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[COMMITTEE PRINT NO. 23]

August 10, 1962

SUBCOMMITTEE AMENDMENT TO H.R. 776

87th CONGRESS
2d Session

H. R. 776

IN THE HOUSE OF REPRESENTATIVES

January 3, 1961

Mr. Saylor introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

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

A BILL

To establish a National Wilderness Preservation System for the permanent good of the whole people, 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 ~~That (a) in order to secure for the American people of pres-~~
4 ~~ent and future generations the benefits of an enduring re-~~
5 ~~source of wilderness, there is hereby established a National~~
6 ~~Wilderness Preservation System to be composed of federally~~
7 ~~owned areas in the United States and its territories and~~
8 ~~possessions, as hereinafter provided, retaining a primeval~~

1 ~~timber, the primitive character of the area, particularly in~~
2 ~~the vicinity of lakes, streams, and portages: *Provided*, That~~
3 ~~nothing in this Act shall preclude the continuance within~~

~~ken as may be necessary in the~~
~~es, subject to such conditions as~~
~~deems desirable.~~

character and influence and being managed for purposes consistent with their continued preservation as wilderness, for the public purposes of use and enjoyment by the people in such manner as will leave them unimpaired for future use and enjoyment as wilderness.

(b) The Congress recognizes that an increasing population, accompanied by expanding settlement and growing mechanization, is destined to occupy and modify all areas within the United States, its territories, and possessions except those that are designated for preservation and protection in their natural condition.

(c) It is accordingly declared to be the policy of Congress (1) to secure the dedication of an adequate system of areas of wilderness and (2) to provide for the protection of these areas and for the gathering and dissemination of information regarding their use and enjoyment as wilderness. It is pursuant to this policy that the National Wilderness Preservation System is established. Subject to the provisions of this Act, units of this System shall be so protected and administered as to preserve their wilderness character.

(d) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further

defined to mean in this Act an area of undeveloped Federal land without permanent improvements or human habitation which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's works substantially unnoticeable; (2) has outstanding opportunities for solitude or a rugged, primitive, and unconfined type of outdoor recreation; (3) is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, archeological, or other features of scientific, educational, scenic, or historical value. For the purposes of this Act wilderness shall include the areas provided for in section 2 of this Act and such other areas as shall be designated for inclusion in the National Wilderness Preservation System in accordance with the provisions of this Act.

NATIONAL WILDERNESS PRESERVATION SYSTEM

SEC. 2. The National Wilderness Preservation System (hereafter referred to in this Act as the Wilderness System) shall comprise (subject to existing private rights) the federally owned areas provided for in this section.

NATIONAL FOREST AREAS

(a) The Wilderness System shall include as wilderness areas the areas within the national forest classified on the effective date of this Act by the Secretary of Agriculture

or the Chief of the Forest Service as wilderness, wild, primitive, or canoe: *Provided*, That the areas classified as primitive shall be subject to review as hereinafter provided:

Following enactment of this Act, the Secretary of Agriculture shall, within fifteen years, review, in accordance with paragraph (c), section 251.20, of the Code of Federal Regulations, title 36, effective January 1, 1959, the suitability of each primitive area in the national forests for preservation as wilderness and shall report his findings to the President. Before the convening of Congress each year during the said fifteen-year period, the President shall advise the United States Senate and the House of Representatives of his recommendation for the inclusion and designation as wilderness area, or exclusion from the Wilderness System, of each and every area on which review has been completed in the preceding year, together with maps and definition of boundaries: *Provided*, That the President may alter at the time of such inclusion and designation the boundaries existing on the date of this Act for any primitive area included, to exclude portions not predominantly of wilderness value or to add any adjacent area of national forest lands that are predominantly of wilderness value. The recommendation of the President in respect to each and every area shall become effective at the conclusion of one full and continuous session of Congress after such certification is received by Congress if

not rejected by concurrent resolution passed by Congress before the conclusion of the session.

Additional areas for inclusion in the Wilderness System may be designated within national forests by the Secretary of Agriculture, after not less than ninety days' public notice and the holding of a public hearing, if there is a demand for such a hearing, and such designations shall take effect as provided in subsection (c) below. The publication of a proposal to add any national forest area or part thereof to the Wilderness System shall segregate the public lands involved from any or all appropriations under the public land laws to the extent deemed necessary by the Secretary of Agriculture. Such segregation shall terminate in relation to any unit of public land area upon rejection of the area by the President for submission to Congress as a wilderness area or upon rejection of the area by Congress for addition to the Wilderness System, or five years after the segregation becomes effective, if the lands involved are not included in a wilderness area proposal pending before Congress.

The purposes of this Act are hereby declared to be within and supplemental to but not in interference with the purposes for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 34; 16 U.S.C. 475) and the Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528, et seq.).

NATIONAL PARK SYSTEM AREAS

(b) At the times, in the manner, and hereinafter provided for, the Wilderness System shall include each park and monument in the National Park System on the effective date of this Act embracing a continuous area of five thousand acres or more without roads, and such additional units of the National Park Systems as the Secretary of the Interior shall prescribe.

