

1/27/84 DISCUSSION DRAFT

98TH CONGRESS  
2D SESSION

H. R. \_\_\_\_\_

IN THE HOUSE OF REPRESENTATIVES

Mr. UDALL introduced the following bill; which was referred to  
the Committee on \_\_\_\_\_

A BILL

To designate certain national forest lands in the State of  
Arizona as wilderness, and for other purposes.

1 Be it enacted by the Senate and House of Representatives  
2 of the United States of America in Congress assembled,

1 That this Act may be cited as the "Arizona National Forest  
2 Wilderness Act of 1984".

3 SEC. 2. (a) In furtherance of the purposes of the  
4 Wilderness Act (16 U.S.C. 1131-1136), the following lands in  
5 the State of Arizona are hereby designated as wilderness and  
6 therefore as components of the National Wilderness  
7 Preservation System:

8 (1) Certain lands in the Kaibab National Forest  
9 which comprise approximately 6,510 acres as generally  
10 depicted in a map entitled "'----'" and dated ---- and  
11 which shall be known as the Kendrick Mountain  
12 Wilderness.

13 (2) Certain lands in the Prescott National Forest  
14 which comprise approximately 7,300 acres as generally  
15 depicted in a map entitled "'----'" and dated ---- and  
16 which shall be known as the Juniper Mesa Wilderness.

17 (3) Certain lands in the Prescott National Forest  
18 which comprise approximately 20,000 acres as generally  
19 depicted in a map entitled "'----'" and dated ---- and  
20 which shall be known as the Arnold Mesa Wilderness.

21 (4) Certain lands in the Prescott National Forest  
22 which comprise approximately 28,420 acres as generally  
23 depicted in a map entitled "'----'" and dated ---- and  
24 which shall be known as the Castle Creek Wilderness.

25 (5) Certain lands in the Prescott National Forest

1 which comprise approximately 8,540 acres as generally  
2 depicted in a map entitled "'-----'" and dated ---- and  
3 which shall be known as the Granite Mountain Wilderness.

4 (6) Certain lands in the Prescott National Forest  
5 which comprise approximately 5,610 acres as generally  
6 depicted in a map entitled "'-----'" and dated ---- and  
7 which shall be known as the Apache Creek Wilderness.

8 (7) Certain lands in the Prescott National Forest  
9 which comprise approximately 38,380 acres as generally  
10 depicted in a map entitled "'-----'" and dated ---- and  
11 which shall be known as the Sheridan Mountain  
12 Wilderness.

13 (8) Certain lands in the Coconino National Forest  
14 which comprise approximately 19,000 acres as generally  
15 depicted in a map entitled "'-----'" and dated ---- and  
16 which shall be known as the San Francisco Peaks  
17 Wilderness.

18 (9) Certain lands in the Coconino National Forest  
19 which comprise approximately 47,480 acres as generally  
20 depicted in a map entitled "'-----'" and dated ---- and  
21 which shall be known as the Red Rock-Secret Mountain  
22 Wilderness.

23 (10) Certain lands in the Coconino National Forest  
24 which comprise approximately 9,890 acres as generally  
25 depicted in a map entitled "'-----'" and dated ---- and

1 which shall be known as the Wet Beaver Wilderness.

2 (11) Certain lands in the Coconino National Forest  
3 which comprise approximately 14,090 acres as generally  
4 depicted in a map entitled "'-----'" and dated ---- and  
5 which shall be known as the Fossil Springs Wilderness.

6 (12) Certain lands in the Coconino National Forest  
7 which comprise approximately 30,000 acres as generally  
8 depicted in a map entitled "'-----'" and dated ---- and  
9 which shall be known as the West Clear Creek Wilderness.

10 (13) Certain lands in the Coconino National Forest  
11 which comprise approximately 10,930 acres as generally  
12 depicted in a map entitled "'-----'" and dated ---- and  
13 which shall be included in the Sycamore Canyon  
14 Wilderness.

