Public Law 95-237
95th Congress

An Act

Feb. 24, 1978
[H.R. 3454]

To designate certain endangered public lands for preservation as wilderness, and for other purposes.

Endangered American Wilderness Act of 1978.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Endangered American Wilderness Act of 1978".

16 USC 1132 note.

STATEMENT OF FINDINGS AND POLICY

16 USC 1132 note.

SECTION 1. (a) The Congress finds that—

(1) many areas of undeveloped national forest land possess and exhibit outstanding natural characteristics giving them high value as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

16 USC 1131.

(2) certain of these undeveloped national forest lands meet all statutory criteria for suitability as wilderness as established by subsection 2(c) of the Wilderness Act (78 Stat. 890), but are not adequately protected and lack statutory designation pursuant to the Wilderness Act as units of the National Wilderness Preservation System;

(3) these and other undeveloped national forest lands exhibiting wilderness values are immediately threatened by pressures of a growing and more mobile population, large-scale industrial and economic growth, and development and uses inconsistent with the protection, maintenance, restoration, and enhancement of their wilderness character; and

(4) among such immediately threatened areas are lands not being adequately protected or fully studied for wilderness suitability by the agency responsible for their administration.

(b) Therefore, the Congress finds and declares that it is in the national interest that certain of these endangered areas be promptly designated as wilderness within the National Wilderness Preservation System, in order to preserve such areas as an enduring resource of wilderness which shall be managed to promote and perpetuate the wilderness character of the land and its specific multiple values for watershed preservation, wildlife habitat protection, scenic and historic preservation, scientific research and educational use, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people of present and future generations.

DESIGNATION OF WILDERNESS AREAS

16 USC 1132 note.
16 USC 1131 note.

SEC. 2. In furtherance of the purposes of the Wilderness Act, the following lands (hereinafter referred to as "wilderness areas"), as generally depicted on maps appropriately referenced, dated January 1978, are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System—

Pusch Ridge Wilderness, Ariz.

(a) certain lands in the Coronado National Forest, Arizona, which comprise about fifty-six thousand four hundred and thirty

acres, are generally depicted on a map entitled "Pusch Ridge Wilderness Area—Proposed", and shall be known as the Pusch Ridge Wilderness;

(b) certain lands in the Inyo and Sequoia National Forests, California, which comprise about three hundred and six thousand acres, are generally depicted on a map entitled "Golden Trout Wilderness Area—Proposed", and shall be known as the Golden Trout Wilderness;

Golden Trout Wilderness, Calif.

(c) certain lands in and adjacent to the Los Padres National Forest, California, which comprise about twenty-one thousand two hundred and fifty acres, are generally depicted on a map entitled "Santa Lucia Wilderness Area—Proposed", and shall be known as the Santa Lucia Wilderness: *Provided*, That the tract identified on said map as "Wilderness Reserve" is designated as wilderness, subject only to the removal of the existing and temporary nonconforming improvement, at which time the Secretary of Agriculture (hereinafter referred to as the "Secretary") is directed to publish notice thereof in the Federal Register. Pending such notice, and subject only to the maintenance of the existing nonconforming improvement, said tract shall be managed as wilderness in accordance with section 5 of this Act. In order to guarantee the continued viability of the Santa Lucia watershed and to insure the continued health and safety of the communities serviced by such watershed, the management plan for the Santa Lucia area to be prepared following designation as wilderness shall authorize the Forest Service to take whatever appropriate actions are necessary for fire prevention and watershed protection including, but not limited to, acceptable fire presuppression and fire suppression measures and techniques. Any special provisions contained in the management plan for the Santa Lucia Wilderness area shall be incorporated in the planning for the Los Padres National Forest: *Provided*, That the Forest Service is authorized to continue fire presuppression, fire suppression measures and techniques, and watershed maintenance pending completion of the management plan for the Santa Lucia area;

Santa Lucia Wilderness, Calif.

Notice. Publication in Federal Register.

16 USC 1134.

(d) certain lands in the Los Padres National Forest, California, which comprise about sixty-one thousand acres, are generally depicted on a map entitled "Ventana Wilderness Additions—Proposed", and which are hereby incorporated in, and shall be deemed to be a part of, the Ventana Wilderness as designated by Public Law 91-58. In order to guarantee the continued viability of the Ventana watershed and to insure the continued health and safety of the communities serviced by such watershed, the management plan for the Ventana area to be prepared following designation as wilderness shall authorize the Forest Service to take whatever appropriate actions are necessary for fire prevention and watershed protection including, but not limited to, acceptable fire presuppression and fire suppression measures and techniques. Any special provisions contained in the management plan for the Ventana Wilderness area shall be incorporated in the planning for the Los Padres National Forest;

Ventana Wilderness, Calif.

