

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2543

To amend the Forest and Rangeland Renewable Resources Planning Act of 1974, the Federal Land Policy and Management Act of 1976, the National Wildlife Refuge System Administration Act of 1966, the National Indian Forest Resources Management Act, and title 10, United States Code, to strengthen the protection of native biodiversity, to designate special areas where extractive logging is prohibited, to place restraints upon clearcutting and certain other cutting practices on the forests of the United States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 7 (legislative day, SEPTEMBER 12), 1994

Mr. BOREN introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Forest and Rangeland Renewable Resources Planning Act of 1974, the Federal Land Policy and Management Act of 1976, the National Wildlife Refuge System Administration Act of 1966, the National Indian Forest Resources Management Act, and title 10, United States Code, to strengthen the protection of native biodiversity, to designate special areas where extractive logging is prohibited, to place restraints upon clearcutting and certain other cutting practices on the forests of the United States, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Forest Biodiversity  
5 and Clearcutting Prohibition Act of 1994”.

6 **SEC. 2. PURPOSES AND FINDINGS.**

7        (a) PURPOSES.—The purposes of this Act are, in all  
8 timberland owned or operated by the United States where  
9 logging is permitted—

10            (1) to conserve native biodiversity and to pro-  
11            tect all native ecosystems against losses that result  
12            from clearcutting and other forms of even-age log-  
13            ging; and

14            (2) to prohibit extractive logging in certain spe-  
15            cial areas.

16        (b) FINDINGS.—Congress finds the following:

17            (1) Federal agencies that engage in even-age  
18            logging practices include the Forest Service of the  
19            Department of Agriculture, the United States Fish  
20            and Wildlife Service, Bureau of Land Management,  
21            and Bureau of Indian Affairs of the Department of  
22            the Interior, and the Army, Navy, and Air Force of  
23            the Department of Defense.

24            (2) Even-age logging causes a substantial re-  
25            duction in native biodiversity by emphasizing the

1 production of a limited number of commercial spe-  
2 cies of trees on each site, generally only one species  
3 by—

4 (A) manipulating the vegetation toward  
5 greater relative density of such commercial spe-  
6 cies;

7 (B) suppressing competing species; and

8 (C) planting, on numerous sites, a com-  
9 mercial strain that was developed to reduce the  
10 relative diversity of genetic strains that pre-  
11 viously occurred within the species on the same  
12 sites.

13 (3) Even-age logging kills immobile species and  
14 the very young of mobile species of wildlife and de-  
15 pletes the habitat of deep-forest species of animals,  
16 including endangered species.

17 (4) Even-age logging exposes the soil to direct  
18 sunlight, impact of rains, disruption of surface, and  
19 compaction of organic layers, and disrupts the run-  
20 off restraining capabilities of roots and low-lying  
21 vegetation, resulting in soil erosion, leaching out of  
22 nutrients, reduction in biological content of the soil,  
23 and impoverishment of the soil, with long-range dele-  
24 terious effect on all land resources, even timber  
25 production.

1           (5) Even-age logging decreases the capability of  
2 the soil to retain carbon and, during the critical pe-  
3 riods of felling and site preparation, reduces the ca-  
4 pacity of the biomass to process and to store carbon,  
5 with a result of loss of such carbon to the atmos-  
6 phere, thereby aggravating global warming.

7           (6) Even-age logging renders the soil increas-  
8 ingly sensitive to acid deposition by causing decline  
9 of soil wood and coarse woody debris, reducing site  
10 capacity for retention of water and nutrients, in-  
11 creasing soil heat, and impairing the maintenance of  
12 protective carbon compounds on the soil surface.

13          (7) Even-age logging results in increased  
14 stream sedimentation, siltation of stream bottoms,  
15 decline in water quality, impairment of life cycles  
16 and spawning processes of aquatic life from benthic  
17 organisms to large fish, thereby depleting the sports  
18 and commercial fisheries of the United States.

19          (8) Even-age logging results in lessening resist-  
20 ance in the plant community, including the commer-  
21 cial tree crop, to insects and diseases, under the eco-  
22 logical principle that as the relative density of a spe-  
23 cies in a given area approaches totality the popu-  
24 lation of that species in that area becomes increas-  
25 ingly susceptible to insects and diseases.

1           (9) Even-age logging increases harmful edge ef-  
2           fects, including blowdowns, invasions by weed spe-  
3           cies, and heavier losses to predators and competi-  
4           tors, from raccoons and hawks to ratsnakes and  
5           cowbirds.

6           (10) Even-age logging decreases recreational di-  
7           versity, reducing deep, canopied, variegated, perma-  
8           nent forests, where the public can fulfill an expand-  
9           ing need for recreation. Even-age logging replaces  
10          such forests with a surplus of clearings that grow  
11          into relatively impenetrable thickets of saplings, and  
12          then into monotonous plantations.

13          (11) Human beings depend on native biological  
14          resources, including plants, animals, and microorga-  
15          nisms, for food, medicine, shelter, and other impor-  
16          tant products, and as a source of intellectual and  
17          scientific knowledge, recreation, and aesthetic pleas-  
18          ure.

