

105TH CONGRESS
1ST SESSION

H. R. 1567

To provide for the designation of additional wilderness lands in the eastern
United States.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 1997

Mr. HANSEN (for himself, Mr. SMITH of Oregon, Ms. DUNN, Mr. CRAPO, Mr. MCKEON, Mr. SKEEN, Mr. HILL, Mr. HASTINGS of Washington, Mr. HAYWORTH, and Mrs. CHENOWETH) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for the designation of additional wilderness lands
in the eastern United States.

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.**

4 This Act may be cited as the “Eastern Wilderness
5 Act”.

6 **SEC. 2. INCLUSION OF AREAS IN WILDERNESS SYSTEM.**

7 (a) PURPOSE AND INTENT.—In order to assure that
8 an increasing population, accompanied by expanding set-
9 tlement and growing mechanization, does not occupy and

1 modify all areas within the United States and its posses-
2 sions, leaving no lands designated for preservation and
3 protection in their natural condition, it is necessary to in-
4 crease and expand the existing wilderness areas in the
5 eastern United States. These wilderness areas shall be ad-
6 ministered for the use and enjoyment of the American peo-
7 ple in such manner as will leave them unimpaired for fu-
8 ture use and enjoyment as wilderness, and so as to provide
9 for the protection of these areas, the preservation of their
10 wilderness character, and for the gathering and dissemina-
11 tion of information regarding their use and enjoyment as
12 wilderness. As the bulk of wilderness lands exist in the
13 western United States, the purpose and intent of this Act
14 is to provide the means to designate additional qualifying
15 lands as wilderness in the eastern United States.

16 (b) MANAGEMENT.—The inclusion of an area of Fed-
17 eral lands in the National Wilderness Preservation System
18 pursuant to this Act notwithstanding, the area shall con-
19 tinue to be managed by the department or agency having
20 administrative jurisdiction thereover immediately before
21 its inclusion in the National Wilderness Preservation Sys-
22 tem unless otherwise provided by Act of Congress. If the
23 area was previously private or State land, the area shall
24 be managed by the department or agency with the largest
25 presence in the area.

1 (c) WILDERNESS.—For purposes of this Act, a wil-
2 derness, in contrast with those areas where man and his
3 own works dominate the landscape, is recognized as an
4 area where the earth and its community of life are
5 untrammelled by man, where man himself is a visitor who
6 does not remain. An area of wilderness is further defined
7 as an area of undeveloped Federal, State, or private land
8 retaining its primeval character and influence, without
9 permanent improvements or human habitation, which is
10 protected and managed so as to preserve its natural condi-
11 tions and which—

12 (1) generally appears to have been affected pri-
13 marily by the forces of nature, with the imprint of
14 man's work substantially unnoticeable;

15 (2) has outstanding opportunities for solitude
16 or a primitive and unconfined type of recreation;

17 (3) is east of the 100th meridian and has at
18 least 500 acres of land or is of sufficient size as to
19 make practicable its preservation and use in an
20 unimpaired condition;

21 (4) may also contain ecological, geological, or
22 other features of scientific, educational, scenic, or
23 historical value; and

1 (5) if significantly trammled by man, could
2 otherwise qualify as wilderness through natural rec-
3 lamation.

4 (d) SCOPE OF ACT AND RELATIONSHIP TO OTHER
5 LAW.—This Act shall apply only to lands east of the
6 100th meridian and nothing in this Act shall apply to any
7 lands designated as components of the national wilderness
8 preservation system before the enactment of this Act.

9 **SEC. 3. STUDY.**

10 The Secretary of Agriculture and the Secretary of the
11 Interior are hereby directed to study and inventory all
12 Federal, State, and private lands of 500 acres or greater
13 which are east of the 100th meridian and which could or
14 do qualify as wilderness according to the definition of wil-
15 derness in section 2(c) above.

16 **SEC. 4. REVIEW.**

17 (a) STUDY.—Within 15 years after the date of ap-
18 proval of this Act, the Secretary of Agriculture and the
19 Secretary of the Interior shall review those areas identified
20 as having wilderness characteristics during the inventory
21 required in section 3 and shall from time to time report
22 to the President their recommendation as to the suitability
23 or nonsuitability of each such area for preservation as wil-
24 derness.

