

107TH CONGRESS
2^D SESSION

H. R. 5765

To promote global efforts to protect biological diversity by protecting the Tongass Rain Forest in the Tongass National Forest, to designate the Duke Island Trumpeter Swan Wilderness Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 2002

Mr. ISRAEL introduced the following bill; which was referred to the Committee on Resources

A BILL

To promote global efforts to protect biological diversity by protecting the Tongass Rain Forest in the Tongass National Forest, to designate the Duke Island Trumpeter Swan Wilderness Area, and for other purposes.

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

3 **SECTION 1. SHORT TITLE AND FINDINGS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Tongass Rain Forest Protection Act”.

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

7 (1) Rain forests constitute a unique reserve of
8 biological resources.

1 (2) Biological diversity depends on protecting
2 the habitats of animal and plant species in rain for-
3 ests around the world.

4 (3) United States leadership in urging other
5 countries to protect tropical rain forests is under-
6 mined by Federal Government policies that subsidize
7 the destruction of publicly owned pristine temperate
8 rain forests in the United States.

9 (4) The Tongass National Forest in Alaska is
10 the largest temperate rain forest in the United
11 States.

12 (5) The protection of pristine and old-growth
13 forests in the Tongass National Forest will help con-
14 serve biological diversity and enhance the credibility
15 of United States' efforts to conserve biological diver-
16 sity globally.

17 (6) Islands constitute unique ecosystems with
18 special biological resources and should be afforded
19 special protections.

20 **SEC. 2. DEFINITIONS.**

21 In this Act:

22 (1) **ROADLESS AREA.**—The term “roadless
23 area” means—

24 (A) an area identified in the set of inven-
25 toried roadless area maps contained in the doc-

1 ument entitled “Forest Service Roadless Area
2 Conservation, Final Environmental Impact
3 Statement, Volume 2” and dated November
4 2000, which is on file at the national head-
5 quarters office of the Forest Service, or any
6 subsequent update or revision of such maps; or

7 (B) an area of more than 1,000 contiguous
8 acres that does not contain a road.

9 (2) **INHOLDING.**—The term “inholding” means
10 any land that is not in Federal ownership in the
11 Tongass National Forest, but that is surrounded by
12 land in Federal ownership in the Tongass National
13 Forest.

14 (3) **SECRETARY.**—The term “Secretary” means
15 the Secretary of Agriculture.

16 **SEC. 3. TONGASS RAINFOREST NATURE PRESERVE.**

17 (a) **DESIGNATION.**—All roadless areas in the Tongass
18 National Forest, Alaska, including Duke Island, are des-
19 ignated as the Tongass Rainforest Nature Preserve.

20 (b) **PROTECTION.**—Within the Tongass Rainforest
21 Nature Preserve, native animal and plant species, includ-
22 ing grizzly bears, brown bears, sea lions, seals, trumpeter
23 swans, wolves, wolverines, sea otters, river otters, beavers,
24 moose, Queen Charlotte goshawks, Peale’s Peregrine Fal-
25 cons, snowy owls, and bald eagles, shall be protected in

1 perpetuity in their natural and wild state. No activity that
2 disturbs native animal and plant species or their habitats
3 shall be allowed in the Tongass Rainforest Nature Pre-
4 serve.

5 (c) PROHIBITED ACTIVITIES.—Activities that are
6 prohibited under this section include the following:

7 (1) Construction of roads.

8 (2) Mining or extraction of minerals.

9 (3) Construction of any structure.

10 (4) Use of any mechanized vehicle or equip-
11 ment.

12 (5) Logging or cutting of trees.

13 **SEC. 4. DUKE ISLAND TRUMPETER SWAN WILDERNESS**
14 **AREA.**

15 (a) FINDINGS.—Congress finds the following:

16 (1) Duke Island, Alaska, provides habitat for
17 Sitka black tailed deer, Peale's Peregrine falcon,
18 Queen Charlotte goshawk, black bear, trumpeter
19 swan, and the stellar sea lion.

20 (2) Duke Island contains special natural and
21 scenic qualities that should be preserved in per-
22 petuity.

23 (b) DESIGNATION OF WILDERNESS AREA.—In ac-
24 cordance with the Wilderness Act (16 U.S.C. 1131 et
25 seq.), all of Duke Island and the Duke Inventoried

1 Roadless Area, comprising approximately 46,100 acres,
2 are designated as wilderness and, therefore, as a compo-
3 nent of the National Wilderness Preservation System,
4 which shall be known as the “Duke Island Trumpeter
5 Swan Wilderness Area.”.

6 **SEC. 5. ACQUISITION OF INHOLDINGS.**

7 (a) IN GENERAL.—The Secretary may acquire, by
8 gift, bequest, or purchase from willing sellers, inholdings
9 in the Tongass National Forest.

10 (b) USE OF EMINENT DOMAIN.—In the case of an
11 inholding in the Tongass National Forest that the Sec-
12 retary finds is of exceptional importance for biological or
13 scenic reasons, the Secretary may acquire such inholding
14 through eminent domain. The owner of the inholding so
15 acquired shall receive compensation equal to the full fair
16 market value of the inholding.

○