 United States, in any district court of the United States.

23 “(ii) The court, after determining a violation of either  
24 of such subsections, shall impose a penalty of not less than  
25 \$5,000 and not more than \$50,000 per violation, shall

1 issue one or more injunctions and other equitable relief  
2 and shall award to the plaintiffs reasonable costs of litiga-  
3 tion including attorney’s fees, witness fees and other nec-  
4 essary expenses.

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

8 “(D) The penalty authorized by subparagraph (C)(ii)  
9 shall be paid by the violator or violators designated by the  
10 court. If that violator is the United States of America or  
11 a Federal agency or officer, the penalty shall be paid to  
12 the Judgment Fund, as provided by Congress under sec-  
13 tion 1304 of title 31, United States Code.

14 “(E) The penalty shall be paid from the Judgment  
15 Fund within 40 days after judgment to the person or per-  
16 sons designated to receive it, to be applied in protecting  
17 or restoring native biodiversity in or adjoining Federal  
18 land. Any award of costs of litigation and any award of  
19 attorney fees shall be paid within 40 days after judgment.

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

24 (d) CONFORMING AMENDMENT.—Section 6(g)(2)(F)  
25 of the Forest and Rangeland Renewable Resource Plan-

1 ning Act of 1974 (16 U.S.C. 1604(g)(2)(F)) is amended  
2 by inserting “in accordance with subsection (g) and” after  
3 “National Forest System lands.”.

4 **SEC. 102. AMENDMENT OF FEDERAL LAND POLICY AND**  
5 **MANAGEMENT ACT OF 1976 RELATING TO**  
6 **THE PUBLIC LANDS.**

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

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

12 (2) by inserting after paragraph (7) the follow-  
13 ing new paragraph (8):

14 “(8) regardless of any other provision in this  
15 Act, in each stand and each watershed throughout  
16 each forested area, the Secretary shall provide for  
17 the conservation or restoration of native biodiversity  
18 except during the extraction stage of authorized  
19 mineral development or during authorized construc-  
20 tion projects, in which events the Secretary shall  
21 conserve native biodiversity to the extent possible;”.

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



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

6       “(2) On each site already under even-age manage-  
7 ment, the Secretary shall (A) prescribe a shift to selection  
8 management within one year, or (B) cease managing for  
9 timber purposes and actively restore the native biodiver-  
10 sity, or permit each site to regain its native biodiversity.

11       “(3) For the purposes of this Act:

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

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

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

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

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

22           “(F) The term ‘group selection’ means a form  
23 of selection management that emphasizes the peri-  
24 odic removal of trees, including mature, undesirable,  
25 and cull trees in small groups, where they occur that

1 way, with a result of (i) creating openings not to ex-  
2 ceed in width in any direction the height of the tall-  
3 est tree standing within 10 feet outside the edge of  
4 the group cut, and (ii) maintaining different age  
5 groups in a given stand. In no event will more than  
6 30 percent of the basal area of a stand be felled  
7 within 45 years. The foregoing limitation shall not  
8 be deemed to establish a 150-year projected felling  
9 age as the standard at which individual trees in a  
10 stand are to be cut, nor shall native biodiversity be  
11 limited to that which occurs within the context of a  
12 150-year projected felling age.

13 “(G) The term ‘stand’ means a biological com-  
14 munity with enough identity by location, topography,  
15 or dominant species to be managed as a unit, not to  
16 exceed 100 acres.

17 “(H) The term ‘clearcutting’ means the logging  
18 of more than one-half of the commercial trees in a  
19 patch larger than a group defined in subparagraph  
20 (F) or in a stand of any size in a short period of  
21 time.

22 “(I) The term ‘even-age management’ means  
23 the growing of commercial timber so that all trees  
24 in a patch or stand are generally within 10 years of  
25 the same age. Except for designated leave trees, or

1 clumps of trees, the patch or stand is logged, com-  
2 pletely in any acre within a period of 30 years, by  
3 clearcutting, salvage logging, seed-tree cutting or  
4 shelterwood cutting, or any system other than selec-  
5 tion management.

6 “(J) The term ‘salvage logging’ means the fell-  
7 ing or further damaging, within any 30-year period,  
8 of a greater basal area than 20 square feet per acre  
9 of dead, damaged, or other trees, or any combination  
10 of such trees.

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

14 “(L) The term ‘selection management’ means  
15 the application of logging and other actions needed  
16 to maintain continuous high forest cover where such  
17 cover naturally occurs, recurring natural regenera-  
18 tion of all native species on the site, and the orderly  
19 growth and development of trees through a range of  
20 diameter or age classes to provide a sustained yield  
21 of forest products. Cutting methods that develop and  
22 maintain selection stands are individual-tree and  
23 group selection. A goal of selection management is  
24 to improve the quality of the site by continuously

1 harvesting trees less likely to contribute to the long-  
2 range health of the stand.

3 “(M) The term ‘shelterwood cut’ means an  
4 even-aged logging operation that leaves a minority  
5 (larger than in a seed-tree cut) of the stand as a  
6 seed source or protection cover remaining standing  
7 for any period of time.

8 “(N) The term ‘timber purposes’ shall include  
9 the use, sale, lease, or distribution of trees, or the  
10 felling of trees or portions of trees except to create  
11 land space for a structure or other use.

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

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

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

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

1 other remedies against any alleged violator including the  
2 United States, in any district court of the United States.

3 “(ii) The court, after determining a violation of either  
4 of such subsections, shall impose a penalty of not less than  
5 \$5,000 and not more than \$50,000 per violation, shall  
6 issue one or more injunctions and other equitable relief  
7 and shall award to the plaintiffs reasonable costs of litiga-  
8 tion including attorney’s fees, witness fees and other nec-  
9 essary expenses.

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

13 “(D) The penalty authorized by subparagraph (C) (ii)  
14 shall be paid by the violator or violators designated by the  
15 court. If that violator is the United States of America or  
16 a Federal agency or officer, the penalty shall be paid to  
17 the Judgment Fund, as provided by Congress under sec-  
18 tion 1304 of title 31, United States Code.

19 “(E) The penalty shall be paid from the Judgment  
20 Fund within 40 days after judgment to the person or per-  
21 sons designated to receive it, to be applied in protecting  
22 or restoring native biodiversity in or adjoining Federal  
23 land. Any award of costs of litigation and any award of  
24 attorney fees shall be paid within 40 days after judgment.

1           “(F) The United States, including its agents and em-  
2 ployees waives its sovereign immunity in all respects in  
3 all actions under subsection (c)(8) and this subsection. No  
4 notice is required to enforce this subsection.”.

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

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

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

15           “(j) CONSERVATION OF NATIVE BIODIVERSITY.—Re-  
16 gardless of any other provision in this Act, in each stand  
17 and each watershed throughout each forested area within  
18 the System, the Secretary shall provide for the conserva-  
19 tion or restoration of native biodiversity, except during the  
20 extraction stage of authorized mineral development or dur-  
21 ing authorized construction projects, in which events the  
22 Secretary shall conserve native biodiversity to the extent  
23 possible.