Not later than ten years after the date of this Act, or within two years after a unit has been prescribed for addiion to the Wilderness System, whichever is later, and subsequently as the Secretary of the Interior shall determine to be necessary in the public interest, the Secretary of the Interior shall, ninety days after giving public notice in accordance with section 4 of the Administrative Procedure Act of 1946 (60 Stat. 238; 5 U.S.C. 100), designate within each unit of the National Park System in the Wilderness System such area or areas as he shall determine to be required for roads, motor trails, buildings, accomodations for vistors, and administrative installations. Designations made in accordance with the provisions of this subsection shall take effect as provided in subsection (c) below.

No designation of an area for roads, motor trails, buildings, accommodations for visitors, or administrative installations shall modify or affect the application to that area of

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the provisions of the Act approved August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes" (39 Stat. 535, as amended; 16 U.S.C. 1 and the following). The accommodations and installations in such designated areas shall be incident to the conservation and use and enjoyment of the scenery and the natural and historical objects and flora and fauna of the park or monument in its natural condition. Further, the inclusion of any National Park System area within the Wilderness System pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such National Park System areas in accordance with the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C., 1952 edition, sec. 1 and the following), the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such National Park System area, including but not limited to, the Act of June 8, 1906 (34 Stat 225; 16 U.S.C., 1952 edition, sec. 432 and the following), the provisions of title 16, United States Code, 1952 edition, section 796; and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C., 1952 edition, sec. 461 and the following).

NATIONAL WILDLIFE REFUGES AND RANGES

(c) The Wilderness System shall include such wildlife refuges and game ranges, or portions thereof, as the Secre-

1 tary of the Interior shall designate. Within five years after
2 the date of this Act the Secretary shall survey the refuges
3 and ranges under his jurisdiction on the effective date of
4 this Act, and designate for inclusion in the Wilderness Sys-
5 tem those refuges and ranges or portions thereof, that he
6 determines to be appropriate. Further, the Secretary shall
7 survey any refuges or ranges added to his jurisdiction, to
8 determine if they are, or contain areas that are, suitable for
9 inclusion in the Wilderness System, and shall make such
10 determination and so designate the appropriate refuge, range,
11 or portion thereof, within two years after the refuge or range
12 is added to his jurisdiction.

13 Within two years after the designation of any refuge
14 or range in its entirety, and subsequently as the Secretary of
15 the Interior shall determine to be necessary in the public
16 interest, and ninety days after giving public notice in accord-
17 ance with section 4, Administrative Procedure Act of 1946
18 (60 Stat. 238; 5 U.S.C. 1003), the Secretary of the Interior
19 shall designate within such refuge or range such area or
20 areas as he shall determine to be required for roads and build-
21 ings and other installations for administration and protection
22 of the wildlife. Designations made in accordance with the
23 provisions of this subsection shall take effect as provided in
24 subsection (c) below.

25 Nothing in this subsection shall authorize the Secretary

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1 of the Interior to designate for inclusion in the Wilderness
2 System any area of national forest or other land under the
3 jurisdiction of the Secretary of Agriculture.

4 OTHER UNITS

5 (d) The Wilderness System shall also include such units
6 as may be designated within any federally owned areas by
7 the Secretary of the Interior or the Secretary of Agriculture,
8 including any area or areas acquired by gift or bequest by the
9 Department of the Interior or the Department of Agriculture
10 for the Federal Government for preservation as wilderness.
11 The designation of, addition to, or modification or elimina-
12 tion of or from, such units shall be in accordance with regu-
13 lations that shall be established in conformity with the pur-
14 poses of this Act by the appropriate Secretary, including, but
15 not limited to, provisions for segregating any public lands in-
16 volved from any or all forms of appropriation under the
17 public land laws pending addition of such units to the Wilder-
18 ness System, and shall take effect as provided in subsection
19 (c) below: *Provided*, That segregation shall terminate in
20 relation to any unit of public land area upon rejection of the
21 area by the President for submission to Congress as a wilder-
22 ness area or upon rejection of the area by Congress for
23 addition to the Wilderness System, or five years after the
24 segregation becomes effective, if the lands involved are not

included in a wilderness area proposal pending before Congress. Regulations with regard to any privately owned area given or bequeathed to a Federal agency for preservation as wilderness shall be in accordance with such agreements as shall be made at the time of such gift, or such conditions as may be included in, and accepted with, such bequest. Within federally owned areas included in the Wilderness System under this subsection the grazing of livestock where well established at the time of such designation may be permitted to continue subject to regulations deemed desirable by the official or officials authorized to determine the use of the areas involved.

ADDITIONS, MODIFICATIONS, AND ELIMINATIONS

(c) Any proposed modification of or elimination from any area of wilderness established in accordance with this Act, any proposed elimination of any unit from the Wilderness System, any proposed addition to any such area of wilderness or to the Wilderness System, and any designations in accordance with sections 2(b) and 2(c) of this Act shall be made only after not less than ninety days' public notice and the holding of a public hearing, if there is a demand for such a hearing, and shall be reported with map and description to the President by the appropriate Secretary. The President shall transmit the proposal to Congress

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as he deems appropriate, and his recommendation shall take effect upon the expiration of the first full and continuous session of Congress following the date on which the report is received by Congress, but only if during this period there has not been passed by Congress a concurrent resolution opposing such recommendation: *Provided*, That the addition to the Wilderness System of any new unit comprising national forest or public domain lands not classified as wilderness, wild, primitive, or roadless on the effective date of this Act, or the elimination of any unit from the Wilderness System, shall take effect only after there has been passed by Congress a concurrent resolution approving such addition or elimination: *Provided further*, That nothing in this Act shall restrict or affect the authority of officials of the United States, acting pursuant to other law, to establish in the manner prescribed by such law, areas of the National Park System, or to make additions, modifications, or eliminations from any area of such National Park System pursuant to such authority. Within any unit of the Wilderness System the acquisition of any privately owned lands is hereby authorized, and such sums as the Congress may approve for such acquisition are hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

A concurrent resolution of rejection or approval shall

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be handled in accordance with the procedures of title II of the Reorganization Act of 1949 (63 Stat. 206-207; secs. 203-206).

