

## Union Calendar No. 458

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1567

[Report No. 105-814]

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

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### 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

OCTOBER 12, 1998

Additional sponsors: Mr. PACKARD, Mr. RADANOVICH, Mr. STUMP, Mr. SHAD-EGG, Mr. BOB SCHAFFER of Colorado, Mr. GIBBONS, Mr. DAN SCHAEFER of Colorado, Mr. ENSIGN, and Mr. CANNON

OCTOBER 12, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on May 8, 1997]

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## 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 Act*  
5 *of 1998”.*

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*  
10 *modify all areas within the United States and its posses-*  
11 *sions, leaving no lands designated for preservation and pro-*  
12 *tection in their natural condition, it is necessary to increase*  
13 *and expand the existing wilderness areas in the eastern*  
14 *United States. These wilderness areas shall be administered*  
15 *for the use and enjoyment of the American people in such*  
16 *manner as will leave them unimpaired for future use and*  
17 *enjoyment as wilderness, and so as to provide for the protec-*  
18 *tion of these areas, the preservation of their wilderness char-*  
19 *acter, and for the gathering and dissemination of informa-*  
20 *tion regarding their use and enjoyment as wilderness. As*  
21 *the bulk of wilderness lands exist in the western United*  
22 *States, the purpose and intent of this Act is to provide the*  
23 *means to designate additional qualifying lands as wilder-*  
24 *ness in the eastern United States.*

1           (b) *MANAGEMENT.*—*The inclusion of an area of Fed-*  
2 *eral lands in the National Wilderness Preservation System*  
3 *pursuant to this Act notwithstanding, the area shall con-*  
4 *tinue to be managed by the department or agency having*  
5 *administrative jurisdiction thereover immediately before its*  
6 *inclusion in the National Wilderness Preservation System*  
7 *unless otherwise provided by Act of Congress. If the area*  
8 *was previously private or State land, the area shall be man-*  
9 *aged by the department or agency with the largest presence*  
10 *in the area.*

11           (c) *WILDERNESS.*—*For purposes of this Act, a wilder-*  
12 *ness, in contrast with those areas where man and his own*  
13 *works dominate the landscape, is recognized as an area*  
14 *where the earth and its community of life are untrammelled*  
15 *by man, where man himself is a visitor who does not re-*  
16 *main. An area of wilderness is further defined as an area*  
17 *of undeveloped Federal, State, or private land retaining its*  
18 *primeval character and influence, without permanent im-*  
19 *provements or human habitation, which is protected and*  
20 *managed so as to preserve its natural conditions and*  
21 *which—*

22                   (1) *generally appears to have been affected pri-*  
23 *marily by the forces of nature, with the imprint of*  
24 *man's work substantially unnoticeable;*

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

3           (3) *is east of the 100th meridian and has at least*  
4           *500 acres of land or is of sufficient size as to make*  
5           *practicable its preservation and use in an*  
6           *unimpaired condition;*

7           (4) *may also contain ecological, geological, or*  
8           *other features of scientific, educational, scenic, or his-*  
9           *torical value; and*

10          (5) *if significantly trammled by man, could*  
11          *otherwise qualify as wilderness through natural rec-*  
12          *lamation.*

13 *For the purposes of this Act, the term “natural reclama-*  
14 *tion” means a process whereby, with minimal assistance*  
15 *or interference from man, land may in time, through the*  
16 *natural physical and biological processes of ecological suc-*  
17 *cession, be restored to a state where man’s imprint is sub-*  
18 *stantially unnoticeable.*

19          (d) *SCOPE OF ACT AND RELATIONSHIP TO OTHER*  
20 *LAW.—This Act shall apply only to lands east of the 100th*  
21 *meridian and nothing in this Act shall apply to any lands*  
22 *designated as components of the national wilderness preser-*  
23 *vation system before the enactment of this Act.*