24           “(k) RESTRICTION ON USE OF CERTAIN LOGGING  
25 PRACTICES.—(1) In each stand and watershed throughout

1 each forested area, the Secretary shall prohibit any even-  
2 age logging and any even-age management after the date  
3 of enactment of this subsection.

4 “(2) On each site already under even-age manage-  
5 ment, the Secretary shall (A) prescribe a shift to selection  
6 management within one year, or (B) cease managing for  
7 timber purposes and actively restore the native biodiver-  
8 sity, or permit each site to regain its native biodiversity.

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

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

23 “(B) The terms ‘conserve’ and ‘conservation’  
24 refer to protective measures for maintaining existing  
25 native biodiversity and active and passive measures



1 for restoring diversity through management efforts,  
2 in order to protect, restore, and enhance as much  
3 of the variety of species and communities as possible  
4 in abundances and distributions that provide for  
5 their continued existence and normal functioning, in-  
6 cluding the viability of populations throughout their  
7 natural geographic distributions.

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

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

16 “(E) The term ‘species diversity’ means the  
17 richness and variety of native species in a particular  
18 location of the world.

19 “(F) The term ‘group selection’ means a form  
20 of selection management that emphasizes the peri-  
21 odic removal of trees, including mature, undesirable,  
22 and cull trees in small groups, where they occur that  
23 way, with a result of (i) creating openings not to ex-  
24 ceed in width in any direction the height of the tall-  
25 est tree standing within 10 feet outside the edge of

1 the group cut, and (ii) maintaining different age  
2 groups in a given stand. In no event will more than  
3 30 percent of the basal area of a stand be felled  
4 within 45 years. The foregoing limitation shall not  
5 be deemed to establish a 150-year projected felling  
6 age as the standard at which individual trees in a  
7 stand are to be cut, nor shall native biodiversity be  
8 limited to that which occurs within the context of a  
9 150-year projected felling age.

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

14 “(H) The term ‘clearcutting’ means the logging  
15 of more than one-half of the commercial trees in a  
16 patch larger than a group defined in subparagraph  
17 (F) or in a stand of any size in a short period of  
18 time.

19 “(I) The term ‘even-age management’ means  
20 the growing of commercial timber so that all trees  
21 in a patch or stand are generally within 10 years of  
22 the same age. Except for designated leave trees, or  
23 clumps of trees, the patch or stand is logged, com-  
24 pletely in any acre within a period of 30 years, by  
25 clearcutting, salvage logging, seed-tree cutting or

1 shelterwood cutting, or any system other than selec-  
2 tion management.

3 “(J) The term ‘salvage logging’ means the fell-  
4 ing or further damaging, within a 30-year period, of  
5 a greater basal area than 20 square feet per acre of  
6 dead, damaged, or other trees, or any combination  
7 of such trees.

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

11 “(L) The term ‘selection management’ means  
12 the application of logging and other actions needed  
13 to maintain continuous high forest cover where such  
14 cover naturally occurs, recurring natural regenera-  
15 tion of all native species on the site, and the orderly  
16 growth and development of trees through a range of  
17 diameter or age classes to provide a sustained yield  
18 of forest products. Cutting methods that develop and  
19 maintain selection stands are individual-tree and  
20 group selection. A goal of selection management is  
21 to improve the quality of the site by continuously  
22 harvesting trees less likely to contribute to the long-  
23 range health of the stand.

24 “(M) The term ‘shelterwood cut’ means an  
25 even-aged logging operation that leaves a minority

1 (larger than in a seed-tree cut) of the stand as a  
2 seed source or protection cover remaining standing  
3 for any period of time.

4 “(N) The term ‘timber purposes’ shall include  
5 the use, sale, lease, or distribution of trees, or the  
6 felling of trees or portions of trees except to create  
7 land space for a structure or other use.

8 “(4)(A)(i) The purpose of this paragraph is to foster  
9 the widest possible enforcement of subsection (j) and this  
10 subsection.

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

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

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

24 “(ii) The court, after determining a violation of either  
25 of such subsections, shall impose a penalty of not less than

1 \$5,000 and not more than \$50,000 per violation, shall  
2 issue one or more injunctions and other equitable relief  
3 and shall award to the plaintiffs reasonable costs of litiga-  
4 tion including attorney’s fees, witness fees and other nec-  
5 essary expenses.

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

9 “(D) The penalty authorized by subparagraph (C)(ii)  
10 shall be paid by the violator or violators designed by the  
11 court. If that violator is the United States of America or  
12 a Federal agency or officer, the penalty shall be paid to  
13 the Judgment Fund, as provided by Congress under sec-  
14 tion 1304 of title 31, United States Code.

15 “(E) The penalty should be paid from the Judgment  
16 Fund within 40 days after judgment to the person or per-  
17 sons designated to receive it, to be applied in protecting  
18 or restoring native biodiversity in or adjoining Federal  
19 land. Any award of costs of litigation and any award of  
20 attorney fees shall be paid within 40 days after judgment.

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

1 **SEC. 104. AMENDMENT OF NATIONAL INDIAN FOREST RE-**  
2 **SOURCES MANAGEMENT ACT RELATING TO**  
3 **INDIAN LANDS.**

4 Section 305 of the National Indian Forest Resources  
5 Management Act (25 U.S.C. 4535) is amended by adding  
6 at the end the following new subsections:

7 “(c) CONSERVATION OF NATIVE BIODIVERSITY.—  
8 Regardless of any other provision in this Act, in each  
9 stand and each watershed throughout each stand that is  
10 managed or operated for timber purposes in each forested  
11 area on Indian lands except during the extraction stage  
12 of authorized mineral development or during authorized  
13 construction projects in which events the Secretary shall  
14 conserve native biodiversity to the extent possible.

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

20 “(2) On each site already under even-age manage-  
21 ment, the Secretary shall (A) prescribe a shift to selection  
22 management within one year, or (B) cease managing for  
23 timber purposes and actively restore the native biodiver-  
24 sity, or permit each site to regain its native biodiversity.

25 “(3) For the purposes of this section:

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

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

24           “(C) The term ‘within-community diversity’  
25 means the distinctive assemblages of species and ec-

1       ological processes that occur in different physical  
2       settings of the biosphere and distinct parts of the  
3       world.

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

7               “(E) The term ‘species diversity’ means the  
8       richness and variety of native species in a particular  
9       location of the world.