19          (12) A reduction in native biodiversity has seri-  
20          ous consequences for human welfare, as the United  
21          States irretrievably loses resources for research and  
22          agricultural, medicinal, and industrial development.

23          (13) A reduction of biological diversity in Fed-  
24          eral forests adversely affects the functions of  
25          ecosystems and critical ecosystem processes that

1 moderate climate, govern nutrient cycles and soil  
2 conservation and production, control pests and dis-  
3 eases, and degrade wastes and pollutants.

4 (14) The harm of even-age logging to the natu-  
5 ral resources of the United States and the quality of  
6 life of its people are substantial, severe, and avoid-  
7 able.

8 (15) By substituting selection management and  
9 native biodiversity protection, as prescribed in this  
10 Act, for the even-age system, the Federal agencies  
11 now engaged in even-age logging would substantially  
12 reduce or eliminate devastation to the environment,  
13 would maintain vital native ecosystems in Federal  
14 forests, and would improve the quality of life of the  
15 American people.

16 (16) Selection logging is more job intensive,  
17 therefore providing more employment than even-age  
18 cutting for managing the same amount of timber  
19 production, and produces higher quality sawlogs.

20 (17) The remedies now available through the  
21 courts for citizens to utilize in the enforcement of  
22 Federal forest laws are inadequate, and should be  
23 strengthened by providing for actions by citizens for  
24 injunctions, declaratory judgments, civil penalties,  
25 and reasonable costs of suit.

1           (18) Less than 10 percent of the native and  
2 old-growth forests of the United States remain  
3 uncut. The vast majority of these forests are located  
4 on Federal forests. Of these lands, only a small frac-  
5 tion constitute large, unfragmented forests. Such  
6 unique and valuable assets to the general public  
7 would be diminished by extractive logging.

8           (19) The exceptional recreational, biological,  
9 scientific, or economic assets of certain special for-  
10 ested areas on Federal lands are valuable to the gen-  
11 eral public, and would be diminished by extractive  
12 logging in such areas.

13           (20) In order to—

14                 (A) gauge the effectiveness and appro-  
15 priateness of current and future resource man-  
16 agement activities, and

17                 (B) continue to broaden and develop an  
18 understanding of silvicultural practices,

19 it is important that many special forested areas re-  
20 main in a natural, unmanaged state to serve as sci-  
21 entifically established baseline control forests.

22           (21) Certain special forested areas provide habi-  
23 tat for the survival and recovery of endangered and  
24 threatened plant and wildlife species such as grizzly

1 bears, spotted owls, the Pacific salmon, and the Pa-  
2 cific yew, that are intolerant to extractive logging.

3 (22) The most recent scientific studies indicate  
4 that several thousand species of plants and animals  
5 may be dependent on large, unfragmented forest  
6 areas.

7 (23) As of the date of enactment of this Act,  
8 many neotropical migratory songbird species are  
9 currently experiencing documented broad scale popu-  
10 lation declines and require large, unfragmented for-  
11 ests to ensure the survival of such species.

12 (24) In many areas, extractive logging activities  
13 are done at significant financial loss to the United  
14 States Treasury and the taxpayers of the United  
15 States.

16 (25) Helicopter logging is an especially expen-  
17 sive logging method that can cause great and irrep-  
18 arable ecological harm to natural forests.

19 (26) Large unfragmented forest watersheds  
20 provide high quality drinking water supplies for citi-  
21 zens across the country.

22 (27) Destruction of large-scale natural for-  
23 ests—

1 (A) has resulted in a tremendous loss of  
2 jobs in the fishing, tourism, and guiding indus-  
3 tries; and

4 (B) has adversely affected sustainable for-  
5 est products industries such as the collection of  
6 mushrooms and herbal remedies.

7 (28) Many forested areas on Federal lands are  
8 considered sacred sites by native peoples.

9 **SEC. 3. AMENDMENT OF RANGELAND AND RENEWABLE RE-**  
10 **SOURCES PLANNING ACT OF 1974 RELATING**  
11 **TO NATIONAL FOREST SYSTEM LANDS.**

12 (a) CONSERVATION OF NATIVE BIODIVERSITY.—Sec-  
13 tion 6(g)(3)(B) of the Forest and Rangeland Renewable  
14 Resources Planning Act of 1974 (16 U.S.C.  
15 1604(g)(3)(B)) is amended to read as follows:

16 “(B) for each stand that is managed or op-  
17 erated for timber purposes, and throughout  
18 each forested area, provide for the conservation  
19 or restoration of native biodiversity except dur-  
20 ing the extraction stage of authorized mineral  
21 development or during authorized construction  
22 projects, in which case the Secretary shall con-  
23 serve native biodiversity to the extent prac-  
24 ticable;”.