1 **SEC. 3. STUDY.**

2       *The Secretary of Agriculture and the Secretary of the*  
3 *Interior are hereby directed to study and inventory all Fed-*  
4 *eral lands of 500 acres or greater which are east of the 100th*  
5 *meridian and which qualify as wilderness according to the*  
6 *definition of wilderness in section 2(c) above.*

7 **SEC. 4. REVIEW.**

8       *(a) STUDY.—Within 10 years after the date of ap-*  
9 *proval of this Act, the Secretary of Agriculture and the Sec-*  
10 *retary of the Interior shall review those areas identified as*  
11 *having wilderness characteristics during the inventory re-*  
12 *quired in section 3 and shall from time to time report to*  
13 *the President their recommendation as to the suitability or*  
14 *nonsuitability of each such area for preservation as wilder-*  
15 *ness.*

16       *(b) PROCEDURE.—*

17               *(1) The Secretary of Agriculture and the Sec-*  
18 *retary of the Interior shall, prior to submitting any*  
19 *recommendations to the President with respect to the*  
20 *suitability of any area for preservation as wilder-*  
21 *ness—*

22                       *(A) give such public notice of the proposed*  
23 *action as they deem appropriate, including pub-*  
24 *lication in the Federal Register and in a news-*  
25 *paper having general circulation in the area or*  
26 *areas in the vicinity of the affected land;*

1           (B) hold a public hearing or hearings at a  
2 location or locations convenient to the area af-  
3 fected. The hearings shall be announced through  
4 such means as the respective Secretaries involved  
5 deem appropriate, including notices in the Fed-  
6 eral Register and in newspapers of general cir-  
7 culation in the area: Provided, That if the lands  
8 involved are located in more than one State, at  
9 least one hearing shall be held in each State in  
10 which a portion of the land lies; and

11           (C) at least 30 days before the date of a  
12 hearing, advise the Governor of each State and  
13 the governing board of each county in which the  
14 lands are located, and Federal departments and  
15 agencies concerned, and invite such officials and  
16 Federal agencies to submit their views on the  
17 proposed action at the hearing or by no later  
18 than 30 days following the date of the hearing.

19           (2) Any views submitted to the appropriate Sec-  
20 retary under the provisions of paragraph (1) of this  
21 subsection with respect to any area shall be included  
22 with any recommendations to the President and to  
23 Congress with respect to such area.

24           (c) *RECOMMENDATION.*—The President shall advise the  
25 President of the Senate and the Speaker of the House of

1 *Representatives of his recommendations with respect to des-*  
2 *ignation as wilderness of each such area, together with a*  
3 *map thereof and a definition of its boundaries. Such advice*  
4 *by the President shall be given within 2 years of the receipt*  
5 *of each report from the Secretaries. A recommendation of*  
6 *the President for designation as wilderness shall become ef-*  
7 *fective only if so provided by an Act of Congress.*

8       (d) *MANAGEMENT OF STUDY AREAS.—During the pe-*  
9 *riod of review of such areas and until Congress has deter-*  
10 *mined otherwise, the appropriate Secretary shall continue*  
11 *to manage such public lands under his authority under this*  
12 *Act and other applicable law in a manner so as not to im-*  
13 *pair the suitability of such areas for preservation as wilder-*  
14 *ness: Provided, That, in managing the public lands the Sec-*  
15 *retary shall by regulation or otherwise take any action re-*  
16 *quired to prevent unnecessary or undue degradation of the*  
17 *lands and their resources or to afford environmental protec-*  
18 *tion. Such lands shall continue to be subject to such appro-*  
19 *priation during the period of review unless withdrawn by*  
20 *the Secretary under the procedures of section 204 of the Fed-*  
21 *eral Land Policy and Management Act of 1976 for reasons*  
22 *other than preservation of their wilderness character. Once*  
23 *an area has been designated for preservation as wilderness*  
24 *under this Act, the provisions of this Act shall apply with*