10              “(F) The term ‘group selection’ means a form  
11       of selection management that emphasizes the peri-  
12       odic removal of trees, including mature, undesirable,  
13       and cull trees in small groups, where they occur that  
14       way, with a result of (i) creating openings not to ex-  
15       ceed in width in any direction the height of the tall-  
16       est tree standing within 10 feet outside the edge of  
17       the group cut, and (ii) maintaining different age  
18       groups in a given stand. In no event will more than  
19       30 percent of the basal area of a stand be felled  
20       within 45 years. The foregoing limitation shall not  
21       be deemed to establish a 150-year projected felling  
22       age as the standard at which individual trees in a  
23       stand are to be cut, nor shall native biodiversity be  
24       limited to that which occurs within the context of a  
25       150-year projected felling age.



1           “(G) The term ‘stand’ means a biological com-  
2           munity with enough identity by location, topography,  
3           or dominant species to be managed as a unit, not to  
4           exceed 100 acres.

5           “(H) The term ‘clearcutting’ means the logging  
6           of more than one-half of the commercial trees in a  
7           patch larger than a group defined in subparagraph  
8           (F) or in a stand of any size in a short period of  
9           time.

10          “(I) The term ‘even-age management’ means  
11          the growing of commercial timber so that all trees  
12          in a patch or stand are generally within 10 years of  
13          the same age. Except for designated leave trees, or  
14          clumps of trees, the patch or stand is logged, com-  
15          pletely in any acre within a period of 30 years, by  
16          clearcutting, salvage logging, seed-tree cutting or  
17          shelterwood cutting, or any system other than selec-  
18          tion management.

19          “(J) The term ‘salvage logging’ means the fell-  
20          ing or further damaging, within any 30-year period,  
21          of a greater basal area than 20 square feet per acre  
22          of dead, damaged, or other trees, or any combination  
23          of such trees.

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

4           “(L) The term ‘selection management’ means  
5           the application of logging and other actions needed  
6           to maintain continuous high forest cover where such  
7           cover naturally occurs, recurring natural regenera-  
8           tion of all native species on the site, and the orderly  
9           growth and development of trees through a range of  
10          diameter or age classes to provide a sustained yield  
11          of forest products. Cutting methods that develop and  
12          maintain selection stands are individual-tree and  
13          group selection. A goal of selection management is  
14          to improve the quality of the site by continuously  
15          harvesting trees less likely to contribute to the long-  
16          range health of the stand.

17          “(M) The term ‘shelterwood cut’ means an  
18          even-aged logging operation that leaves a minority  
19          (larger than in a seed-tree cut) of the stand as a  
20          seed source or protection cover remaining standing  
21          for any period of time.

22          “(N) The term ‘timber purposes’ shall include  
23          the use, sale, lease, or distribution of trees, or the  
24          felling of trees or portions of trees except to create  
25          land space for a structure or other use.

1           “(4)(A)(i) The purpose of this paragraph is to foster  
2 the widest possible enforcement of subsection (c) and this  
3 subsection.

4           “(ii) Congress finds that all people of the United  
5 States are injured by actions on lands to which subsection  
6 (c) and this subsection apply.

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

11           “(C)(i) Any citizen harmed by a violation of this Act  
12 may enforce any provision of subsection (c) and this sub-  
13 section by bringing an action for declaratory judgment,  
14 temporary restraining order, injunction, civil penalty, and  
15 other remedies against any alleged violator including the  
16 United States, in any district court of the United States.

17           “(ii) The court, after determining a violation of either  
18 of such subsections shall impose a penalty of not less than  
19 \$5,000 and not more than \$50,000 per violation, shall  
20 issue one or more injunctions and other equitable relief  
21 and shall award to the plaintiffs reasonable costs of litiga-  
22 tion including attorney’s fees, witness fees and other nec-  
23 essary expenses.

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

4       “(D) The penalty authorized by subparagraph (C)(ii)  
5 shall be paid by the violator or violators designated by the  
6 court. If that violator is the United States of America or  
7 a Federal agency or officer, the penalty shall be paid to  
8 the Judgment Fund, as provided by Congress under sec-  
9 tion 1304 of title 31, United States Code.

10       “(E) The penalty should be paid from the Judgment  
11 Fund within 40 days after judgment to the person or per-  
12 sons designated to receive it, to be applied in protecting  
13 or restoring native biodiversity in or adjoining Federal  
14 land. Any award of costs of litigation and any award of  
15 attorney fees shall be paid within 40 days after judgment.

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

20 **SEC. 105. AMENDMENT OF TITLE 10, UNITED STATES CODE,**  
21 **RELATING TO FOREST MANAGEMENT ON**  
22 **MILITARY LANDS.**

23       (a) IN GENERAL.—Chapter 159 of title 10, United  
24 States Code, is amended by adding at the end the follow-  
25 ing new section:

1 **“§ 2694. Conservation of native biodiversity**

2 “(a) CONSERVATION OF NATIVE BIODIVERSITY.—  
3 Regardless of any other provision in this Act, in each  
4 stand and each watershed throughout each forested area  
5 on a military installation or projects administered by the  
6 Army Corps of Engineers, the Secretary concerned shall  
7 provide for the conservation or restoration of native bio-  
8 diversity, except during authorized construction projects  
9 in which events the Secretary shall conserve native bio-  
10 diversity to the extent possible.

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

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

21 “(3) In this section:

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

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

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

19 “(C) The term ‘within-community diversity’  
20 means the distinctive assemblages of species and ec-  
21 ological processes that occur in different physical  
22 settings of the biosphere and distinct parts of the  
23 world.

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

4           “(E) The term ‘species diversity’ means the  
5           richness and variety of native species in a particular  
6           location of the world.

7           “(F) The term ‘group selection’ means a form  
8           of selection management that emphasizes the peri-  
9           odic removal of trees, including mature, undesirable,  
10          and cull trees in small groups, where they occur that  
11          way, with a result of (i) creating openings not to ex-  
12          ceed in width in any direction the height of the tall-  
13          est tree standing within 10 feet outside the edge of  
14          the group cut, and (ii) maintaining different age  
15          groups in a given stand. In no event will more than  
16          30 percent of the basal area of a stand be felled  
17          within 45 years. The foregoing limitation shall not  
18          be deemed to establish a 150-year projected felling  
19          age as the standard at which individual trees in a  
20          stand are to be cut, nor shall native biodiversity be  
21          limited to that which occurs within the context of a  
22          150-year projected felling age.

23          “(G) The term ‘stand’ means a biological com-  
24          munity with enough identity by location, topography,

1 or dominant species to be managed as a unit, not to  
2 exceed 100 acres.

3 “(H) The term ‘clearcutting’ means the logging  
4 of more than one-half of the commercial trees in a  
5 patch larger than a group defined in subparagraph  
6 (F) or in a stand of any size in a short period of  
7 time.