USE OF THE WILDERNESS

SEC. 3. (a) Nothing in this Act shall be interpreted as interfering with the purposes stated in the establishment of or pertaining to any national park or monument, national forest, national wildlife refuge, or other area involved, except that any agency administering any area within the Wilderness System shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes as also to preserve its wilderness character. The Wilderness System shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use. Subject to the provisions of this Act, all such use shall be in harmony, both in kind and degree, with the wilderness environment and with its preservation.

(b) Except as specially provided in this section, and subject to existing private rights, no portion of any area constituting a unit of the Wilderness System shall be used for any form of commercial enterprise: *Provided*, That establishments outside the wilderness areas, and establishments within areas of the National Park System designated for accommodations for visitors in accordance with section 2(b) of this Act, may perform their services within areas of wilderness in connection with such activities as are proper for realizing the recreational or other purposes of this Act, including guide services and the provision of horses, equipment, or other essentials for use of the area as wilderness. Within such areas, except as otherwise provided in this section and in section 2 of this Act, there shall be no permanent road; nor shall there be any use of motor vehicles, motorized equipment, or motorboats, or landing of aircraft, nor any other mechanical transport or delivery of persons or supplies, nor any temporary road, nor any structure or installation, in excess of the minimum required for the administration of the area for the purposes of this Act, including such measures as may be required in emergencies involving the health and safety of persons within such areas.

SPECIAL PROVISIONS

(c) The following special provisions are hereby made:

(1) Within national forest areas included in the Wilderness System grazing of livestock and the use of aircraft or motorboats where these practices have already become well established may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable.

(2) Within national forest areas included in the Wilderness Sys-

1 tem such measures may be taken as may be necessary in the
2 control of insects and diseases, subject to such conditions as
3 the Secretary of Agriculture deems desirable.
4 (2) Within national forest areas included in the Wilder-
5 ness System and in federally owned areas included in the
6 Wilderness System under section 2(d) of this Act, the Presi-
7 dent may, within a specific area and in accordance with such
8 regulations as he may deem desirable, authorize prospecting
9 (including exploration for oil and gas), mining (including
10 the production of oil and gas), and the establishment and
11 maintenance of reservoirs, water conservation works, and
12 other facilities needed in the public interest, including the
13 road construction and maintenance essential to development
14 and use thereof, upon his determination that such use or
15 uses in the specific area will better serve the interests of the
16 United States and the people thereof than will its denial.
17 (3) Other provisions of this Act to the contrary not-
18 withstanding, the management of the Boundary Waters
19 Canoe Area, formerly designated as the Superior, Little
20 Indian Sioux, and Caribou roadless areas in the Superior
21 National Forest, Minnesota, shall be in accordance with
22 regulations established by the Secretary of Agriculture in
23 accordance with the general purpose of maintaining, with-
24 out unnecessary restrictions on other uses, including that of

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1 timber, the primitive character of the area, particularly in
2 the vicinity of lakes, streams, and portages: *Provided*, That
3 nothing in this Act shall preclude the continuance within
4 the area of any already established use of motorboats.
5 Nothing in this Act shall modify the restrictions and provi-
6 sions of the Shipstead-Nolan Act, Public Law 539, Seventy-
7 first Congress, second session, July 10, 1930 (46 Stat.
8 1020), the Thye-Blatnik Act, Public Law 733, Eightieth
9 Congress, second session, June 22, 1948 (62 Stat. 568),
10 and the Humphrey-Thye-Blatnik-Andersen Act, Public Law
11 607, Eighty-fourth Congress, second session, June 22, 1956
12 (70 Stat. 326), as applying to the Superior National Forest
13 or the regulations of the Secretary of Agriculture. Modifica-
14 tions of the Boundary Waters Canoe Area within the Supe-
15 rior National Forest shall be accomplished in the same man-
16 ner as provided in section 2 (a) and (c).
17 (4) Any existing use or form of appropriation author-
18 ized or provided for in the Executive order or legislation
19 establishing any national wildlife refuge or range existing on
20 the date of approval of this Act may be continued under
21 such authorization or provision.
22 (5) Nothing in this Act shall constitute an express
23 or implied claim or denial on the part of the Federal Gov-
24 ernment as to exemption from State water laws.