1 (b) COMMITTEE OF SCIENTISTS.—Section 6(h)(1) of  
2 the Forest and Rangeland Renewable Resources Planning  
3 Act of 1974 (16 U.S.C. 1604(h)(1)) is amended to read  
4 as follows:

5 “(h)(1) In carrying out the purposes of subsection  
6 (g), the Secretary shall appoint a committee of scientists  
7 who—

8 “(A) are not officers or employees of the Forest  
9 Service or any other public entity, or of any entity  
10 engaged in whole or in part in the production of  
11 wood or wood products, and

12 “(B) have not contracted with or represented  
13 any such entity during the 5-year period prior to  
14 serving on such committee.

15 “(2) The committee shall provide scientific and tech-  
16 nical advice and counsel concerning proposed guidelines  
17 and procedures to ensure that an effective interdiscipli-  
18 nary approach to land management is proposed and  
19 adopted.

20 “(3) The committee shall terminate after the expira-  
21 tion of the 10-year period beginning on the date of enact-  
22 ment of this paragraph.”.

23 (c) RESTRICTION ON USE OF CERTAIN LOGGING  
24 PRACTICES.—Section 6 of the Forest and Rangeland Re-  
25 newable Resources Planning Act of 1974 (16 U.S.C.

1 1604) is amended by adding at the end the following new  
2 subsection:

3 “(n) RESTRICTION ON USE OF CERTAIN LOGGING  
4 PRACTICES.—(1) For each stand that is managed or oper-  
5 ated for timber purposes throughout each forested area,  
6 the guidelines specified pursuant to subsection (g)(3)(F)  
7 shall prohibit any even-age logging and any even-age man-  
8 agement.

9 “(2) On each site already under even-age manage-  
10 ment at the time of the implementation, the Secretary  
11 shall—

12 “(A) prescribe a shift to selection management,  
13 or

14 “(B) cease managing for timber purposes and  
15 actively restore the native biodiversity, or permit  
16 each site to regain its native biodiversity.

17 “(3) For the purposes of this subsection:

18 “(A) The term ‘native biodiversity’ means the  
19 full range of variety and variability within and  
20 among living organisms and the ecological complexes  
21 in which they would have occurred in the absence of  
22 significant human impact, and encompasses diver-  
23 sity, within a species (genetic), within a community  
24 of species (within-community), between communities  
25 of species (between-communities), within a total area

1 such as a watershed (total area), along a plane from  
2 soil to sky (vertical), and along the plane of the  
3 earth-surface (horizontal). Vertical and horizontal  
4 diversity apply to all the other aspects of diversity.

5 “(B) The terms ‘conserve’ and ‘conservation’  
6 refer to protective measures for maintaining existing  
7 native biological diversity and active measures for  
8 restoring diversity through management efforts, in  
9 order to protect, restore, and enhance as much of  
10 the variety of species and communities as possible in  
11 abundances and distributions that provide for their  
12 continued existence and normal functioning, includ-  
13 ing the viability of populations throughout their  
14 natural geographic distributions.

15 “(C) The term ‘within-community diversity’  
16 means the distinctive assemblages of species and ec-  
17 ological processes that occur in different physical  
18 settings of the biosphere and distinct parts of the  
19 world.

20 “(D) The term ‘genetic diversity’ means the dif-  
21 ferences in genetic composition within and among  
22 populations of a given species.

23 “(E) The term ‘species diversity’ means the  
24 richness and variety of native species in a particular  
25 location of the world.

1           “(F) The term ‘group selection’ means a form  
2 of selection management that emphasizes the peri-  
3 odic removal of trees, including mature, undesirable,  
4 and cull trees in small groups, where they occur that  
5 way, with a result of (i) creating openings not to ex-  
6 ceed in width in any direction the height of the tall-  
7 est tree standing within 10 feet of the edge of the  
8 group cut, and (ii) maintaining different age groups  
9 in a given stand. In no event will more than 30 per-  
10 cent of a stand be felled within 40 years.

11           “(G) The term ‘stand’ means a forest commu-  
12 nity with enough identity by location, topography, or  
13 dominant species to be managed as a unit, not to ex-  
14 ceed 100 acres.

15           “(H) The term ‘clearcutting’ means the logging  
16 of the commercial trees in a patch or stand in a  
17 short period of time.

18           “(I) The term ‘even-age management’ means  
19 the growing of commercial timber so that all trees  
20 in a patch or stand are generally within 10 years of  
21 the same age. Except for designated leave trees, or  
22 clumps of trees, the patch or stand is logged, com-  
23 pletely in any acre within a period of 30 years, by  
24 clearcutting, salvage logging, seed-tree cutting or

1 shelterwood cutting, or any system other than selec-  
2 tion management.

3 “(J) The term ‘salvage logging’ means the fell-  
4 ing or further damaging, within any 30-year period,  
5 of a greater basal area than 30 square feet per acre  
6 of dead, damaged, or other trees, or any combination  
7 of such trees.

8 “(K) The term ‘seed-tree cut’ means a logging  
9 operation that leaves one or more seed trees, gen-  
10 erally 6 to 10 per acre.