8 “(I) The term ‘even-age management’ means  
9 the growing of commercial timber so that all trees  
10 in a patch or stand are generally within 10 years of  
11 the same age. Except for designated leave trees, or  
12 clumps of trees, the patch or stand is logged com-  
13 pletely in any acre within a period of 30 years, by  
14 clearcutting, salvage logging, seed-tree cutting or  
15 shelterwood cutting, or any system other than selec-  
16 tion management.

17 “(J) The term ‘salvage logging’ means the fell-  
18 ing or further damaging, within any 30-year period,  
19 of a greater basal area than 20 square feet per acre  
20 of dead, damaged, or other trees, or any combination  
21 of such trees.

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



1           “(L) The term ‘selection management’ means  
2           the application of logging and other actions needed  
3           to maintain continuous high forest cover where such  
4           cover naturally occurs, recurring natural regenera-  
5           tion of all native species on the site, and the orderly  
6           growth and development of trees through a range of  
7           diameter or age classes to provide a sustained yield  
8           of forest products. Cutting methods that develop and  
9           maintain selection stands are individual-tree and  
10          group selection. A goal of selection management is  
11          to improve the quality of the site by continuously  
12          harvesting trees less likely to contribute to the long-  
13          range health of the stand.

14          “(M) The term ‘shelterwood cut’ means an  
15          even-aged logging operation that leaves a minority  
16          (larger than in a seed-tree cut) of the stand as a  
17          seed source or protection cover remaining standing  
18          for any period of time.

19          “(N) The term ‘timber purposes’ shall include  
20          the use, sale, lease, or distribution of trees, or the  
21          felling of trees or portions of trees except to create  
22          land space for a structure or other use.

23          “(4)(A)(i) The purpose of this paragraph is to foster  
24          the widest possible enforcement of this section.

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

4       “(B) The provisions of this section shall be enforced  
5 by the Secretary of Defense and the Attorney General of  
6 the United States against any person who violates this sec-  
7 tion.

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

14       “(ii) The court, after determining a violation of this  
15 section, shall impose a penalty of not less than \$5,000 and  
16 not more than \$50,000 per violation, shall issue one or  
17 more injunctions and other equitable relief and shall  
18 award to the plaintiffs reasonable costs of litigation in-  
19 cluding attorney’s fees, witness fees and other necessary  
20 expenses.

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

24       “(D) The penalty authorized by subparagraph (C)(ii)  
25 shall be paid by the violator or violators designated by the

1 court. If that violator is the United States of America or  
 2 a Federal agency or officer, the penalty shall be paid to  
 3 the Judgment Fund, as provided by Congress under sec-  
 4 tion 1304 of title 31, United States Code.

5 “(E) The penalty should be paid from the Judgment  
 6 Fund within 40 days after judgment to the person or per-  
 7 sons designated to receive it, to be applied in protecting  
 8 or restoring native biodiversity in or adjoining Federal  
 9 land. Any award of costs of litigation and any award of  
 10 attorney fees shall be paid within 40 days after judgment.

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

15 (b) CONFORMING AMENDMENT.—The table of sec-  
 16 tions for chapter 159 of title 10, United States Code, is  
 17 amended by adding at the end the following new item:

“2694. Conservation of native biodiversity.”.

18 **TITLE II—PROTECTION FOR**  
 19 **NORTHWEST ANCIENT FOR-**  
 20 **ESTS, ROADLESS AREAS, AND**  
 21 **SPECIAL AREAS**

22 **SEC. 201. DEFINITIONS AND FINDINGS.**

23 (a) DEFINITIONS.—For purposes of this title:

24 (1) EXTRACTIVE LOGGING.—The term “extrac-  
 25 tive logging” means the removal of any logs from a

1 Federal forest for any purpose other than the re-  
2 moval of small quantities of logs for firewood by  
3 local individual citizens for their own personal, non-  
4 commercial use.

5 (2) NORTHWEST ANCIENT FORESTS.—The term  
6 “Northwest Ancient Forests” refers to—

7 (A) lands identified as Late-Successional  
8 Reserves, Riparian Reserves, and Key Water-  
9 sheds under the heading “Alternative 1” of the  
10 report “Final Supplemental Environmental Im-  
11 pact Statement on Management of Habitat for  
12 Late-Successional and Old-Growth Forest Re-  
13 lated Species Within the Range of the Northern  
14 Spotted Owl, Vol. I.”, dated February 1994;  
15 and

16 (B) lands identified by the term “Medium  
17 and Large Conifer Multi-Storied, Canopied For-  
18 ests” as defined in “Final Supplemental Envi-  
19 ronmental Impact Statement on Management of  
20 Habitat for Late-Successional and Old-Growth  
21 Forest Related Species Within the Range of the  
22 Northern Spotted Owl, Vol. I.”, dated February  
23 1994.

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

4           (4) ROADLESS AREAS.—The term “roadless  
5 areas” means those contiguous parcels of Federal  
6 land that are devoid of improved roads, except as  
7 permitted by subparagraph (B), and—

8                   (A) are greater than or equal to 5,000  
9 acres west of the 100th meridian;

10                   (B) are greater than or equal to 1,500  
11 acres east of the 100th meridian, but possibly  
12 containing up to ½ mile of improved roads per  
13 1,000 acres; or

14                   (C) are less than 5,000 acres, but are con-  
15 tiguous to existing Wilderness, Primitive Areas,  
16 Administration-endorsed Wilderness, or roadless  
17 areas in other Federal ownership, regardless of  
18 their size.

19           (5) SPECIAL AREAS.—The term “Special  
20 Areas” means certain areas of Federal land de-  
21 scribed in section 202 that are to be managed ac-  
22 cording to the instructions of section 203(c).

23           (6) SECRETARY CONCERNED.—The term “Sec-  
24 retary concerned” means the head of the Federal  
25 agency having jurisdiction over Federal lands in-

1       cluded within a Northwest Ancient Forest, roadless  
2       area, or Special Area.

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

4           (1) Unfragmented forests on Federal lands are  
5       unique and valuable assets to the general public  
6       which are damaged by extractive logging.

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

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

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

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

22          (6) Destruction of large-scale natural forests  
23      has resulted in a tremendous loss of jobs in the fish-  
24      ing, hunting, tourism, recreation, and guiding indus-  
25      tries, and has adversely affected sustainable nontim-

1 ber forest products industries such as the collection  
2 of mushrooms and herbs.

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

6 (8) The Northwest Ancient Forests continue to  
7 be threatened by logging and deforestation and are  
8 rapidly disappearing.

9 (9) Northwest Ancient Forests help regulate at-  
10 mospheric balance, maintain biodiversity, and pro-  
11 vide valuable scientific opportunity for monitoring  
12 the health of the planet.

13 (10) Prohibiting extractive logging in the  
14 Northwest Ancient Forests would create the best  
15 conditions for ensuring stable, well distributed, and  
16 viable populations of the northern spotted owl, mar-  
17 bled murrelet, American marten, and other verte-  
18 brates, invertebrates, vascular plants, and nonvascu-  
19 lar plants associated with those forests.