~~(6) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.~~

~~RECORDS AND REPORTS~~

~~SEC. 4. The Secretary of the Interior and the Secretary of Agriculture shall each maintain available to the public records of wilderness areas in their jurisdiction, including maps and descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. At the opening of each session of Congress, the Secretaries shall jointly report to the President for transmission to Congress on the status of the Wilderness System, including a list and description of areas in the System, regulations in effect, and other pertinent information, together with any recommendations they may care to make.~~

~~SEC. 5. The Secretary of the Interior and the Secretary of Agriculture are authorized to accept private contributions and gifts to be used to further the purposes of this Act. Any such contributions or gifts shall, for purposes of Federal income, estate, and gift taxes, be considered a contribution or gift to or for the use of the United States for an exclusively public purpose, and may be deducted as such under the provisions of the Internal Revenue Code of 1954 subject to all applicable limitations and restrictions contained therein.~~

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~~SEC. 6. This Act shall be known as the "National Wilderness Preservation Act."~~

TITLE I

STATEMENT OF POLICY

SEC. 101. In order to assure that—

(1) there are no unnecessary or unjustifiably extensive withdrawals, reservations, restrictions, or changes in use designations or classifications of the public lands and shelf lands of the United States; and that

(2) such withdrawals, reservations, restrictions, and use designations or classifications as are made provide for the use of each area in the national interest; and that

(3) the acquisition, occupancy, use, and exploration of lands and the development and exploitation of the re-resources thereof in accordance with the public land laws of the United States are not unduly limited; and that

(4) the public lands of the United States are managed generally in accordance with the principles of multiple use unless otherwise specifically authorized by law; and that

(5) an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United

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1 States, its territories, and possessions leaving no lands
2 reserved and protected in their natural condition,
3 it is hereby declared to be the national policy that Congress
4 shall provide more precise guidelines for and supervision
5 over the use and disposition of the public lands and resources
6 of the United States, thereby securing for the American
7 people of present and future generations maximum beneficial
8 use of such lands and resources including an enduring re-
9 source of wilderness.

10 GENERAL PROVISIONS

11 SEC. 102. Except as hereinafter provided, no withdrawal,
12 reservation, restriction, designation, or classification of public
13 lands in excess of five thousand acres shall hereafter become
14 effective until it first has been approved by Act of Congress:
15 Provided, That, unless expressly provided for in this or a
16 subsequent Act, nothing herein contained shall change the
17 status of any public lands or of the uses permitted or pro-
18 hibited by Executive proclamation, public land order, or
19 administrative regulation in effect on the effective date of
20 this Act: And provided further, That no Act of Congress
21 shall be required if—
22 (1) the withdrawal, reservation, restriction, desig-
23 nation, or classification, together with all other like ac-
24 tions for the same project or facility within the preceding

1 five years, except such actions as have been authorized
2 by Act of Congress, affects less than five thousand acres;
3 or
4 (2) the restriction and related or supporting actions
5 result from a permit to a Government agency for a period
6 of one year or less and there will be no permanent dam-
7 age to the lands; or
8 (3) notification has been furnished to Congress as
9 hereinafter provided relative to any of the following
10 actions:
11 (A) in time of war or of national emergency
12 hereafter declared by the President or the Congress,
13 the withdrawal, reservation, or restriction is made
14 for defense purposes by the President or for a mili-
15 tary department, in which case the withdrawal,
16 reservation, or restriction shall terminate no later
17 than one year after the end of the war or emergency,
18 as the case may be and the withdrawal, reservation,
19 or restriction provides that at the time of the final
20 termination thereof the agency or department using
21 the property shall, upon request of the Secretary of
22 the Interior, make safe for nonmilitary uses the
23 land withdrawn, reserved or restricted, or such por-
24 tions thereof as may be specified by the Secretary

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of the Interior, by neutralizing unexploded ammunition, bombs, artillery projectiles, or other explosive objects and chemical agents.

(B) the withdrawal, reservation, or restriction is to be made for defense purposes during a period when Congress is in adjournment for more than three days to a day certain and the Secretary of Defense certifies to the President of the Senate and the Speaker of the House of Representatives that a delay until Congress reconvenes will be prejudicial to the national security.

(C) a project has been specifically authorized by Congress based on a proposal setting forth the proposed withdrawal, reservation, restriction, designation, or classification of lands in connection therewith.

(4) relative to any of the following actions a one hundred and eighty-day period has elapsed since the submission of the notification to Congress as hereinafter provided, or the Committees on Interior and Insular Affairs of the Senate and House of Representatives have advised the head of the department or agency involved, in writing, that there are no further questions to be asked concerning the withdrawal, reservation, restriction, designation, or classification:

(A) the withdrawal, reservation, or restriction, or a change in designation or classification is desired by the agency having primary jurisdiction of the land, for purposes related to its administration of the land and an Act of Congress is not specifically required by this or any other Act.

(B) the withdrawal, reservation, restriction, designation, or classification is to be effected under the public land laws for the purpose of permitting the sale of, or entry on, the lands involved.

(C) the restriction and related or supporting actions result from a permit to a Government agency for a period in excess of one year.

(D) the restriction is for the purpose of removing a shelf area or areas from disposition or leasing under the Outer Continental Shelf Lands Act because of a military requirement therefor.