11 “(L) The term ‘selection management’ means  
12 the application of logging and other actions needed  
13 to maintain continuous high forest cover where such  
14 cover naturally occurs, recurring natural regenera-  
15 tion of all native species on the site, and the orderly  
16 growth and development of trees through a range of  
17 diameter or age classes to provide a sustained yield  
18 of forest products. Cutting methods that develop and  
19 maintain selection stands are individual-tree and  
20 group selection. A goal of selection is improvement  
21 of quality by continuously harvesting trees less likely  
22 to contribute to the long-range health of the stand.

23 “(M) The term ‘shelterwood cut’ means an  
24 even-aged silvicultural regeneration method under  
25 which a minority of the mature stand is retained as

1 a seed source or protection during the regeneration  
2 period. The standing mature trees, usually 10 to 20  
3 per acre, are later removed in one or more cuttings.

4 “(N) The term ‘timber purposes’ shall include  
5 the use, sale, lease, or distribution of trees, or the  
6 felling of trees or portions of trees except to create  
7 land space for a structure or other use.

8 “(O) The term ‘helicopter logging’ means any  
9 logging activity that involves the use of helicopters  
10 to transport logs or logging equipment.

11 “(4)(A)(i) The purpose of this paragraph is to foster  
12 the widest possible enforcement of subsection (g)(3)(B)  
13 and this subsection.

14 “(ii) Congress finds that all people of the United  
15 States are injured by actions on lands to which subsection  
16 (g)(3)(B) and this subsection apply.

17 “(B) The provisions of subsection (g)(3)(B) and this  
18 subsection shall be enforced by the Secretary of Agri-  
19 culture and the Attorney General of the United States  
20 against any person who violates either of them.

21 “(C)(i) Any citizen may enforce any provision of sub-  
22 section (g)(3)(B) and this subsection by bringing an action  
23 for declaratory judgment, temporary restraining order, in-  
24 junction, civil penalty, and other remedies against any al-

1 leged violator including the United States, in any district  
2 court of the United States.

3       “(ii) The court, after determining a violation of either  
4 of such subsections, shall impose a penalty of not less than  
5 \$5,000 and not more than \$50,000 per violation, shall  
6 issue one or more injunctions and other equitable relief  
7 and shall award to the plaintiffs reasonable costs of litiga-  
8 tion including attorney’s fees, witness fees and other nec-  
9 essary expenses.

10       “(D) The penalty authorized by subparagraph (C)(ii)  
11 shall be paid by the violator or violators designated by the  
12 court. If that violator is the United States of America or  
13 a Federal agency or officer, the penalty shall be paid to  
14 the Judgment Fund, as provided by Congress under sec-  
15 tion 1304 of title 31, United States Code.

16       “(E) The penalty shall be paid from the Judgment  
17 Fund within 40 days after judgment to the person or per-  
18 sons designated to receive it, to be applied in protecting  
19 or restoring native biodiversity in or adjoining Federal  
20 land. Any award of costs of litigation and any award of  
21 attorney fees shall be paid within 40 days after judgment.

22       “(F) The United States, including its agents and em-  
23 ployees waives its sovereign immunity in all respects in  
24 all actions under subsection (g)(3)(B) and this subsection.  
25 No notice is required to enforce this subsection.

1       “(5) With respect to any roadless area, as defined  
2 in the second United States Department of Agriculture  
3 Forest Service Roadless Area Review and Evaluation  
4 (RARE II, 1978) or in a land and resource management  
5 plan prepared pursuant to this section, the following pro-  
6 hibitions shall apply:

7           “(A) No roads shall be constructed or recon-  
8       structed.

9           “(B) No helicopter landing sites or facilities  
10       shall be built.

11          “(C) No helicopter logging shall be permitted.”.

12       (d) CONFORMING AMENDMENT.—Section 6(g)(2)(F)  
13 of the Forest and Rangeland Renewable Resource Plan-  
14 ning Act of 1974 (16 U.S.C. 1604(g)(2)(F)) is amended  
15 by inserting “in accordance with subsection (g) and” after  
16 “National Forest System lands.”.

17 **SEC. 4. AMENDMENT OF FEDERAL LAND POLICY AND MAN-**  
18 **AGEMENT ACT OF 1976 RELATING TO THE**  
19 **PUBLIC LANDS.**

20       (a) CONSERVATION OF NATIVE BIODIVERSITY.—Sec-  
21 tion 202(c) of the Federal Land Policy and Management  
22 Act of 1976 (43 U.S.C. 1712(c)) is amended—

23           (1) by redesignating paragraphs (8) and (9) as  
24       paragraphs (9) and (10), respectively; and

1           (2) by inserting after paragraph (7) the follow-  
2           ing new paragraph (8):

3           “(8) in each stand that is managed or operated  
4           for timber purposes throughout each forested area  
5           provide for the conservation or restoration of native  
6           biodiversity except during the extraction stage of au-  
7           thorized mineral development or during authorized  
8           construction projects, in which events the Secretary  
9           shall conserve native biodiversity to the extent pos-  
10          sible;”.