20 (11) Prohibiting extractive logging in the  
21 Northwest Ancient Forests would create the best  
22 conditions for ensuring stable, well distributed, and  
23 viable populations of anadromous salmonids, resi-  
24 dent salmonids, and bull trout.

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

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

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

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

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

21           (17) In order to gauge the effectiveness and ap-  
22 propriateness of current and future resource man-  
23 agement activities, and to continue to broaden and  
24 develop our understanding of silvicultural practices,  
25 many special forested areas need to remain in a nat-



1 ural, unmanaged state to serve as scientifically es-  
2 tablished baseline control forests.

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

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

10 (20) As a legacy for the enjoyment, knowledge,  
11 and well-being of future generations, provisions must  
12 be made for the protection and perpetuation of  
13 America's Northwest Ancient Forests, roadless  
14 areas, and Special Areas.

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

16 For purposes of this title, there are hereby designated  
17 the following Special Areas, which shall be subject to the  
18 management restrictions specified in section 203(c):

19 (1) ALABAMA: SIPSEY WILDERNESS.—Certain  
20 lands in the Bankhead National Forest in Alabama,  
21 which comprise approximately 20,000 acres, located  
22 directly west of Highway 33 and directly north of  
23 County Road 60, including all of the Sipsey River  
24 Watershed north of Cranal Road.

25 (2) ALASKA.—

1           (A) TURNIGAN ARM.—Certain lands in the  
2           Chugach National Forest, Kenai Peninsula,  
3           Alaska, extending from sea level to ridgetop  
4           surrounding the inlet of Turnigan Arm.

5           (B) HONKER DIVIDE.—Certain lands in  
6           the Tongass National Forest in Alaska, which  
7           comprise approximately 75,000 acres, located  
8           on north central Prince of Wales Island, com-  
9           prising the Thorne River and Hatchery Creek  
10          watersheds, stretching approximately 40 miles  
11          northwest from the vicinity of the town of  
12          Thorne Bay to the vicinity of the town of  
13          Coffman Cove, generally known as the “Honker  
14          Divide”.

15          (3) ARIZONA: NORTH RIM OF THE GRAND CAN-  
16          YON.—Certain lands in the Kaibab National Forest,  
17          Arizona, included in the Grand Canyon Game Pre-  
18          serve, which comprise approximately 500,000 acres,  
19          abutting the northern side of the Grand Canyon in  
20          the area generally known as the “North Rim of the  
21          Grand Canyon”.

22          (4) ARKANSAS.—

23                 (A) COW CREEK DRAINAGE.—Certain  
24                 lands in the Ouachita National Forest, Mena  
25                 Ranger District, Polk, Arkansas, and Le Flore

1 Counties, Oklahoma, comprising approximately  
2 10,000 acres known as “Cow Creek Mountain”.

3 (B) LEADER AND BRUSH MOUNTAINS.—  
4 Certain lands in the Ouachita National Forest  
5 of Montgomery and Polk Counties, Arkansas,  
6 known as “Leader and Brush Mountains”,  
7 which comprise approximately 120,000 acres lo-  
8 cated in the vicinity of the Blaylock Creek Wa-  
9 tershed between Long Creek and the South  
10 Fork of the Saline River.

11 (C) POLK CREEK AREA.—Certain lands in  
12 the Ouachita National Forest, Mena Ranger  
13 District, Arkansas comprising approximately  
14 20,000 acres bounded by Arkansas Highway 4  
15 and Forest Roads 73 and 43 known as the  
16 “Polk Creek Area”.

17 (D) LOWER BUFFALO RIVER WATER-  
18 SHED.—Certain lands in the Ozark National  
19 Forest, Sylamore Ranger District, totaling ap-  
20 proximately 6,000 acres, known as “The Lower  
21 Buffalo River Watershed”. The area is com-  
22 prised of those Forest Service lands, not al-  
23 ready designated as Wilderness, located in the  
24 watershed of Big Creek, southwest of the

1 Leatherwood Wilderness Area in Searcy and  
2 Marion Counties, Arkansas.

3 (E) UPPER BUFFALO RIVER WATER-  
4 SHED.—Certain lands in the Ozark National  
5 Forest, Buffalo Ranger District, totaling ap-  
6 proximately 220,000 acres known as the  
7 “Upper Buffalo River Watershed”. This area is  
8 located approximately 35 miles from the town  
9 of Harrison, in Newton, Searcy, and Stone  
10 Counties, Arkansas. The Upper Buffalo River  
11 Watershed is comprised of those Forest Service  
12 lands, not already designated as Wilderness  
13 Areas, upstream of the confluence of the Buf-  
14 falo River and Richland Creek and located in  
15 the following watersheds: Buffalo River, the  
16 various streams comprising the Headwaters of  
17 the Buffalo River, Richland Creek, Little Buf-  
18 falo Headwaters, Edgmon Creek, Big Creek  
19 and Cane Creek.

20 (5) CALIFORNIA.—

21 (A) GIANT SEQUOIA PRESERVE.—Certain  
22 lands in the Sequoia and Sierra National For-  
23 ests in California comprised of 3 discontinuous  
24 parcels, totaling approximately 442,425 acres,  
25 located in Fresno, Tulare, and Kern Counties.

1 All 3 parcels are located in the Southern Sierra  
2 Nevada mountain range; the proposed Kings  
3 River Unit (145,600 acres) and nearby Red-  
4 wood Mountain Unit (11,730 acres) are located  
5 approximately 25 miles east of the city of Fres-  
6 no. The proposed South Unit (285,095 acres) is  
7 approximately 15 miles east of the city of  
8 Porterville.

9 (B) DARDANELLES ROADLESS AREA.—  
10 Certain lands in the Tahoe National Forest,  
11 California, within the Meiss Management Area,  
12 comprising 12,332 acres known as the “Darda-  
13 nelles Roadless Area”.

14 (C) NORTH FORK AMERICAN RIVER  
15 ROADLESS AREA.—Certain lands in the Tahoe  
16 National Forest in California, which comprise  
17 approximately 50,000 acres, located 50 miles  
18 northeast of Sacramento, generally known as  
19 the “North Fork American River Roadless  
20 Area”.

21 (6) COLORADO: COCHETOPA HILLS.—Certain  
22 lands in the Gunnison Basin area administered by  
23 the Grande Mesa, Uncompahgre, and Gunnison Na-  
24 tional Forest and the Rio Grande National Forest  
25 comprising approximately 500,000 acres known as

1 the “Cochetopa Hills”. This area spans the con-  
2 tinental divide south and east of Gunnison in Gunnison and Saguache Counties, Colorado and includes  
3 the northern San Juans, the La Garitas, and the  
4 Cochetopa Hills.  
5

6 (7) GEORGIA.—

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

18 (B) BLUE RIDGE CORRIDOR CLUSTER,  
19 GEORGIA AREAS.—Certain lands in the Chat-  
20 tahoochee National Forest, Chestatee Ranger  
21 District, totaling approximately 15,000 acres  
22 known as the “Blue Ridge Corridor Cluster,  
23 Georgia Areas”. The cluster is comprised of the  
24 following 5 parcels: Horse Gap, Hogback Moun-  
25 tain, Blackwell Creek, Little Cedar Mountain,

1 and Black Mountain. The cluster is located ap-  
2 proximately 15 to 20 miles north of the town of  
3 Dahlonega, Union and Lumpkin Counties,  
4 Georgia.