15 (14) Certain lands in the Coconino National Forest  
16 which comprise approximately 32,870 acres as generally  
17 depicted in a map entitled "'-----'" and dated ---- and  
18 which shall be known as the Rattlesnake Wilderness.

19 (15) Certain lands in the Tonto National Forest  
20 which comprise approximately 60,000 acres as generally  
21 depicted in a map entitled "'-----'" and dated ---- and  
22 which shall be included in the Mazatzal Wilderness.  
23 Nothing in the designation of this wilderness area shall  
24 be construed to prevent the installation and  
25 maintenance, subject to such conditions as the Secretary

1       deems desirable, of hydrologic, meteorologic, or  
2       telecommunications facilities, or any combination of the  
3       foregoing, which are essential to flood warning, flood  
4       control, and water reservoir operation purposes. As  
5       provided in section 4(d)(1) of the Wilderness Act,  
6       within the wilderness area added by this paragraph, the  
7       use of aircraft or motorboats, where these uses have  
8       already become established, may be permitted to continue  
9       subject to such restrictions as the Secretary deems  
10      desirable.

11       (16) Certain lands in the Tonto National Forest  
12      which comprise approximately 40,000 acres as generally  
13      depicted in a map entitled "'-----'" and dated ---- and  
14      which shall be included in the Superstition Wilderness.

15       (17) Certain lands in the Tonto National Forest  
16      which comprise approximately 30,400 acres as generally  
17      depicted in a map entitled "'-----'" and dated ---- and  
18      which shall be known as the Hellsgate Wilderness.

19       (18) Certain lands in the Tonto National Forest  
20      which comprise approximately 30,400 acres as generally  
21      depicted in a map entitled "'-----'" and dated ---- and  
22      which shall be known as the Salome Wilderness.

23       (19) Certain lands in the Tonto National Forest,  
24      which comprise approximately 54,990 acres as generally  
25      depicted in a map entitled "'-----'" and dated ---- and

1        which shall be known as the Four Peaks Wilderness.

2                (20) Certain lands in the Tonto National Forest  
3        which comprise approximately 41,290 acres as generally  
4        depicted in a map entitled "'----'" and dated ---- and  
5        which shall be known as the Salt Wilderness.

6                (21) Certain lands in the Coronado National Forest  
7        which comprise approximately 39,700 acres as generally  
8        depicted in a map entitled "'----'" and dated ---- and  
9        which shall be known as the Rincon Mountain Wilderness.

10               (22) Certain lands in the Coronado National Forest  
11        which comprise approximately 60,150 acres as generally  
12        depicted in a map entitled "'----'" and dated ---- and  
13        which shall be included in the Chiricahua Wilderness.

14               (23) Certain lands in the Coronado National Forest  
15        which comprise approximately 10,320 acres as generally  
16        depicted in a map entitled "'----'" and dated ---- and  
17        which shall be known as the Pajarita Wilderness.

18               (24) Certain lands in the Coronado National Forest  
19        which comprise approximately 25,000 acres as generally  
20        depicted in a map entitled "'----'" and dated ---- and  
21        which shall be included in the Galiuro Wilderness.

22               (25) Certain lands in the Coronado National Forest  
23        which comprise approximately 27,160 acres as generally  
24        depicted in a map entitled "'----'" and dated ---- and  
25        which shall be known as the Santa Teresa Wilderness.

1 Reasonable access shall be permitted to continue on the  
2 existing right-of-way from U.S. Route 70 along Black  
3 Rock Wash to the vicinity of Black Rock.

4 (26) Certain lands in the Coronado National Forest  
5 which comprise approximately 25,170 acres as generally  
6 depicted in a map entitled "'----'" and dated ---- and  
7 which shall be known as the Mt. Wrightson Wilderness.