11          (b) RESTRICTION ON USE OF CERTAIN LOGGING  
12          PRACTICES.—Section 202 of the Federal Land Policy and  
13          Management Act of 1976 (43 U.S.C. 1712) is amended  
14          by adding at the end the following:

15          “(g) RESTRICTION ON USE OF CERTAIN LOGGING  
16          PRACTICES.—(1) In each stand that is managed or oper-  
17          ated for timber purposes throughout each forested area,  
18          the Secretary under subsection (c)(8) shall prohibit any  
19          even-age logging and any even-age management.

20          “(2) On each site already under even-age manage-  
21          ment, the Secretary shall—

22                  “(A) prescribe a shift to selection management,  
23          or

1           “(B) cease managing for timber purposes and  
2 actively restore the native biodiversity, or permit  
3 each site to regain its native biodiversity.

4           “(3) For the purposes of this subsection:

5           “(A) The term ‘native biodiversity’ means the  
6 full range of variety and variability within and  
7 among living organisms and the ecological complexes  
8 in which they would have occurred in the absence of  
9 significant human impact, and encompasses diver-  
10 sity, within a species (genetic), within a community  
11 of species (within-community), between communities  
12 of species (between-communities), within a total area  
13 such as a watershed (total area), along a plane from  
14 soil to sky (vertical), and along the plane of the  
15 earth-surface (horizontal). Vertical and horizontal  
16 diversity apply to all the other aspects of diversity.

17           “(B) The terms ‘conserve’ and ‘conservation’  
18 refer to protective measures for maintaining existing  
19 native biological diversity and active measures for  
20 restoring diversity through management efforts, in  
21 order to protect, restore, and enhance as much of  
22 the variety of species and communities as possible in  
23 abundances and distributions that provide for their  
24 continued existence and normal functioning, includ-

1 ing the viability of populations throughout their  
2 natural geographic distributions.

3 “(C) The term ‘within-community diversity’  
4 means the distinctive assemblages of species and ec-  
5 ological processes that occur in different physical  
6 settings of the biosphere and distinct parts of the  
7 world.

8 “(D) The term ‘genetic diversity’ means the dif-  
9 ferences in genetic composition within and among  
10 populations of a given species.

11 “(E) The term ‘species diversity’ means the  
12 richness and variety of native species in a particular  
13 location of the world.

14 “(F) The term ‘group selection’ means a form  
15 of selection management that emphasizes the peri-  
16 odic removal of trees, including mature, undesirable,  
17 and cull trees in small groups, where they occur that  
18 way, with a result of (i) creating openings not to ex-  
19 ceed in width in any direction the height of the tall-  
20 est tree standing within 10 feet of the edge of the  
21 group cut, and (ii) maintaining different age groups  
22 in a given stand. In no event will more than 30 per-  
23 cent of a stand be felled within 40 years.

24 “(G) The term ‘stand’ means a forest commu-  
25 nity with enough identity by location, topography, or

1 dominant species to be managed as a unit, not to ex-  
2 ceed 100 acres.

3 “(H) The term ‘clearcutting’ means the logging  
4 of the commercial trees in a patch or stand in a  
5 short period of time.

6 “(I) The term ‘even-age management’ means  
7 the growing of commercial timber so that all trees  
8 in a patch or stand are generally within 10 years of  
9 the same age. Except for designated leave trees, or  
10 clumps of trees, the patch or stand is logged, com-  
11 pletely in any acre within a period of 30 years, by  
12 clearcutting, salvage logging, seed-tree cutting or  
13 shelterwood cutting, or any system other than selec-  
14 tion management.

15 “(J) The term, ‘salvage logging’ means the fell-  
16 ing or further damaging, within any 30-year period,  
17 of a greater basal area than 30 square feet per acre  
18 of dead, damaged, or other trees, or any combination  
19 of such trees.

20 “(K) The term ‘seed-tree cut’ means a logging  
21 operation that leaves one or more seed trees, gen-  
22 erally 6 to 10 per acre.

23 “(L) The term ‘selection management’ means  
24 the application of logging and other actions needed  
25 to maintain continuous high forest cover where such

1 cover naturally occurs, recurring natural regenera-  
2 tion of all native species on the site, and the orderly  
3 growth and development of trees through a range of  
4 diameter or age classes to provide a sustained yield  
5 of forest products. Cutting methods that develop and  
6 maintain selection stands are individual-tree and  
7 group selection. A goal of selection is improvement  
8 of quality by continuously harvesting trees less likely  
9 to contribute to the long-range health of the stand.

10 “(M) The term ‘shelterwood cut’ means an  
11 even-aged silvicultural regeneration method under  
12 which a minority of the mature stand is retained as  
13 a seed source or protection during the regeneration  
14 period. The standing mature trees, usually 10 to 20  
15 per acre, are later removed in one or more cuttings.

16 “(N) The term ‘timber purposes’ shall include  
17 the use, sale, lease, or distribution of trees, or the  
18 felling of trees or portions of trees except to create  
19 land space for a structure or other use.

20 “(O) The term ‘helicopter logging’ means any  
21 logging activity that involves the use of helicopters  
22 to transport logs or logging equipment.