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

17 (D) COHUTTA CLUSTER.—Certain lands in  
18 the Chattahoochee National Forest, Cohutta  
19 Ranger District, totaling approximately 28,000  
20 acres, known as the “Cohutta Cluster”. The  
21 cluster is comprised of four parcels known as  
22 Cohutta Extensions, Grassy Mountain, Emery  
23 Creek, and Mountaintown. The cluster is lo-  
24 cated near the towns of Chatsworth and Ellijay,  
25 Murray, Fannin, and Gilmer Counties, Georgia.

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

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

23           (G) GAINESVILLE RIDGES CLUSTER.—Cer-  
24 tain lands in the Chattahoochee National For-  
25 est, Chattooga Ranger District, totaling ap-



1           proximately 14,200 acres, known as the  
2           “Gainesville Ridges Cluster”. The cluster is  
3           comprised of the following three parcels: Pan-  
4           ther Creek, Tugaloo Uplands, and Middle Fork  
5           of the Broad River. The cluster is located ap-  
6           proximately 10 miles from the town of Toccoa,  
7           Habershan and Stephens Counties, Georgia.

8           (H) NORTHERN BLUE RIDGE CLUSTER,  
9           GEORGIA AREAS.—Certain lands in the Chat-  
10          tahoochee National Forest, Brasstown and  
11          Tallulah Ranger Districts, comprising 46,000  
12          acres known as the “Northern Blue Ridge Clus-  
13          ter, Georgia Areas”. The cluster is comprised of  
14          the following eight areas: Andrews Cove, Anna  
15          Ruby Falls Scenic Area Extension, High  
16          Shoals, Tray Mountain Extension, Kelly Ridge-  
17          Moccasin Creek, Buzzard Knob, Southern  
18          Nantahala Extension, and Patterson Gap. The  
19          cluster is located approximately 5 to 15 miles  
20          north of Helen, 5 to 15 miles southeast of  
21          Hiawassee, north of Clayton, and west of Dil-  
22          lard, White, Towns, and Rabun Counties, Geor-  
23          gia.

24          (I) RICH MOUNTAIN CLUSTER.—Certain  
25          lands in the Chattahoochee National Forest,

1 Toccoa Ranger District, totaling approximately  
2 9,500 acres, known as the “Rich Mountain  
3 Cluster”. The cluster is comprised of the par-  
4 cels known as Rich Mountain Extension and  
5 Rocky Mountain. The cluster is located 10 to  
6 15 miles northeast of the town of Ellijay,  
7 Gilmer, and Fannin Counties, Georgia.

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

21 (8) IDAHO.—

22 (A) COVE/MALLARD.—Certain lands in the  
23 Nez Perce National Forest in Idaho, which  
24 comprise approximately 94,000 acres, located  
25 approximately 30 miles southwest of the town

1 of Elk City, west of the town of Dixie, in the  
2 area generally known as “Cove/Mallard”.

3 (B) MEADOW CREEK.—Certain lands in  
4 the Nez Perce National Forest in Idaho, which  
5 comprise approximately 180,000 acres, located  
6 approximately 8 miles east of the town of Elk  
7 City in the area generally known as “Meadow  
8 Creek”.

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

15 (9) ILLINOIS.—

16 (A) CRIPPS BEND.—Certain lands in the  
17 Shawnee National Forest in Illinois, which com-  
18 prise approximately 39 acres in Jackson County  
19 in the Big Muddy River watershed, in the area  
20 generally known as “Cripps Bend”.

21 (B) OPPORTUNITY AREA 6.—Certain lands  
22 in the Shawnee National Forest in Illinois  
23 which comprise approximately 50,000 acres lo-  
24 cated in northern Pope County, surrounding

1 Bell Smith Springs Natural Area, in the area  
2 generally known as “Opportunity Area 6”.

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

9 (10) MINNESOTA: TROUT LAKE AND SUOMI  
10 HILLS.—Certain lands in the Chippewa National  
11 Forest comprising 12,000 acres known as the  
12 “Trout Lake/Suomi Hills” area in Itasca County,  
13 Minnesota.

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

20 (12) NEW MEXICO.—

21 (A) ANGOSTURA.—Certain lands in the  
22 eastern half of the Carson National Forest, Ca-  
23 mino Real Ranger District, totaling approxi-  
24 mately 10,000 acres located in Township 21,  
25 Ranges 12 and 13, known as “Angostura”. The

1 area's approximate boundaries are as follows:  
2 the northeast boundary is formed by Highway  
3 518, the southeast boundary consists of the An-  
4 gostura Creek watershed boundary, the south-  
5 ern boundary is Trail 19 and the Pecos Wilder-  
6 ness, and on the west, the boundary is formed  
7 by the Agua Piedra Creek watershed.

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

19 (C) ELK MOUNTAIN.—Certain lands in the  
20 Santa Fe National Forest, comprising approxi-  
21 mately 7,220 acres, known as “Elk Mountain”  
22 and located in Townships 17 and 18 and  
23 Ranges 12 and 13. The area is bounded on the  
24 north by the Pecos Wilderness, the Cow Creek  
25 Watershed forms the eastern boundary and

1 Cow Creek forms the western. The southern  
2 boundary is formed by Rito de la Osha.

3 (D) JEMEZ HIGHLANDS.—Certain lands in  
4 the Jemez Ranger District of the Santa Fe Na-  
5 tional Forest totaling 54,400 acres known as  
6 the “Jemez Highlands”, located primarily in  
7 Sandoval County, New Mexico.

8 (13) NORTH CAROLINA.—

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

24 (B) CHATTOOGA WATERSHED CLUSTER,  
25 NORTH CAROLINA AREAS.—Certain lands in the

1 Nantahala National Forest, Highlands Ranger  
2 District, totaling approximately 8,000 acres  
3 known as the “Chattooga Watershed Cluster”.  
4 The cluster is comprised of the Overflow (Blue  
5 Valley) and Terrapin Mountain parcels. The  
6 cluster is located 5 miles from the town of  
7 Highlands, Macon and Jackson Counties, North  
8 Carolina.