NOTIFICATION TO CONGRESS

SEC. 103. Notice of any proposed withdrawal, reservation, restriction, designation, or classification, other than those to which clause (1) or (2) of section 102 of this Act are applicable, shall be given to the President of the Senate and the Speaker of the House of Representatives and, unless publication is considered to be inimical to the national

security, shall be published in the Federal Register. Said notice shall specify the pertinent facts, including—

(1) the officer or agency proposing the withdrawal, reservation, restriction, designation, or classification;

(2) the agency having administrative jurisdiction over the lands together with a statement concerning current or previous uses, including withdrawals, reservations, restrictions, designations, classifications, leases, dispositions, or appropriations made or pending;

(3) the purpose for which the area is proposed to be used or, if the purpose is classified for national security reasons, a statement to that effect and, if publication in the Federal Register has been withheld for security reasons, a statement to that effect;

(4) the location, acreage, and description of the area together with the acreage and description of any excepted private or public tracts within the exterior boundaries of the area together with a statement of the effect on such excepted tracts;

(5) the period during which the proposed withdrawal, reservation, restriction, designation, or classification will continue in effect;

(6) whether, and if so to what extent, the proposed use will affect operation of the public land laws and laws and regulations relating to the conservation, utilization,

and development of mineral, timber, and other material resources; grazing, fish, wildlife, and water resources; and scenic, wilderness, recreation, and other values;

(7) whether the proposed use will result in contamination of any or all of the area and, if so, whether such contamination will be permanent or temporary;

(8) whether, if effectuation of the purpose for which the area is proposed to be used will involve the use of water in any State, the intended using agency has acquired, or proposes to acquire, subject to existing rights under law, rights to the use thereof in conformity with State laws and procedures relating to the control, appropriation, use, and distribution of water; and

(9) whether the use of any nonpublic lands within the exterior boundaries of the area has been or will be acquired and, if so, the basis thereof.

SEGREGATIVE EFFECT

SEC. 104. The filing of an application by a department or agency of the Federal Government with the department having administrative jurisdiction over land proposed for withdrawal, reservation, or restriction, or the publication of notice in the Federal Register of a proposed designation or classification of public lands shall have the effect of segregating such land from settlement, location, sale, selection, entry, lease, or other form of disposal under the public land

laws, including the mining and mineral leasing laws. Unless withdrawal, reservation, restriction, designation, or classification has been completed in accordance with the provisions of this Act, such segregative effect shall cease two years from the date of application or publication or such earlier date as the head of the department or agency having administrative jurisdiction over the lands involved may, with the concurrence of the using agency, determine. If not more than ninety days nor less than sixty days prior to the expiration of such two-year period, the proposal is renewed and notice of such renewal, including a statement of the necessity for continued segregation, is given to the President of the Senate and the Speaker of the House of Representatives and filed for publication in the Federal Register, the segregative effect shall be extended for such additional period, not exceeding two years, as is deemed necessary by the head of the department or agency involved, unless Congress terminates the segregation as of an earlier date.

SEC. 105. (a) Nothing in section 102, 103, or 104 of this Act shall be deemed applicable to—

(1) the withdrawal or reservation of public lands specifically as naval petroleum, naval oil shale, or naval coal reserves;

(2) those reservations or withdrawals which expired due to the ending of the unlimited national emergency of May 27, 1941, and which are now used by the military departments with the concurrence of the Department of the Interior; or

(3) the withdrawal of public domain lands of the Marine Corps Training Center, Twentynine Palms, California, and the naval gunnery ranges of the State of Nevada designated as Basic Black Rock and Basic Sahwave Mountain.

SEC. 106. The President may issue such regulations as he considers necessary to insure uniform administration of this Act.

SEC. 107. Sections 1, 2, and 3 of the Act of February 28, 1958 (72 Stat. 27), are repealed.

SEC. 108. This Act becomes effective on the date of enactment, except that any proposed withdrawals, reservations, or restrictions heretofore submitted to Congress shall be considered as having been submitted in accordance with the provisions of this Act.

DEFINITIONS

SEC. 109. As used in this Act—

(1) "withdrawal" means any formal action to remove public lands from settlement, appropriation, location, sale, or entry, or to otherwise prevent or limit the operation of the public land laws, including the mining and mineral leasing laws. The term "withdrawal" also

includes any additional or further withdrawal of lands withdrawn prior to the effective date of this Act if such additional withdrawal has the effect of (a) changing the use; or (b) extending the time during which the lands are removed from operation of the public land laws.

(2) "reservation" means the setting aside or formal designation for use of public lands withdrawn from operation of any of the public land laws.

(3) "restriction" means any action limiting opportunities by the public for the acquisition, occupancy, use, development, or exploration of public lands, national forest or shelf lands, including permits for use by Government agencies.

(4) "designation or classification" means any formal administrative action establishing use priority or priorities or limiting occupancy of public and national forest land, or the rights of the public in the development and exploitation of the land or its resources: Provided, however, That these terms shall not be construed to include actions necessary for the conduct of timber sales or incident to firefighting, disease or insect control: And provided further, That hereafter no designation or classification may be applied to an area unless the designation or classification has been defined by statute or in regulations adopted in accordance with the Administrative Procedures Act of June 11, 1946 (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(5) "public lands" means all public lands (including mineral, vegetative, and other resources) in the United States, including lands within reservations formed from the public domain and other lands permanently or temporarily withdrawn from any or all forms of appropriation provided for in the public land laws.

(6) "shelf lands" means the lands of the Outer Continental Shelf, as defined in the Outer Continental Shelf Lands Act (67 Stat. 462).

(7) "national forest lands" means any federally owned lands which are administered by the Secretary of Agriculture within the boundaries of national forests.

(8) "lands" includes minerals, vegetative, and other resources, and water areas and mixed land and water areas.