25 (b) PROCEDURE.—

1 (1) The Secretary of Agriculture and the Sec-
2 retary of the Interior shall, prior to submitting any
3 recommendations to the President with respect to
4 the suitability of any area for preservation as wilder-
5 ness—

6 (A) give such public notice of the proposed
7 action as they deem appropriate, including pub-
8 lication in the Federal Register and in a news-
9 paper having general circulation in the area or
10 areas in the vicinity of the affected land;

11 (B) hold a public hearing or hearings at a
12 location or locations convenient to the area af-
13 fected. The hearings shall be announced
14 through such means as the respective Secretar-
15 ies involved deem appropriate, including notices
16 in the Federal Register and in newspapers of
17 general circulation in the area: *Provided*, That
18 if the lands involved are located in more than
19 one State, at least one hearing shall be held in
20 each State in which a portion of the land lies;
21 and

22 (C) at least 30 days before the date of a
23 hearing, advise the Governor of each State and
24 the governing board of each county in which the
25 lands are located, and Federal departments and

1 agencies concerned, and invite such officials and
2 Federal agencies to submit their views on the
3 proposed action at the hearing or by no later
4 than 30 days following the date of the hearing.

5 (2) Any views submitted to the appropriate Sec-
6 retary under the provisions of paragraph (1) of this
7 subsection with respect to any area shall be included
8 with any recommendations to the President and to
9 Congress with respect to such area.

10 (c) RECOMMENDATION.—The President shall advise
11 the President of the Senate and the Speaker of the House
12 of Representatives of his recommendations with respect to
13 designation as wilderness of each such area, together with
14 a map thereof and a definition of its boundaries. Such ad-
15 vice by the President shall be given within 2 years of the
16 receipt of each report from the Secretaries. A rec-
17 ommendation of the President for designation as wilder-
18 ness shall become effective only if so provided by an Act
19 of Congress.

20 (d) MANAGEMENT OF STUDY AREAS.—During the
21 period of review of such areas and until Congress has de-
22 termined otherwise, the appropriate Secretary shall con-
23 tinue to manage such public lands under his authority
24 under this Act and other applicable law in a manner so
25 as not to impair the suitability of such areas for preserva-

1 tion as wilderness: *Provided*, That, in managing the public
2 lands the Secretary shall by regulation or otherwise take
3 any action required to prevent unnecessary or undue deg-
4 radation of the lands and their resources or to afford envi-
5 ronmental protection. Such lands shall continue to be sub-
6 ject to such appropriation during the period of review un-
7 less withdrawn by the Secretary under the procedures of
8 section 204 of the Federal Land Policy and Management
9 Act of 1976 for reasons other than preservation of their
10 wilderness character. Once an area has been designated
11 for preservation as wilderness under this Act, the provi-
12 sions of this Act shall apply with respect to the adminis-
13 tration and use of such designated area.

14 **SEC. 5. MANAGEMENT OF WILDERNESS AREAS.**

15 (a) IN GENERAL.—Except as otherwise provided in
16 this Act, each agency administering any area designated
17 as wilderness under this Act shall be responsible for pre-
18 serving the wilderness character of the area and shall so
19 administer such area for such other purposes for which
20 it may have been established as also to preserve its wilder-
21 ness character. Except as otherwise provided in this Act,
22 wilderness areas shall be devoted to the public purposes
23 of recreational, scenic, scientific, educational, conserva-
24 tion, and historical use.

1 (b) COMMERCIAL ENTERPRISES, ROADS, STRUC-
2 TURES, ETC.—Except as specifically provided for in this
3 Act, and subject to existing private rights, there shall be
4 no commercial enterprise and no permanent road within
5 any wilderness area designated by this Act and, except as
6 necessary to meet minimum requirements for the adminis-
7 tration of the area for the purpose of this Act (including
8 measures required in emergencies involving the health and
9 safety of persons within the area), there shall be no tem-
10 porary road, no use of motor vehicles, motorized equip-
11 ment or motorboats, no landing of aircraft, no other form
12 of mechanical transport, and no structure or installation
13 within such area.

14 (c) SPECIAL PROVISIONS.—The following special pro-
15 visions are hereby made:

16 (1) Within wilderness areas designated by this
17 Act, the use of aircraft or motorboats, where these
18 uses have already become established, may be per-
19 mitted to continue subject to such restrictions as the
20 appropriate Secretary deems desirable. In addition,
21 such measures may be taken as may be necessary in
22 the control of fire, insects, and diseases, subject to
23 such conditions as the Secretary deems desirable.