23 “(4)(A)(i) The purpose of this paragraph is to foster  
24 the widest possible enforcement of subsection (c)(8) and  
25 this subsection.

1       “(ii) Congress finds that all people of the United  
2 States are injured by actions on lands to which subsection  
3 (c)(8) and this subsection apply.

4       “(B) The provisions of subsection (c)(8) and this sub-  
5 section shall be enforced by the Secretary of the Interior  
6 and the Attorney General of the United States against any  
7 person who violates either of them.

8       “(C)(i) Any citizen may enforce any provision of sub-  
9 section (c)(8) and this subsection by bringing an action  
10 for declaratory judgment, temporary restraining order, in-  
11 junction, civil penalty, and other remedies against any al-  
12 leged violator including the United States, in any district  
13 court of the United States.

14       “(ii) The court, after determining a violation of either  
15 of such subsections, shall impose a penalty of not less than  
16 \$5,000 and not more than \$50,000 per violation, shall  
17 issue one or more injunctions and other equitable relief  
18 and shall award to the plaintiffs reasonable costs of litiga-  
19 tion including attorney’s fees, witness fees and other  
20 necessary expenses.

21       “(D) The penalty authorized by subparagraph (C) (ii)  
22 shall be paid by the violator or violators designated by the  
23 court. If that violator is the United States of America or  
24 a Federal agency or officer, the penalty shall be paid to

1 the Judgment Fund, as provided by Congress under  
2 section 1304 of title 31, United States Code.

3 “(E) The penalty shall be paid from the Judgment  
4 Fund within 40 days after judgment to the person or per-  
5 sons designated to receive it, to be applied in protecting  
6 or restoring native biodiversity in or adjoining Federal  
7 land. Any award of costs of litigation and any award of  
8 attorney fees shall be paid within 40 days after judgment.

9 “(F) The United States, including its agents and em-  
10 ployees waives its sovereign immunity in all respects in  
11 all actions under subsection (c)(8) and this subsection. No  
12 notice is required to enforce this subsection.

13 “(5) With respect to any Bureau of Land Manage-  
14 ment roadless area that is inventoried pursuant to this  
15 Act, the following prohibitions shall apply:

16 “(A) No roads shall be constructed or recon-  
17 structed.

18 “(B) No helicopter landing sites or facilities  
19 shall be built.

20 “(C) No helicopter logging shall be permitted.”.

21 (c) REPEAL.—Subsection (b) of section 701 of the  
22 Federal Land Policy and Management Act of 1976 (43  
23 U.S.C. 1701 note) is hereby repealed.

1 **SEC. 5. AMENDMENT OF NATIONAL WILDLIFE REFUGE SYS-**  
2 **TEM ADMINISTRATION ACT OF 1966 RELAT-**  
3 **ING TO THE NATIONAL WILDLIFE REFUGE**  
4 **SYSTEM.**

5 Section 4 of the National Wildlife Refuge System Ad-  
6 ministration Act of 1966 (16 U.S.C. 668dd) is amended  
7 by adding at the end the following:

8 “(j) CONSERVATION OF NATIVE BIODIVERSITY.—In  
9 each stand that is managed or operated for timber pur-  
10 poses throughout each forested area within the System,  
11 the Secretary shall provide for the conservation or restora-  
12 tion of native biodiversity, except during the extraction  
13 stage of authorized mineral development or during author-  
14 ized construction projects, in which events the Secretary  
15 shall conserve native biodiversity to the extent possible.

16 “(k) RESTRICTION ON USE OF CERTAIN LOGGING  
17 PRACTICES.—(1) In each stand that is managed or oper-  
18 ated for timber purposes throughout each forested area  
19 within the System, the Secretary under subsection (j) shall  
20 prohibit any even-age logging and any even-age manage-  
21 ment.

22 “(2) On each site already under even-age manage-  
23 ment, the Secretary shall—

24 “(A) prescribe a shift to selection management,  
25 or

1           “(B) cease managing for timber purposes and  
2 actively restore the native biodiversity, or permit  
3 each site to regain its native biodiversity.

4           “(3) For the purposes of this subsection:

5           “(A) The term ‘native biodiversity’ means the  
6 full range of variety and variability within and  
7 among living organisms and the ecological complexes  
8 in which they would have occurred in the absence of  
9 significant human impact, and encompasses diver-  
10 sity, within a species (genetic), within a community  
11 of species (within-community), between communities  
12 of species (between-communities), within a total area  
13 such as a watershed (total area), along a plane from  
14 soil to sky (vertical), and along the plane of the  
15 earth-surface (horizontal). Vertical and horizontal  
16 diversity apply to all the other aspects of diversity.

17           “(B) The terms ‘conserve’ and ‘conservation’  
18 refer to protective measures for maintaining existing  
19 native biological diversity and active measures for  
20 restoring diversity through management efforts, in  
21 order to protect, restore, and enhance as much of  
22 the variety of species and communities as possible in  
23 abundances and distributions that provide for their  
24 continued existence and normal functioning, includ-

1 ing the viability of populations throughout their  
2 natural geographic distributions.