(9) "project or facility" means any Federal unit that is separately administered or managed such as an

Army fort or camp, a naval station, an airbase, a national forest, a unit of the national park system, a reservoir, a wildlife refuge, and the like.

TITLE II

WILDERNESS PRESERVATION.

SEC. 201. This title may be cited as the "Wilderness Act".

WILDERNESS AREAS

SEC. 202. (a) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of a man's works substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land and is, therefore, of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or

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other features of scientific, educational, scenic, or historical value.

(b) In order to assure an enduring resource of wilderness, lands meeting the requirements of "wilderness" as defined herein and as designated by Congress as "wilderness areas", shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no lands shall be designated as "wilderness areas" except as provided for in this Act.

SEC. 203. (a) All areas within the national forests classified on the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness", "wild", or "canoe" are hereby designated as wilderness areas. The Secretary of Agriculture shall—

(1) Within one year after the effective date of this Act, file a map and legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: Provided, however, That correction of clerical and typographical errors in such

legal descriptions and maps may be made with the approval of such committees.

(2) Maintain, available to the public, records pertaining to said wilderness areas, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. Maps, legal descriptions, and regulations pertaining to wilderness areas within their respective jurisdictions also shall be available to the public in the offices of regional foresters, national forest superintendents, and forest rangers.

(b) Such of the following federally owned areas as meet the requirements of wilderness as defined in this Act, may be designated as wilderness areas upon specific approval thereof by Congress:

(1) Areas or portions of areas within the national forests classified on the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "primitive";

(2) Roadless portions of parks, monuments, and other units of the national park system; and

(3) Portions of wildlife refuges and game ranges under the jurisdiction of the Secretary of the Interior on the effective date of this Act.

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(c) In order to determine whether there shall be any modification of use or boundary, lands herein or hereafter designated as wilderness areas shall be reviewed at least once every twenty-five years in the manner hereinafter provided except that the Secretary of Agriculture may, after public hearing, make minor adjustments of areas designated by this Act as "wilderness areas" provided that the Federal land in any one area is not increased or decreased by more than five thousand acres.

SEC. 204. (a) To assist Congress in determining which of the areas described in section 203(b) may be designated as wilderness areas, the Secretary of the department having jurisdiction of the lands involved shall, within ten years after the effective date of this Act, review the suitability of said areas for designation as wilderness and report annually his recommendations to the President and Congress, together with a map of each area and a definition of its boundaries.

(b) Before preparing his report, the Secretary shall—

(1) give such public notice of the proposed action as he deems appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land.

(2) hold a public hearing or hearings at a loca-

1 tion or locations convenient to the area affected. The
2 hearings shall be announced through such means as the
3 Secretary involved deems appropriate, including notices
4 in the Federal Register and in newspapers of general
5 circulation in the area: Provided, That the notice re-
6 quired under the preceding clause of this section and no-
7 tice, if any, required under title I of this Act may be
8 combined with the notice required under this clause:
9 Provided further, That if the lands involved are located
10 in more than one State, at least one hearing shall be
11 held in each State in which a portion of the land lies.
12 (3) at least thirty days before the date of a hearing
13 advise the Governor of each State and the county gov-
14 erning board of each county in which the lands are lo-
15 cated, the United States Forest Service, the United
16 States Soil Conservation Service, the Corps of Engineers
17 of the United States Army, the Bureau of Reclamation,
18 the Bureau of Mines, the United States Geological Sur-
19 vey, the Bureau of Sport Fisheries and Wildlife, the
20 Federal Power Commission, the Rural Electrification
21 Administration, and the Federal Communications Com-
22 mission, inviting each to set forth its views at the hear-
23 ing. It shall be the responsibility of each named Fed-
24 eral agency to submit its independent views concerning
25 the designation of an area as "wilderness", giving an

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1 analysis of the comparative values that may be involved
2 as between wilderness and that type of development or
3 uses for which the Federal agency has administrative
4 responsibility.
5 (4) give consideration to possible alternative uses
6 of the area involved and arrive at a determination for
7 recommendation as to whether the area should be desig-
8 nated as a wilderness area.
9 (c) As expeditiously as possible after completion of the
10 hearings provided for under this section, the Secretary in-
11 volved shall prepare his report, which shall include, in addi-
12 tion to other pertinent data, the information required by
13 section 103 of this Act; and, not less than ninety days before
14 it is submitted to the President and Congress, furnish copies
15 thereof to the Governor of each State and the county govern-
16 ing board of each county in which the lands are located, and
17 to each Federal agency enumerated in the preceding sub-
18 section requesting their written comments thereon. Within
19 seventy-five days after receipt of the proposed report the Fed-
20 eral agencies shall submit their comments thereon, which shall
21 be appended to the report when transmitted to the President
22 together with any comments received within the ninety-day
23 period from the Governors or county governing boards
24 involved. Each report shall contain, in addition to the
25 recommendation relative to the portion of a particular unit

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to be designated as wilderness, a proposed plan for the development, operation, and maintenance of that entire unit for its general use and the possibility for recreational utilization including plans, if any, for roads, motor trails, buildings, accommodations for visitors, and administrative facilities.