9 (C) TENNESSEE BORDER CLUSTER, NORTH  
10 CAROLINA AREAS.—Certain lands in the  
11 Nantahala National Forest, Tusquitee and  
12 Cheoah Ranger Districts, totaling approxi-  
13 mately 28,000 acres, known as the “Tennessee  
14 Border Cluster, North Carolina Areas”. The  
15 cluster is comprised of the 4 following parcels:  
16 Unicoi Mountains, Deaden Tree, Snowbird,  
17 Joyce Kilmer-Slickrock Extension. The cluster  
18 is located near the towns of Murphy and  
19 Robbinsville, Cherokee and Graham Counties,  
20 North Carolina.

21 (D) BALD MOUNTAINS.—Certain lands in  
22 the Pisgah National Forest, French Broad  
23 Ranger District, totaling approximately 13,000  
24 acres known as the “Bald Mountains”, located

1           12 miles northeast of Hot Springs, Madison  
2           County, North Carolina.

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

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

21          (G) LINVILLE CLUSTER.—Certain lands in  
22          the Pisgah National Forest, Grandfather Rang-  
23          er District, totaling approximately 42,000 acres  
24          known as the “Linville Cluster”. The cluster is  
25          comprised of the following seven parcels: Dob-



1 son Knob, Linville Gorge Extension, Steels  
2 Creek, Sugar Knob, Harper Creek, Lost Cove  
3 and Upper Wilson Creek. The cluster is located  
4 near the towns of Marion, Morgantown, Spruce  
5 Pine, Linville, and Blowing Rock, Burke,  
6 McDowell, Avery and Caldwell Counties, North  
7 Carolina.

8 (H) NOLICHUCKY, NORTH CAROLINA  
9 AREAS.—Certain lands in the Pisgah National  
10 Forest, Toecane Ranger District, totaling ap-  
11 proximately 4,000 acres, known as “Nolichucky,  
12 North Carolina Area”, located 25 miles north-  
13 west of Burnsville, Mitchell and Yancey Coun-  
14 ties, North Carolina.

15 (I) PISGAH CLUSTER, NORTH CAROLINA  
16 AREAS.—Certain lands in the Pisgah National  
17 Forest, Pisgah Ranger District, totaling ap-  
18 proximately 52,000 acres, known as the “Pis-  
19 gah Cluster, North Carolina Areas”. The clus-  
20 ter is comprised of the following 5 parcels:  
21 Shining Rock and Middle Prong Extensions,  
22 Daniel Ridge, Cedar Rock Mountain, South  
23 Mills River, and Laurel Mountain. The cluster  
24 is located 5 to 12 miles north of the town of  
25 Brevard and southwest of the city of Asheville,

1 Haywood, Transylvania, and Henderson Coun-  
2 ties, North Carolina.

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

9 (14) OREGON: KANGAROO ROADLESS AREA.—  
10 Certain lands in the Siskiyou National Forest and  
11 Rogue River National Forest in Oregon, which com-  
12 prise approximately 20,000 acres, located approxi-  
13 mately 20 miles southwest of the town of Grants  
14 Pass and 10 miles south of Williams in the area  
15 generally known as the “Kangaroo Roadless Area”.

16 (15) SOUTH CAROLINA.—

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

24 (B) BRASSTOWN CREEK, SOUTH CAROLINA  
25 AREA.—Certain lands in the Sumter National

1 Forest, Andrew Pickens Ranger District,  
2 Oconee County, South Carolina, comprising ap-  
3 proximately 3,500 acres known as “Brasstown  
4 Creek, South Carolina Area”. This area is lo-  
5 cated approximately 15 miles west of West-  
6 minster, South Carolina.

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

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

20 (E) ELLICOTT ROCK EXTENSION, SOUTH  
21 CAROLINA AREA.—Certain lands in the Sumter  
22 National Forest, Andrew Pickens Ranger Dis-  
23 trict, Oconee County, South Carolina compris-  
24 ing approximately 2,000 acres known as  
25 “Ellicott Rock Extension, South Carolina

1 Area". This area is located approximately 10  
2 miles south of Cashiers, North Carolina.

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

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

18 (H) ROCK GORGE, SOUTH CAROLINA  
19 AREA.—Certain lands in the Sumter National  
20 Forest, Andrew Pickens Ranger District,  
21 Oconee County, South Carolina, comprising ap-  
22 proximately 2,000 acres known as "Rock  
23 Gorge, South Carolina Area". This area is lo-  
24 cated 12 miles southeast of Highlands, North  
25 Carolina.

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

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

14          (16) SOUTH DAKOTA.—

15          (A) BLACK ELK ADDITION.—Certain lands  
16          in the Black Hills National Forest of South Da-  
17          kota totaling approximately 10,000 acres known  
18          as the “Black Elk Addition”. Starting at the  
19          southeast corner, the area boundary runs north  
20          along FDR 753 and U.S. Highway Alt. 16,  
21          then along SD 244 to the junction of Palmer  
22          Creek Road, which serves generally as a north-  
23          west limit. It then heads south from the junc-  
24          tion of Highway 87–89, southeast along High-

1 way 87, and east back to FDR 753. A corridor  
2 of private land along FDR 345 is excluded.

3 (B) BLACK FOX AREA.—Certain lands in  
4 the Black Hills National Forest of South Da-  
5 kota totaling approximately 12,400 acres, lo-  
6 cated in the upper reaches of the Rapid Creek  
7 watershed known as the “Black Fox Area”.  
8 The area is roughly bounded by FDR 206 in  
9 the north, the steep slopes north of Forest  
10 Road 231 form the southern boundary and a  
11 fork of Rapid Creek forms the western bound-  
12 ary.

13 (C) BREAKNECK AREA.—Certain lands in  
14 the Black Hills National Forest, South Dakota,  
15 totaling 6,700 acres along the northeast edge of  
16 the Black Hills in the vicinity of the Black Hills  
17 National Cemetery and the Bureau of Land  
18 Management’s Fort Meade Recreation Area  
19 known as the “Breakneck Area”. The area is  
20 generally bounded by Forest Roads 139 and  
21 169 on the north, west, and south. The eastern  
22 and western boundaries are also demarked by  
23 the ridge-crests dividing the watershed.

24 (D) PILGER MOUNTAIN AREA.—Certain  
25 lands in the Black Hills National Forest of

1 South Dakota, comprising approximately  
2 12,600 acres, known as the “Pilger Mountain  
3 Area” and located in the Elk Mountains on the  
4 southwest edge of the Black Hills. This area is  
5 roughly bounded by Forest Roads 318 and 319  
6 on the east and northeast, Road 312 on the  
7 north and northwest, and private land to the  
8 southwest.

9 (E) PROPOSED NORBECK PRESERVE.—  
10 Certain lands in the Black Hills National For-  
11 est, South Dakota comprising 8,200 acres, lo-  
12 cated adjacent to the Custer State Park and  
13 Mount Rushmore National Monument generally  
14 known as the “Proposed Norbeck Preserve”.