3 “(C) The term ‘within-community diversity’  
4 means the distinctive assemblages of species and ec-  
5 ological processes that occur in different physical  
6 settings of the biosphere and distinct parts of the  
7 world.

8 “(D) The term ‘genetic diversity’ means the dif-  
9 ferences in genetic composition within and among  
10 populations of a given species.

11 “(E) The term ‘species diversity’ means the  
12 richness and variety of native species in a particular  
13 location of the world.

14 “(F) The term ‘group selection’ means a form  
15 of selection management that emphasizes the peri-  
16 odic removal of trees, including mature, undesirable,  
17 and cull trees in small groups, where they occur that  
18 way, with a result of (i) creating openings not to ex-  
19 ceed in width in any direction the height of the tall-  
20 est tree standing within 10 feet of the edge of the  
21 group cut, and (ii) maintaining different age groups  
22 in a given stand. In no event will more than 30 per-  
23 cent of a stand be felled within 40 years.

24 “(G) The term ‘stand’ means a forest commu-  
25 nity with enough identity by location, topography, or

1 dominant species to be managed as a unit, not to ex-  
2 ceed 100 acres.

3 “(H) The term ‘clearcutting’ means the logging  
4 of the commercial trees in a patch or stand in a  
5 short period of time.

6 “(I) The term ‘even-age management’ means  
7 the growing of commercial timber so that all trees  
8 in a patch or stand are generally within 10 years of  
9 the same age. Except for designated leave trees, or  
10 clumps of trees, the patch or stand is logged, com-  
11 pletely in any acre within a period of 30 years, by  
12 clearcutting, salvage logging, seed-tree cutting or  
13 shelterwood cutting, or any system other than selec-  
14 tion management.

15 “(J) The term, ‘salvage logging’ means the fell-  
16 ing or further damaging, within a 30-year period, of  
17 a greater basal area than 30 square feet per acre of  
18 dead, damaged, or other trees, or any combination  
19 of such trees.

20 “(K) The term ‘seed-tree cut’ means a logging  
21 operation that leaves one or more seed trees, gen-  
22 erally 6 to 10 per acre.

23 “(L) The term ‘selection management’ means  
24 the application of logging and other actions needed  
25 to maintain continuous high forest cover where such

1 cover naturally occurs, recurring natural regenera-  
2 tion of all native species on the site, and the orderly  
3 growth and development of trees through a range of  
4 diameter or age classes to provide a sustained yield  
5 of forest products. Cutting methods that develop and  
6 maintain selection stands are individual-tree and  
7 group selection. A goal of selection is improvement  
8 of quality by continuously harvesting trees less likely  
9 to contribute to the long-range health of the stand.

10 “(M) The term ‘shelterwood cut’ means an  
11 even-aged silvicultural regeneration method under  
12 which a minority of the mature stand is retained as  
13 a seed source or protection during the regeneration  
14 period. The standing mature trees, usually 10 to 20  
15 per acre, are later removed in one or more cuttings.

16 “(N) The term ‘timber purposes’ shall include  
17 the use, sale, lease, or distribution of trees, or the  
18 felling of trees or portions of trees except to create  
19 land space for a structure or other use.

20 “(4)(A)(i) The purpose of this paragraph is to foster  
21 the widest possible enforcement of subsection (j) and this  
22 subsection.

23 “(ii) Congress finds that all people of the United  
24 States are injured by actions on lands to which subsection  
25 (j) and this subsection apply.

1       “(B) The provisions of subsection (j) and this sub-  
2 section shall be enforced by the Secretary of the Interior  
3 and the Attorney General of the United States against any  
4 person who violates either of them.

5       “(C)(i) Any citizen may enforce any provision of this  
6 subsection by bringing an action for declaratory judgment,  
7 temporary restraining order, injunction, civil penalty, and  
8 other remedies against any alleged violator including the  
9 United States, in any district court of the United States.

10       “(ii) The court, after determining a violation of either  
11 of such subsections, shall impose a penalty of not less than  
12 \$5,000 and not more than \$50,000 per violation, shall  
13 issue one or more injunctions and other equitable relief  
14 and shall award to the plaintiffs reasonable costs of litiga-  
15 tion including attorney’s fees, witness fees and other nec-  
16 essary expenses.

17       “(D) The penalty authorized by subparagraph (C)(ii)  
18 shall be paid by the violator or violators designed by the  
19 court. If that violator is the United States of America or  
20 a Federal agency or officer, the penalty shall be paid to  
21 the Judgment Fund, as provided by Congress under sec-  
22 tion 1304 of title 31, United States Code.

23       “(E) The penalty should be paid from the Judgment  
24 Fund within 40 days after judgment to the person or per-  
25 sons designated to receive it, to be applied in protecting

1 or restoring native biodiversity in or adjoining Federal  
2 land. Any award of costs of litigation and any award of  
3 attorney fees shall be paid within 40 days after judgment.