SEC. 205. The Secretary having jurisdiction over lands designated as wilderness areas shall assure that each wilderness area is reviewed at least once every twenty-five years after its designation in order to determine the suitability and desirability for continued classification and preservation of the area as wilderness. In doing this he shall obtain written comments from each of the Federal agencies enumerated in the preceding section of this Act, and request comments of the Governor of each State and the county governing board of each county in which the lands are located. If the Secretary determines that any modification of the area involving over five thousand acres of land should be effected, he shall proceed in accordance with the requirements of title I pertaining to new or additional withdrawals, reservations, restrictions, designations, or classifications and within two years thereafter prepare and submit a report thereon in the manner prescribed by the preceding section of this Act. However, if the Secretary determines that no change in classification should be effected, he shall promptly submit his findings to the President and Congress together with the

reports received from Federal agencies and the Governors and county governing boards involved.

USE OF WILDERNESS AREAS

SEC. 206. (a) The purposes of this Act are hereby declared to be supplemental to the statutory authority under which national forests and units of the national park and national wildlife refuge systems are established.

(1) Nothing in this Act shall be deemed to be in interference with the purpose for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215).

(2) Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act, Public Law 539, Seventy-first Congress, July 10, 1930 (46 Stat. 1020), the Thye-Blatnik Act, Public Law 733, Eightieth Congress, June 22, 1948 (62 Stat. 568), and the Humphrey-Thye-Blatnik-Andersen Act, Public Law 607, Eighty-fourth Congress, June 22, 1956 (70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

(3) Nothing in this Act shall modify the statutory authority under which units of the national park system are created; and no designation of an area for roads, motor trails, buildings, accommodations for visitors, or administrative

1 lines, water lines, telephone lines, or rights-of-way for facilities
2 necessary in exploring, drilling, producing, mining and
3 processing operation, including where essential the use of
4 mechanized ground or air equipment, and restoration as
5 near as practicable of the surface of the land disturbed in
6 performing prospecting, location, and discovery work, ex-
7 ploration, drilling, and production as soon as they have served
8 their purpose. Mining locations and patents to mining claims
9 lying within the boundaries of said wilderness areas shall be
10 held and used solely for mining or processing operations and
11 uses reasonably incident thereto; and hereafter all patents
12 issued under the mining laws of the United States affecting
13 lands designated as wilderness areas shall convey title to the
14 mineral deposits within the claim, together with the right to
15 cut and remove so much of the mature timber therefrom as
16 may be needed in the extraction, removal, and beneficiation of
17 the mineral deposits, if the timber is cut under sound princi-
18 ples of forest management as defined by the national forest
19 rules and regulations, but each such patent shall reserve to
20 the United States all title in or to the surface of the lands
21 and products thereof, and no use of the surface of the claim
22 or the resources therefrom not reasonably required for carry-
23 ing on mining or prospecting shall be allowed except as
24 otherwise expressly provided in this Act: Provided, That
25 unless hereafter specifically authorized no patent within

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1 wilderness areas designated by this Act shall issue after De-
2 cember 31, 1972, except for valid claims filed on or before
3 December 31, 1972. Mineral leases issued under the Mineral
4 Leasing Act shall contain such reasonable stipulations for
5 the protection of the wilderness character of the land subject
6 to such lease as are prescribed by the Secretary of Agricul-
7 ture consistent with the use of the land for the purposes for
8 which they are leased. Subject to valid rights then existing,
9 effective January 1, 1973, the minerals in lands designated
10 by this Act as wilderness areas are withdrawn from all forms
11 of appropriation under the mining laws and from leasing
12 under the Mineral Leasing Act and all amendments thereto.
13 Nevertheless, designated and proposed wilderness areas shall
14 be surveyed on a planned, recurring basis consistent with the
15 concept of wilderness preservation by the Geological Survey
16 and the Bureau of Mines to determine the mineral values,
17 if any, that may be present; and the results of such surveys
18 shall be made available to the public and submitted to the
19 President and Congress with any reports concerning the
20 establishment of wilderness areas or the periodic review
21 relative to their continued designation as wilderness areas.
22 (d) Within wilderness areas designated by this Act,
23 (1) the Secretary of Agriculture may, within a specific area
24 and in accordance with such regulations as he may deem de-
25 sirable, authorize prospecting for water resources, the es-

1 installations shall modify or affect the application to that area
2 of the provisions of the Act of August 25, 1916 (39 Stat.
3 535). The accommodations and installations in wilderness
4 areas shall be incident to the conservation and use and enjoy-
5 ment of the scenery and the natural and historical objects
6 and flora and fauna of the park or monument in its natural
7 condition. Further, the designation of any area of any park,
8 monument, or other unit of the national park system as a
9 wilderness area pursuant to this Act shall in no manner lower
10 the standards evolved for the use and preservation of such
11 area in accordance with the Act of August 25, 1916, the
12 statutory authority under which the area was created, or any
13 other Act of Congress which might pertain to or affect such
14 area, including, but not limited to, the Act of June 8, 1906
15 (34 Stat. 225; 16 U.S.C. 432 et seq.); section 3(2) of the
16 Federal Power Act (16 U.S.C. 796(2)); and the Act of
17 August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

18 PROHIBITION OF CERTAIN USES

19 (b) Except as specifically provided for in this Act and
20 subject to any existing private rights, there shall be no com-
21 mercial enterprise within wilderness areas designated by sec-
22 tion 203(a) of this Act, no permanent road, nor shall there be
23 any use of motor vehicles, motorized equipment, or motor-
24 boats, or landing of aircraft nor any other mechanical trans-
25 port or delivery of persons or supplies, nor any temporary

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1 road, nor any structure or installation, in excess of the min-
2 imum required for the use of visitors or the administration of
3 the area for the purposes of this Act, including such meas-
4 ures as may be required in emergencies involving the health
5 and safety of persons within such areas.