16 USC 1132 note.

(e) certain lands in the White River National Forest, Colorado, which comprise approximately seventy-four thousand four hundred and fifty acres, are generally depicted as area "A" on a map entitled "Hunter-Fryingpan Wilderness Area—Proposed", and shall be known as the Hunter-Fryingpan Wilderness. The area commonly known as the "Spruce Creek Addition", depicted as area "B" on said map and comprising approximately eight thou-

Hunter-Fryingpan Wilderness, Colo.

Spruce Creek Addition.

16 USC 1132.
Review.
Report to President.
Recommendation, submittal to Congress.

sand acres, shall, in accordance with the provisions of subsection 3(d) of the Wilderness Act, be reviewed by the Secretary as to its suitability or nonsuitability for preservation as wilderness. The Secretary shall complete his review and report his findings to the President and the President shall submit to the United States Senate and the House of Representatives his recommendation with respect to the designation of the Spruce Creek area as wilderness not later than two years from the date of enactment of this Act. Subject to valid existing rights, the wilderness study area designated by this subsection shall, until Congress determines otherwise, be administered by the Secretary so as to maintain presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System. No right, or claim of right, to the diversion and use of the waters of Hunter Creek, the Fryingpan or Roaring Fork Rivers, or any tributaries of said creeks or rivers, by the Fryingpan-Arkansas Project, Public Law 87-590, Eighty-seventh Congress, and the reauthorization thereof by Public Law 93-493, Ninety-third Congress, under the laws of the State of Colorado, shall be prejudiced, expanded, diminished, altered, or affected by this Act. Nothing in this Act shall be construed to expand, abate, impair, impede, or interfere with the construction, maintenance, or repair of said Fryingpan-Arkansas Project facilities, nor the operation thereof, pursuant to the Operating Principles, House Document Numbered 130, Eighty-seventh Congress, and pursuant to the water laws of the State of Colorado;

43 USC 616.
43 USC 600f.

Manzano Mountain Wilderness, N. Mex.

(f) certain lands in the Cibola National Forest, New Mexico, which comprise about thirty-seven thousand acres, are generally depicted on a map entitled "Manzano Mountain Wilderness Area—Proposed", and shall be known as the Manzano Mountain Wilderness;

Sandia Mountain Wilderness, N. Mex.

(g) certain lands in Cibola National Forest, New Mexico, which comprise about thirty thousand nine hundred and thirty acres, are generally depicted on a map entitled "Sandia Mountain Wilderness Area (North and South Units)—Proposed", and shall be known as the Sandia Mountain Wilderness;

Chama River Canyon Wilderness, N. Mex.

(h) certain lands in the Santa Fe and Carson National Forests, New Mexico, which comprise approximately fifty thousand three hundred acres, are generally depicted on a map entitled "Chama River Canyon Wilderness Area—Proposed", and shall be known as the Chama River Canyon Wilderness;

Lone Peak Wilderness, Utah.

(i) certain lands in Wasatch and Unita National Forests, Utah, which comprise about twenty-nine thousand five hundred and sixty-seven acres, are generally depicted on a map entitled "Lone Peak Wilderness Area—Proposed", and shall be known as the Lone Peak Wilderness: *Provided*, That the Forest Service is directed to utilize whatever sanitary facilities are necessary (including but not limited to vault toilets, which may require service by helicopter) to insure the continued health and safety of the communities serviced by the Lone Peak watershed; furthermore, nothing in this Act shall be construed to limit motorized access and road maintenance by local municipalities for those minimum maintenance activities necessary to guarantee the continued viability of whatsoever watershed facilities currently exist, or which may be necessary in the future to prevent the degradation of the water supply in the Lone Peak area;

Savage Run Wilderness, Wyo.

(j) certain lands in the Medicine Bow National Forest, Wyoming, which comprise about fourteen thousand nine hundred and

forty acres, are generally depicted on a map entitled "Savage Run Wilderness Area—Proposed", and shall be known as the Savage Run Wilderness; and

(k) certain lands in Lolo National Forest, Montana, which comprise approximately twenty-eight thousand four hundred and forty acres are generally depicted on a map entitled "Welcome Creek Wilderness Area—Proposed", and shall be known as the Welcome Creek Wilderness. Welcome Creek Wilderness, Mont.

OREGON OMNIBUS WILDERNESS ACT OF 1978

SEC. 3. In furtherance of the purposes of the Wilderness Act, the following lands (hereinafter referred to as "wilderness areas") as generally depicted on maps appropriately referenced, dated January 1978, are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System— 16 USC 1132 note. 16 USC 1131 note.