8 (27) Certain lands in the Coronado National Forest  
9 which comprise approximately 22,280 acres as generally  
10 depicted in a map entitled "'----'" and dated ----- and  
11 which shall be known as the Miller Peak Wilderness.

12 (28) Certain lands in the Apache-Sitgreaves National  
13 Forest which comprise approximately 7,000 acres as  
14 generally depicted in a map entitled "'----'" and dated  
15 ---- and which shall be known as the Bear Wallow  
16 Wilderness.

17 (b) Subject to valid existing rights, the wilderness  
18 areas designated under this section shall be administered by  
19 the Secretary of Agriculture (hereinafter in this Act  
20 referred to as the "'Secretary'") in accordance with the  
21 provisions of the Wilderness Act governing areas designated  
22 by that Act as wilderness, except that any reference in such  
23 provisions to the effective date of the Wilderness Act (or  
24 any similar reference) shall be deemed to be a reference to  
25 the date of enactment of this Act.

1 (c) As soon as practicable after enactment of this Act,  
2 the Secretary shall file a map and a legal description of  
3 each wilderness area designated under this section with the  
4 Committee on Interior and Insular Affairs of the United  
5 States House of Representatives and with the Committee on  
6 Energy and Natural Resources of the United States Senate.  
7 Such map and description shall have the same force and  
8 effect as if included in this Act, except that correction of  
9 clerical and typographical errors in such legal description  
10 and map may be made. Such map and legal description shall be  
11 on file and available for public inspection in the Office of  
12 the Chief of the Forest Service, United States Department of  
13 Agriculture.

14 (d) The Congress does not intend that designation of  
15 wilderness areas in the State of Arizona lead to the  
16 creation of protective perimeters or buffer zones around  
17 each wilderness area. The fact that nonwilderness activities  
18 or uses can be seen or heard from areas within a wilderness  
19 shall not, of itself, preclude such activities or uses up to  
20 the boundary of the wilderness area.

21 (e)(1) As provided in paragraph (6) of section 4(d) of  
22 the Wilderness Act, nothing in this Act or in the Wilderness  
23 Act shall constitute an express or implied claim or denial  
24 on the part of the Federal Government as to exemption from  
25 Arizona State water laws.

1           (2) As provided in paragraph (7) of section 4(d) of the  
2 Wilderness Act, nothing in this Act or in the Wilderness Act  
3 shall be construed as affecting the jurisdiction or  
4 responsibilities of the State of Arizona with respect to  
5 wildlife and fish in the national forests located in that  
6 State.

7           (f)(1) Grazing of livestock in wilderness areas  
8 established by this Act, where established prior to the date  
9 of the enactment of this Act, shall be administered in  
10 accordance with section 4(d)(4) of the Wilderness Act and  
11 section 108 of Public Law 96-560.

12           (2) The Secretary is directed to review all policies,  
13 practices, and regulations of the Department of Agriculture  
14 regarding livestock grazing in national forest wilderness  
15 areas in Arizona in order to insure that such policies,  
16 practices, and regulations fully conform with and implement  
17 the intent of Congress regarding grazing in such areas, as  
18 such intent is expressed in this Act.

19           (3) Not later than 1 year after the date of the  
20 enactment of this Act, the Secretary of Agriculture shall  
21 submit to the Committee on Interior and Insular Affairs of  
22 the United States House of Representatives and to the  
23 Committee on Energy and Natural Resources of the United  
24 States Senate a report detailing the progress made by the  
25 Forest Service in carrying out the provisions of paragraphs

1 (1) and (2) of this section.

2 SEC. 2. (a) The Secretary shall review the following  
3 lands in conjunction with the requirements of the National  
4 Forest Management Act of 1976 and in furtherance of the  
5 purposes of the Wilderness Act, as to their suitability or  
6 nonsuitability for preservation as wilderness and shall  
7 submit his recommendations to the President:

8 (1) Bunk Robinson Peak, consisting of approximately  
9 740 acres.