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

20 (17) TENNESSEE.—

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

1           prising approximately 46,133 acres known as  
2           the “Bald Mountains Cluster, Tennessee  
3           Areas”. This cluster is comprised of the follow-  
4           ing parcels known as: Laurel Hollow Mountain,  
5           Devil’s Backbone, Laurel Mountain, Walnut  
6           Mountain, Wolf Creek, Meadow Creek Moun-  
7           tain, Brush Creek Mountain, Paint Creek, Bald  
8           Mountain and Sampson Mountain Extension.  
9           These parcels are located near the towns of  
10          Newport, Hot Springs, Greeneville, and Erwin.

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

22           (C) CITICO CREEK WATERSHED CLUS-  
23          TER.—Certain lands in the Tellico Ranger Dis-  
24          trict of the Cherokee National Forest, Monroe  
25          County, Tennessee, comprising approximately



1 14,256 acres known as the “Citico Creek Wa-  
2 tershed Cluster, Tennessee Areas”. This cluster  
3 is comprised of the following parcels known as:  
4 Flats Mountain, Miller Ridge, Cowcamp Ridge,  
5 and Joyce Kilmer/Slickrock Extension. These  
6 parcels are located near the town of Tellico  
7 Plains.

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

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

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

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

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

1 Creek, and Buck Bald. These parcels are lo-  
2 cated near the towns of Etowah, Benton, and  
3 Turtletown.

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

14 (18) TEXAS: LONGLEAF RIDGE.—Certain lands  
15 in the Angelina National Forest, Jasper and  
16 Angelina Counties, Texas, comprising approximately  
17 30,000 acres bounded on the west by Upland Island  
18 Wilderness Area, on the south by the Neches River,  
19 and on the northeast by Sam Rayburn Reservoir,  
20 generally known as “Longleaf Ridge”.

21 (19) VERMONT.—

22 (A) GLASTONBURY AREA.—Certain lands  
23 in the Green Mountain National Forest in Ver-  
24 mont, which comprise approximately 35,000  
25 acres, located 3 miles northeast of Bennington,

1           bounded by Kelly Stand Road to the north,  
2           Forest Road 71 to the east, Route 9 to the  
3           south, and Route 7 to the west, generally  
4           known as the “Glastonbury Area”.

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

13                   (20) WYOMING: SAND CREEK AREA.—Certain  
14          lands in the Black Hills National Forest totaling ap-  
15          proximately 8,300 acres known as the “Sand Creek  
16          Area”, located in Crook County, Wyoming. This  
17          area is situated in the far northwest corner of the  
18          Black Hills. Beginning in the northwest corner and  
19          proceeding counterclockwise, the boundary for the  
20          Sand Creek Area roughly follows Forest Roads 863,  
21          866, 866.1B, a line linking 866.1B to 802.1B,  
22          802.1B, 802.1, an unnamed road, Spotted Tail  
23          Creek (excluding all private lands), 8219.1, a line  
24          connecting 829.1 with 864, 852.1 and a line con-  
25          necting 852.1 with 863.

1 **SEC. 203. RESTRICTIONS ON MANAGEMENT ACTIVITIES IN**  
2 **NORTHWEST ANCIENT FORESTS, ROADLESS**  
3 **AREAS, AND SPECIAL AREAS.**

4 (a) RESTRICTION OF MANAGEMENT ACTIVITIES IN  
5 NORTHWEST ANCIENT FORESTS.—With respect to North-  
6 west Ancient Forests on Federal lands, the following pro-  
7 hibitions shall apply:

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

10 (2) No extractive logging shall be permitted.

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

13 (b) RESTRICTION OF MANAGEMENT ACTIVITIES IN  
14 ROADLESS AREAS.—With respect to roadless areas on  
15 Federal lands, the following prohibitions shall apply:

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

18 (2) No extractive logging shall be permitted.

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

21 (c) RESTRICTION OF MANAGEMENT ACTIVITIES IN  
22 SPECIAL AREAS.—With respect to Special Areas on Fed-  
23 eral lands, the following prohibitions shall apply:

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

26 (2) No extractive logging shall be permitted.

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

3           (d) RULE OF CONSTRUCTION REGARDING RECON-  
4           STRUCTION OF ROADS.—The restriction on the recon-  
5           struction of roads on Federal lands in a Northwest An-  
6           cient Forest, roadless area, or Special Area does not pro-  
7           hibit the maintenance or repair of a public highway, recre-  
8           ation road, road accessing private inholdings, or other  
9           road within the Northwest Ancient Forest, roadless area,  
10          or Special Area unless the Secretary concerned determines  
11          that the road was abandoned before the date of the enact-  
12          ment of this Act.

13          (e) ENFORCEMENT.—

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

19           (2) FEDERAL ENFORCEMENT.—The provisions  
20           of this section shall be enforced by the Secretary  
21           concerned and the Attorney General of the United  
22           States against any person who violates this section.

23           (3) CITIZEN SUITS.—Any citizen harmed by a  
24           violation of this Act may enforce any provision of  
25           this section by bringing an action for declaratory

1 judgment, temporary restraining order, injunction,  
2 civil penalty, and other remedies against any alleged  
3 violator including the United States, in any district  
4 court of the United States.

5 (4) STANDARD OF PROOF.—The standard of  
6 proof in all actions brought under this subsection  
7 shall be the preponderance of the evidence and the  
8 trial shall be de novo.

9 (5) PENALTY.—The court, after determining a  
10 violation of this section, shall impose a penalty of  
11 not less than \$5,000 and not more than \$50,000 per  
12 violation, shall issue one or more injunctions and  
13 other equitable relief, and shall award to the plain-  
14 tiffs reasonable costs of litigation including attor-  
15 ney's fees, witness fees and other necessary ex-  
16 penses. The penalty shall be paid by the violator or  
17 violators designated by the court. If that violator is  
18 the United States of America or a Federal agency  
19 or officer, the penalty shall be paid to the Judgment  
20 Fund, as provided by Congress under section 1304  
21 of title 31, United States Code. The penalty shall be  
22 paid from the Judgment Fund within 40 days after  
23 judgment to the person or persons designated to re-  
24 ceive it, to be applied in protecting or restoring na-  
25 tive biodiversity in or adjoining Federal land. Any

1       award of costs of litigation and any award of attor-  
2       ney fees shall be paid within 40 days after judg-  
3       ment.

4               (6) WAIVER.—The United States, including its  
5       agents and employees waives its sovereign immunity  
6       in all respects in all actions under this subsection  
7       subsection. No notice is required to enforce this sub-  
8       section.

9       **SEC. 204. EFFECT ON PRIVATE INHOLDINGS.**

10       Nothing in this title shall be construed to alter or  
11       affect the use of private lands located within a Northwest  
12       Ancient Forest, roadless area, or Special Area identified  
13       by this title.

○