24 (2) Nothing in this Act shall prevent, within
25 wilderness areas designated by this Act, any activity,

1 including prospecting, for the purpose of gathering
2 information about mineral or other resources, if such
3 activity is carried on in a manner compatible with
4 the preservation of the wilderness environment. Fur-
5 thermore, in accordance with such program as the
6 Secretary of the Interior shall develop and conduct
7 in consultation with the Secretary of Agriculture,
8 such areas shall be surveyed on a planned, recurring
9 basis consistent with the concept of wilderness pres-
10 ervation by the Geological Survey and the Bureau
11 of Mines to determine the mineral values, if any,
12 that may be present; and the results of such surveys
13 shall be made available to the public and submitted
14 to the President and Congress.

15 (3) Within wilderness areas designated by this
16 Act—

17 (A) the President may, within a specific
18 area and in accordance with such regulations as
19 he may deem desirable, authorize prospecting
20 for water resources, the establishment and
21 maintenance of reservoirs, water conservation
22 works, power projects, transmission lines, and
23 other facilities needed in the public interest, in-
24 cluding the road construction and maintenance
25 essential to development and use thereof, upon

1 his determination that such use or uses in the
2 specific area will better serve the interest of the
3 United States and the people thereof than will
4 its denial; and

5 (B) the grazing of livestock, where estab-
6 lished prior to the effective date of this Act,
7 shall be permitted to continue subject to such
8 reasonable regulations as are deemed necessary
9 by the Secretary of Agriculture.

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

15 (5) Nothing in this Act shall constitute an ex-
16 press or implied claim or denial on the part of the
17 Federal Government as to exemption from State
18 water laws.

19 (6) Nothing in this Act shall be construed as
20 affecting the jurisdiction or responsibilities of the
21 several States with respect to wildlife and fish on
22 public lands.

23 **SEC. 6. PRIVATE PROPERTY.**

24 (a) PRIVATE PROPERTY.—In any case where State
25 owned or privately owned land is completely surrounded

1 by public lands within areas designated by this Act as wil-
2 derness, such State or private owner shall be given such
3 rights as may be necessary to assure adequate access to
4 such State owned or privately owned land by such State
5 or private owner and their successors in interest, or the
6 State owned or privately owned land shall be exchanged
7 for federally owned land in the same State of approxi-
8 mately equal value under authorities available to the ap-
9 propriate Secretary: *Provided, however,* That the United
10 States shall not transfer to a State or private owner any
11 mineral interests unless the State or private owner relin-
12 quishes or causes to be relinquished to the United States
13 the mineral interest in the surrounded land.

14 (b) ACCESS TO VALID OCCUPANCIES.—In any case
15 where valid mining claims or other valid occupancies are
16 wholly within a designated wilderness area, the appro-
17 priate Secretary shall, by reasonable regulations consistent
18 with the preservation of the area as wilderness, permit in-
19 gress and egress to such surrounded areas by means which
20 have been or are being customarily enjoyed with respect
21 to other such areas similarly situated.

22 (c) ACQUISITION.—Subject to the appropriation of
23 funds by Congress, the appropriate Secretary is author-
24 ized to acquire State owned or privately owned land in
25 order to establish the wilderness area or lands within the

1 boundaries of any area designated by this Act as wilder-
2 ness if—

3 (1) the owner consents to such acquisition; or

4 (2) the acquisition is specifically authorized by
5 Congress.

6 **SEC. 7. ACCEPTANCE OF GIFTS.**

7 (a) LAND.—The appropriate Secretary may accept
8 gifts or bequests of land within wilderness areas des-
9 ignated by this Act for preservation as wilderness. The
10 Secretary may also accept gifts or bequests of land adja-
11 cent to wilderness areas designated by the Act for preser-
12 vation as wilderness if he has given 60 days advance notice
13 thereof to the President of the Senate and the Speaker
14 of the House of Representatives. Land accepted by the
15 Secretary under this section shall become part of the wil-
16 derness area involved. Regulations with regard to any such
17 land may be in accordance with such agreements, consist-
18 ent with the policy of this Act, as are made at the time
19 of such gift, or such conditions, consistent with such pol-
20 icy, as may be included in, and accepted with, such
21 bequest.

22 (b) PRIVATE CONTRIBUTIONS.—The Secretary of Ag-
23 riculture or the Secretary of the Interior is authorized to
24 accept private contributions and gifts to be used to further
25 the purposes of this Act.

1 SEC. 8. REPORT.

2 At the opening of each session of Congress, the Sec-
3 retaries of Agriculture and the Interior shall jointly report
4 to the President for transmission to Congress on the sta-
5 tus of the wilderness system, including a list and descrip-
6 tions of the areas in the system, regulations in effect, and
7 other pertinent information, together with any rec-
8 ommendations they may care to make.

○