10 (2) Whitmire Canyon, consisting of approximately  
11 5,080 acres.

12 (3) Mount Graham consisting of approximately 55,090  
13 acres.

14 With respect to the areas named in paragraphs (1) and (2),  
15 the President shall submit his recommendations to the United  
16 States House of Representatives and the United States Senate  
17 no later than January 1, 1986.

18 (b) Subject to valid existing rights, the wilderness  
19 study areas designated by this section shall, until Congress  
20 determines otherwise, be administered by the Secretary so as  
21 to maintain their presently existing wilderness character  
22 and potential for inclusion in the National Wilderness  
23 Preservation System.

24 SEC. 3. (a) The Congress finds that--

25 (1) the Department of Agriculture has completed the

1 second Roadless Area Review and Evaluation program (RARE  
2 II); and

3 (2) the Congress has made its own review and  
4 examination of national forest system roadless areas in  
5 the State of Arizona and of the environmental impacts  
6 associated with alternative allocations of such areas.

7 (b) On the basis of such review, the Congress hereby  
8 determines and directs that--

9 (1) without passing on the question of the legal and  
10 factual sufficiency of the RARE II final environmental  
11 statement (dated January 1979) with respect to national  
12 forest system lands in States other than Arizona such  
13 statement shall not be subject to judicial review with  
14 respect to national forest system lands in the State of  
15 Arizona;

16 (2) with respect to the national forest system lands  
17 in the State of Arizona which were reviewed by the  
18 Department of Agriculture in the second Roadless Area  
19 Review and Evaluation (RARE II), except those lands  
20 designated for wilderness study in section 2 of this Act  
21 or by previous Acts of Congress that review and  
22 evaluation shall be deemed for the purposes of the  
23 initial land management plans required for such lands by  
24 the Forest and Rangeland Renewable Resources Planning  
25 Act of 1974 as amended by the National Forest Management

1 Act of 1976 to be an adequate consideration of the  
2 suitability of such lands for inclusion in the National  
3 Wilderness Preservation System and the Department of  
4 Agriculture shall not be required to review the  
5 wilderness option prior to the revision of the initial  
6 plans and in no case prior to the date established by  
7 law for completion of the initial planning cycle;

8 (3) areas in the State of Arizona reviewed in such  
9 final environmental statement which, upon enactment of  
10 this Act, are not designated as wilderness or designated  
11 for further study by Congress need not be managed for  
12 the purpose of protecting their suitability for  
13 wilderness designation pending revision of the initial  
14 plans; and

15 (4) unless expressly authorized by Congress, the  
16 Department of Agriculture shall not conduct any further  
17 statewide roadless area review and evaluation of  
18 national forest system lands in the State of Arizona for  
19 the purpose of determining their suitability for  
20 inclusion in the National Wilderness Preservation  
21 System.

22 SEC. 4. Section 3(a) of the Wild and Scenic Rivers Act  
23 (16 U.S.C. 1273(a)) is amended by inserting the following  
24 after paragraph (50):

25 '(51) VERDE, ARIZONA.--The segment from the boundary

1 between national forest and private land in Sections 26 and  
2 27, Township 13 North, Range 5 East, Gila Salt River  
3 Meridan, downstream to the confluence with Tangle Creek, as  
4 generally depicted on a map entitled 'Verde River--Wild and  
5 Scenic River' which is on file and available for public  
6 inspection in the Office of the Chief, Forest Service,  
7 United States Department of Agriculture; to be administered  
8 by the Secretary of Agriculture. This designation shall not  
9 prevent water users receiving Central Arizona Project water  
10 allocations from diverting that water through an exchange  
11 agreement with downstream water users in accordance with  
12 Arizona water law. After consultation with State and local  
13 governments and the interested public and within two years  
14 after the date of enactment of this paragraph, the Secretary  
15 shall take such action as is required under subsection (b)  
16 of this section.'.