1 *respect to the administration and use of such designated*  
2 *area.*

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

4       *(a) IN GENERAL.—Except as otherwise provided in*  
5 *this Act, each agency administering any area designated*  
6 *as wilderness under this Act shall be responsible for preserv-*  
7 *ing the wilderness character of the area and shall so admin-*  
8 *ister such area for such other purposes for which it may*  
9 *have been established as also to preserve its wilderness char-*  
10 *acter. Except as otherwise provided in this Act, wilderness*  
11 *areas shall be devoted to the public purposes of recreational,*  
12 *scenic, scientific, educational, conservation, and historical*  
13 *use.*

14       *(b) COMMERCIAL ENTERPRISES, ROADS, STRUCTURES,*  
15 *ETC.—Except as specifically provided for in this Act, and*  
16 *subject to existing private rights, there shall be no commer-*  
17 *cial enterprise and no permanent road within any wilder-*  
18 *ness area designated by this Act and, except as necessary*  
19 *to meet minimum requirements for the administration of*  
20 *the area for the purpose of this Act (including measures*  
21 *required in emergencies involving the health and safety of*  
22 *persons within the area), there shall be no temporary road,*  
23 *no use of motor vehicles, motorized equipment or motor-*  
24 *boats, no landing of aircraft, no other form of mechanical*



1 *transport, and no structure or installation within such*  
2 *area.*

3 *(c) SPECIAL PROVISIONS.—The following special pro-*  
4 *visions are hereby made:*

5 *(1) Within wilderness areas designated by this*  
6 *Act, the use of aircraft or motorboats, where these uses*  
7 *have already become established, may be permitted to*  
8 *continue subject to such restrictions as the appro-*  
9 *priate Secretary deems desirable. In addition, such*  
10 *measures may be taken as may be necessary in the*  
11 *control of fire, insects, and diseases, subject to such*  
12 *conditions as the Secretary deems desirable.*

13 *(2) Nothing in this Act shall prevent, within wil-*  
14 *derness areas designated by this Act, any activity, in-*  
15 *cluding prospecting, for the purpose of gathering in-*  
16 *formation about mineral or other resources, if such*  
17 *activity is carried on in a manner compatible with*  
18 *the preservation of the wilderness environment. Fur-*  
19 *thermore, in accordance with such program as the*  
20 *Secretary of the Interior shall develop and conduct in*  
21 *consultation with the Secretary of Agriculture, such*  
22 *areas shall be surveyed on a planned, recurring basis*  
23 *consistent with the concept of wilderness preservation*  
24 *by the Geological Survey to determine the mineral*  
25 *values, if any, that may be present; and the results*

1 *of such surveys shall be made available to the public*  
2 *and submitted to the President and Congress.*

3 *(3) Within wilderness areas designated by this*  
4 *Act—*

5 *(A) the President may, within a specific*  
6 *area and in accordance with such regulations as*  
7 *he may deem desirable, authorize prospecting for*  
8 *water resources, the establishment and mainte-*  
9 *nance of reservoirs, water conservation works,*  
10 *power projects, transmission lines, and other fa-*  
11 *ilities needed in the public interest, including*  
12 *the road construction and maintenance essential*  
13 *to development and use thereof, upon his deter-*  
14 *mination that such use or uses in the specific*  
15 *area will better serve the interest of the United*  
16 *States and the people thereof than will its denial;*  
17 *and*

18 *(B) the grazing of livestock, where estab-*  
19 *lished prior to the effective date of this Act, shall*  
20 *be permitted to continue subject to such reason-*  
21 *able regulations as are deemed necessary by the*  
22 *Secretary of Agriculture.*

23 *(4) Commercial services may be performed with-*  
24 *in the wilderness areas designated by this Act to the*  
25 *extent necessary for activities which are proper for re-*

1        *alizing the recreational or other wilderness purposes*  
2        *of the areas.*

3            (5) *Nothing in this Act shall constitute an ex-*  
4        *press or implied claim or denial on the part of the*  
5        *Federal Government as to exemption from State*  
6        *water laws.*