6 SPECIAL PROVISIONS

7 (c) The following special provisions are hereby made:
8 (1) Within wilderness areas designated by section 203
9 (a) of this Act the use of aircraft or motorboats, where these
10 practices have already become established, may be permitted
11 to continue subject to such restrictions as the appropriate
12 Secretary deems desirable. In addition, such measures may
13 be taken as may be necessary in the control of fire, insects,
14 and diseases, subject to such conditions as the appropriate
15 Secretary deems desirable.

16 (2) Notwithstanding any other provisions of this Act,
17 until midnight December 31, 1972, laws of the United States
18 pertaining to mineral leasing and mining shall, to the same
19 extent as applicable prior to the effective date of this Act, ex-
20 tend to those lands designated by section 203(a) of this Act
21 as "wilderness areas"; subject, however, to such reasonable
22 regulations as may be prescribed by the Secretary of Agri-
23 culture consistent with the use of the land for mineral de-
24 velopment and exploration, drilling, and production govern-
25 ing right of ingress and egress, rights-of-way for transmission

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1 tablishment and maintenance of reservoirs, water-conserva-
2 tion works, power projects, transmission lines, and other fa-
3 cilities needed in the public interest, including the road con-
4 struction and maintenance essential to development and use
5 thereof, upon his determination that such use or uses in the
6 specific area will better serve the interests of the United States
7 and the people thereof than will its denial; and (2) the graz-
8 ing of livestock, where established prior to the effective date of
9 this Act, shall be permitted to continue subject to such rea-
10 sonable regulations as are deemed necessary by the Sec-
11 retary of Agriculture: Provided, That such regulations shall
12 be consistent with the continued use of the lands for grazing.
13 (e) Other provisions of this Act to the contrary not-
14 withstanding, the management of the Boundary Waters
15 Canoe Area, formerly designated as the Superior, Little
16 Indian Sioux, and Caribou roadless areas in the Superior
17 National Forest, Minnesota, shall be in accordance with reg-
18 ulations established by the Secretary of Agriculture in ac-
19 cordance with the general purpose of maintaining, with-
20 out unnecessary restrictions on other uses, including that
21 of timber, the primitive character of the area, particularly
22 in the vicinity of lakes, streams, and portages: Provided,
23 That nothing in this Act shall preclude the continuance
24 within the area of any already established use of motorboats.
25 (f) Commercial services may be performed within the

1 wilderness areas designated by section 203(a) of this Act
2 to the extent necessary for activities which are proper for
3 realizing the recreational or other purposes of the wilderness
4 areas designated in this Act.
5 (g) Nothing in this Act shall constitute an express or
6 implied claim or denial on the part of the Federal Govern-
7 ment as to exemption from State water laws.
8 (h) To the extent that it is not incompatible with wilder-
9 ness preservation, the Secretary of Agriculture shall, in
10 wilderness areas designated by this Act, permit hunting and
11 fishing: Provided, That nothing in this Act shall be con-
12 strued as affecting the jurisdiction or responsibilities of the
13 several States with respect to wildlife and fish in wilderness
14 areas.
15 STATE AND PRIVATE LANDS WITHIN WILDERNESS AREAS
16 SEC. 207. (a) In any case where State-owned land is
17 completely surrounded by lands designated as wilderness,
18 such State shall be given either (1) such rights as may be
19 necessary to assure adequate access to such State-owned land
20 by such State and its successors in interest, or (2) vacant,
21 unreserved, and unappropriated mineral or nonmineral lands
22 in the same State, not exceeding the value of the surround-
23 ing land, in exchange for the surrounding land: Provided,
24 however, That the United States shall not transfer to a State
25 any mineral interests unless the State relinquishes or causes

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1 *to be relinquished to the United States the mineral interest*
2 *in the surrounded land.*
3 *(b) In any case where privately owned lands, valid*
4 *mining claims, or other valid occupancies are wholly within a*
5 *designated wilderness area, the Secretary of Agriculture shall,*
6 *by reasonable regulations consistent with the preservation*
7 *of the area as wilderness, permit ingress and egress to such*
8 *surrounded areas.*
9 *(c) Subject to the appropriation of funds by Congress,*
10 *the Secretary of Agriculture is authorized to acquire privately*
11 *owned land within the perimeter of any area designated as*
12 *wilderness under the provisions of this Act if (1) the owner*
13 *concurs in such acquisition; or (2) the acquisition is specif-*
14 *ically authorized by Congress.*
15 *(d) The Secretary of Agriculture may accept gifts or*
16 *bequests of land within or adjacent to wilderness areas for*
17 *preservation as wilderness, and such land shall, on accept-*
18 *ance, become part of the wilderness area. Regulations with*
19 *regard to any such land may be in accordance with such*
20 *agreements, consistent with the policy of this Act, as are*
21 *made at the time of such gift, or such conditions, consistent*
22 *with such policy, as may be included in, and accepted with,*
23 *such bequest.*