(a) certain lands in the Siskiyou National Forest, Oregon, which comprise about ninety-two thousand acres, are generally depicted on a map entitled "Kalmiopsis Wilderness Additions—Proposed", and which are hereby incorporated in and shall be deemed to be a part of the Kalmiopsis Wilderness as designated by Public Law 88-577; Kalmiopsis Wilderness, Oreg.

(b) certain lands in the Siskiyou National Forest, Oregon, which comprise about thirty-six thousand seven hundred acres, are generally depicted on a map entitled "Wild Rogue Wilderness—Proposed", and shall be known as the Wild Rogue Wilderness: *Provided*, That the portion of the segment of the Rogue River designated as a component of the National Wild and Scenic Rivers System by section 3(a)(5) of the Wild and Scenic River Act (82 Stat. 906, as amended) which lies within the Wild Rogue Wilderness shall be managed as a wild river notwithstanding section 10(b) of that Act or any provisions of the Wilderness Act to the contrary; 16 USC 1131 note. Wild Rogue Wilderness, Oreg. 16 USC 1274. 16 USC 1281.

(c) certain lands in the Umatilla National Forest, Oregon and Washington, which comprise about one hundred and eighty thousand acres, are generally depicted on a map entitled "Wenaha-Tucannon Wilderness—Proposed", and shall be known as the Wenaha-Tucannon Wilderness; Wenaha-Tucannon Wilderness, Oreg.

(d) certain lands in the Mount Hood National Forest, Oregon, which comprise about thirty-three thousand acres, are generally depicted on a map entitled "Mount Hood (Zig Zag) Proposed Wilderness Additions", and which are hereby incorporated in, and shall be deemed to be a part of the Mount Hood Wilderness as designated by Public Law 88-577; and Mount Hood Wilderness, Oreg.

(e) certain lands in the Willamette National Forest, Oregon, which comprise about forty-five thousand four hundred acres, are generally depicted on a map entitled "French Pete Creek and Other Proposed Additions, Three Sisters Wilderness", and which are hereby incorporated in, and shall be deemed to be a part of, the Three Sisters Wilderness as designated by Public Law 88-577. Three Sisters Wilderness, Oreg. 16 USC 1131 note.

GOSPEL-HUMP AREA

SEC. 4. (a)(1) In furtherance of the purposes of the Wilderness Act, certain lands in the Nezperce National Forest, Idaho, which comprise about two hundred and six thousand acres, as generally depicted under the category "Wilderness" on a map entitled "Gospel-Hump Planning Unit" and dated January 1978, are hereby designated as wilderness 16 USC 1132 note.

and therefore, as components of the National Wilderness Preservation System.

(2) Certain other contiguous roadless lands which comprise about ninety-two thousand acres, as generally depicted on said map as "Management Areas" shall be managed in accordance with the multipurpose resource development plan required by this section.

(3) Certain other contiguous roadless lands which comprise about forty-five thousand acres, as generally depicted on said map as "Development Areas" shall be immediately available for resource utilization under the existing applicable Forest Service land management plans.

Advisory Committee. Establishment.

(b)(1) Within ninety days after enactment of this Act, the Secretary shall appoint a seven-member Advisory Committee (hereinafter referred to as the "Committee") on the management of the Gospel-Hump Area who shall advise the Secretary as to the progress of the fish and game research program, and the multipurpose resource development plan required by this section, and who shall evaluate the results of the research program and development plan on an ongoing basis.

Members.

(2) The Committee shall be comprised of two members of the timber industry who purchase timber from the Nezperce National Forest, two members from organizations who are actively engaged in seeking the preservation of wilderness lands, and three members from the general public who otherwise have a significant interest in the resources and management of the Gospel-Hump Area.

Travel expenses.

(3) Committee members shall serve without pay except that while away from their homes or regular places of business in performance of services for the Committee, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed under section 5703(b) of title 5 of the United States Code.

(4) The Secretary shall provide that the Committee shall meet as soon as practicable after all the members are appointed, but in no case later than one hundred and fifty days after the enactment of this Act. Subsequently, the Committee shall meet every one hundred and eighty days, or as often as the Secretary deems necessary.

Termination.

(5) The Committee shall terminate one hundred and fifty days after transmittal of the completed multipurpose resource development plan required under this section.

Fish and game research program.

(c)(1) The Secretary shall cooperate with agencies and institutions of the State of Idaho, and with the Secretary of the Interior, in conducting a comprehensive fish and game research program within the Gospel-Hump Area and surrounding Federal lands in north-central Idaho. The Secretary shall assure that this research program includes detailed investigations concerning resident and anadromous fisheries resources (including water quality relationships) and the status, distribution, movements, and management of game populations, in order to provide findings and recommendations concerning integration of land management and development with the protection and enhancement of these fish and game resources.