7            (6) *Nothing in this Act shall be construed as af-*  
8        *fecting the jurisdiction or responsibilities of the sev-*  
9        *eral States with respect to wildlife and fish on public*  
10       *lands.*

11 **SEC. 6. PRIVATE PROPERTY.**

12        (a) *PRIVATE PROPERTY.*—*In any case where State*  
13 *owned or privately owned land is completely surrounded*  
14 *by public lands within areas designated by this Act as wil-*  
15 *derness, such State or private owner shall be given such*  
16 *rights as may be necessary to assure adequate access to such*  
17 *State owned or privately owned land by such State or pri-*  
18 *vate owner and their successors in interest, or the State*  
19 *owned or privately owned land shall be exchanged for feder-*  
20 *ally owned land in the same State of approximately equal*  
21 *value under authorities available to the appropriate Sec-*  
22 *retary: Provided, however, That the United States shall not*  
23 *transfer to a State or private owner any mineral interests*  
24 *unless the State or private owner relinquishes or causes to*

1 *be relinquished to the United States the mineral interest*  
2 *in the surrounded land.*

3       **(b) ACCESS TO VALID OCCUPANCIES.**—*In any case*  
4 *where valid mining claims or other valid occupancies are*  
5 *wholly within a designated wilderness area, the appropriate*  
6 *Secretary shall, by reasonable regulations consistent with*  
7 *the preservation of the area as wilderness, permit ingress*  
8 *and egress to such surrounded areas by means which have*  
9 *been or are being customarily enjoyed with respect to other*  
10 *such areas similarly situated.*

11       **(c) ACQUISITION.**—*Subject to the appropriation of*  
12 *funds by Congress, the appropriate Secretary is authorized*  
13 *to acquire State owned or privately owned land in order*  
14 *to establish the wilderness area or lands within the bound-*  
15 *aries of any area designated by this Act as wilderness if—*

16               **(1)** *the owner consents to such acquisition; and*

17               **(2)** *the acquisition is specifically authorized by*

18 *Congress.*

19       **(d) COMPENSATION.**—*Any private or State land taken*  
20 *by an Act of Congress pursuant to this Act will constitute*  
21 *a “taking” under the fifth amendment and the owner of*  
22 *the land shall be compensated at fair market value.*

23 **SEC. 7. ACCEPTANCE OF GIFTS.**

24       **(a) LAND.**—*The appropriate Secretary may accept*  
25 *gifts or bequests of land within wilderness areas designated*

1 *by this Act for preservation as wilderness. The Secretary*  
2 *may also accept gifts or bequests of land adjacent to wilder-*  
3 *ness areas designated by the Act for preservation as wilder-*  
4 *ness if he has given 60 days advance notice thereof to the*  
5 *President of the Senate and the Speaker of the House of*  
6 *Representatives. Land accepted by the Secretary under this*  
7 *section shall become part of the wilderness area involved.*  
8 *Regulations with regard to any such land may be in accord-*  
9 *ance with such agreements, consistent with the policy of this*  
10 *Act, as are made at the time of such gift, or such conditions,*  
11 *consistent with such policy, as may be included in, and ac-*  
12 *cepted with, such bequest.*

13       **(b) PRIVATE CONTRIBUTIONS.**—*The Secretary of Agri-*  
14 *culture or the Secretary of the Interior is authorized to ac-*  
15 *cept private contributions and gifts to be used to further*  
16 *the purposes of this Act.*

17 **SEC. 8. REPORT.**

18       *At the opening of each session of Congress, the Sec-*  
19 *retaries of Agriculture and the Interior shall jointly report*  
20 *to the President for transmission to Congress on the status*  
21 *of the wilderness system, including a list and descriptions*  
22 *of the areas in the system, regulations in effect, and other*  
23 *pertinent information, together with any recommendations*  
24 *they may care to make.*

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