Grants.

(2) To carry out the comprehensive fish and game research program, the Secretary is authorized to make grants of funds to agencies and institutions of the State of Idaho and to provide the assistance of personnel from agencies under his jurisdiction.

(3) The Secretary shall assure that the comprehensive fish and game research program is scheduled and progressing on a timely basis so that findings and recommendations are fully integrated in preparation of the multipurpose resource development plan required by this section.

(d) (1) Within four years after enactment of this Act, the Secretary shall implement a multipurpose resource development plan for development of the Federal lands identified on the map referenced in this section as "Management Areas".

Multipurpose resource development plan.

(2) The multipurpose resource development plan shall comply with the provisions of the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528) and the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476; 16 U.S.C. 1601) as amended, and shall conform in all respects to the provisions of the National Forest Management Act of 1976 (90 Stat. 2949; 16 U.S.C. 1600), including the regulations, guidelines, and standards promulgated pursuant to those Acts. In preparing the multipurpose resource development plan, the Secretary shall take particular care to gather and integrate detailed field data on soil types and soil hazards, and to consider timber volumes, timber site classes, and productivity. The current findings and recommendations of the comprehensive fish and game research program and other available information shall be integrated into the preparation of the multipurpose resource development plan. The multipurpose resource development plan may be periodically revised to accommodate new information as it becomes available.

(3) In preparing the multipurpose resource development plan, the Secretary shall assure adequate public involvement, and he shall make full use of the recommendations of the Committee established by this section.

(4) One year after the date of enactment of this Act and every year thereafter, the Secretary shall review the multipurpose resource development plan being prepared in accordance with this section to determine which lands, if any, might be scheduled for development prior to the completion of the final multipurpose resource development plan.

(5) The Secretary shall publish a notice of the completion of the multipurpose resource development plan or a portion thereof in the Federal Register and shall transmit it to the President and to the Senate and House of Representatives. The completed multipurpose resource development plan or relevant portions thereof shall be implemented by the Secretary no earlier than ninety days and no later than one hundred and fifty calendar days from the date of such transmittal.

Completion notice. Publication in Federal Register. Transmittal to President and Congress.

(e) The Secretary shall prepare a wilderness management plan for the Gospel-Hump Wilderness designated pursuant to this section, taking into account the findings of the comprehensive fish and game research program.

Wilderness management plan.

(f) Within thirty days after the date of enactment of this Act, the Secretary shall include the timber resources on the lands identified on the map referenced in this section as "Development Areas" and "Management Areas" within the annual allowable timber harvest level for the Nezperce National Forest.

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

Mineral value survey, availability to public. Submittal to President and Congress.

Appropriation authorization.

(h) There are hereby authorized to be appropriated after October 1, 1978, such funds as may be necessary to carry out the comprehensive fish and game research program and the multipurpose resource development plan authorized under this section. Appropriations requests by the President to implement the multipurpose resource development plan shall express in qualitative and quantitative terms the most rapid and judicious manner and methods to achieve the purposes of this Act. Amounts appropriated to carry out this Act shall be expended in accordance with the Budget Reform and Impoundment Control Act of 1974 (88 Stat. 297).

31 USC 1301 note.

ADMINISTRATION OF WILDERNESS AREAS

16 USC 1131 note.
Effective date.

16 USC 1133.

SEC. 5. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary in accordance with the provisions of the Wilderness Act: *Provided*, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act: *Provided further*, That with respect to the Gospel-Hump Wilderness Area designated by section 4(a)(1) of this Act, all references under section 4(d)(3) of the Wilderness Act of 1964 to December 31, 1983, shall be deemed to be December 31, 1988, and any reference to January 1, 1984, shall be deemed to be January 1, 1989: *Provided, however*, That all activities resulting from the exercise of valid existing mineral rights on patented or unpatented mining claims within the Gospel-Hump Wilderness Area shall be subject to regulations prescribed by the Secretary as he deems necessary or desirable for the preservation and management of this area.

FILING OF MAPS AND DESCRIPTIONS

SEC. 6. As soon as practicable after enactment of this Act, a map and a legal description of each wilderness area shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

Approved February 24, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-540 (Comm. on Interior and Insular Affairs) and No. 95-861 (Comm. of Conference).
SENATE REPORTS: No. 95-490 (Comm. on Energy and Natural Resources), and No. 95-626 (Comm. of Conference).
CONGRESSIONAL RECORD:
Vol. 123 (1977): Sept. 12, considered and passed House.
Oct. 20, considered and passed Senate, amended.
Vol. 124 (1978): Feb. 8, Senate agreed to conference report.
Feb. 9, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 14, No. 8 (1978): Feb. 24, Presidential statement.