4 “(F) The United States, including its agents and em-  
5 ployees waives its sovereign immunity in all respects in  
6 all actions under subsection (j) and this subsection. No  
7 notice is required to enforce this subsection.”.

8 **SEC. 6. AMENDMENT OF NATIONAL INDIAN FOREST RE-**  
9 **SOURCES MANAGEMENT ACT RELATING TO**  
10 **INDIAN LANDS.**

11 Section 305 of the National Indian Forest Resources  
12 Management Act (25 U.S.C. 4535) is amended by adding  
13 at the end the following new subsections:

14 “(c) CONSERVATION OF NATIVE BIODIVERSITY.—In  
15 each stand that is managed or operated for timber pur-  
16 poses in each forested area on Indian lands, the Secretary  
17 shall provide for the conservation or restoration of native  
18 biodiversity in each stand that is managed or operated for  
19 timber purposes in each forested area on Indian lands ex-  
20 cept during the extraction stage of authorized mineral de-  
21 velopment or during authorized construction projects in  
22 which events the Secretary shall conserve native  
23 biodiversity to the extent possible.

24 “(d) RESTRICTION ON USE OF CERTAIN LOGGING  
25 PRACTICES.—(1) In each stand that is managed or oper-

1 ated for timber purposes throughout each forested area  
2 on Indian forest lands, the Secretary under subsection (c)  
3 shall prohibit any even-age logging and any even-age man-  
4 agement.

5 “(2) On each site already under even-age manage-  
6 ment, the Secretary shall—

7 “(A) prescribe a shift to selection management,  
8 or

9 “(B) cease managing for timber purposes and  
10 actively restore the native biodiversity, or permit  
11 each site to regain its native biodiversity.

12 “(3) For the purposes of this section:

13 “(A) The term ‘native biodiversity’ means the  
14 full range of variety and variability within and  
15 among living organisms and the ecological complexes  
16 in which they would have occurred in the absence of  
17 significant human impact, and encompasses diver-  
18 sity, within a species (genetic), within a community  
19 of species (within-community), between communities  
20 of species (between-communities), within a total area  
21 such as a watershed (total area), along a plane from  
22 soil to sky (vertical), and along the plane of the  
23 earth-surface (horizontal). Vertical and horizontal  
24 diversity apply to all the other aspects of diversity.

1           “(B) The terms ‘conserve’ and ‘conservation’  
2 refer to protective measures for maintaining existing  
3 native biological diversity and active measures for  
4 restoring diversity through management efforts, in  
5 order to protect, restore, and enhance as much of  
6 the variety of species and communities as possible in  
7 abundances and distributions that provide for their  
8 continued existence and normal functioning, includ-  
9 ing the viability of populations throughout their nat-  
10 ural geographic distributions.

11           “(C) The term ‘within-community diversity’  
12 means the distinctive assemblages of species and ec-  
13 ological processes that occur in different physical  
14 settings of the biosphere and distinct parts of the  
15 world.

16           “(D) The term ‘genetic diversity’ means the dif-  
17 ferences in genetic composition within and among  
18 populations of a given species.

19           “(E) The term ‘species diversity’ means the  
20 richness and variety of native species in a particular  
21 location of the world.

22           “(F) The term ‘group selection’ means a form  
23 of selection management that emphasizes the peri-  
24 odic removal of trees, including mature, undesirable,  
25 and cull trees in small groups, where they occur that

1 way, with a result of (i) creating openings not to ex-  
2 ceed in width in any direction the height of the tall-  
3 est tree standing within 10 feet of the edge of the  
4 group cut, and (ii) maintaining different age groups  
5 in a given stand. In no event will more than 30 per-  
6 cent of a stand be felled within 40 years.

7 “(G) The term ‘stand’ means a forest commu-  
8 nity with enough identity by location, topography, or  
9 dominant species to be managed as a unit, not to ex-  
10 ceed 100 acres.

11 “(H) The term ‘clearcutting’ means the logging  
12 of the commercial trees in a patch or stand in a  
13 short period of time.

14 “(I) The term ‘even-age management’ means  
15 the growing of commercial timber so that all trees  
16 in a patch or stand are generally within 10 years of  
17 the same age. Except for designated leave trees, or  
18 clumps of trees, the patch or stand is logged, com-  
19 pletely in any acre within a period of 30 years, by  
20 clearcutting, salvage logging, seed-tree cutting or  
21 shelterwood cutting, or any system other than selec-  
22 tion management.

23 “(J) The term, ‘salvage logging’ means the fell-  
24 ing or further damaging, within any 30-year period,  
25 of a greater basal area than 30 square feet per acre

1 of dead, damaged, or other trees, or any combination  
2 of such trees.

3 “(K) The term ‘seed-tree cut’ means a logging  
4 operation that leaves one or more seed trees, gen-  
5 erally 6 to 10 per acre.

6 “(L) The term ‘selection management’ means  
7 the application of logging and other actions needed  
8 to maintain continuous high forest cover where such  
9 cover naturally occurs, recurring natural regenera-  
10 tion of all native species on the site, and the orderly  
11 growth and development of trees through a range of  
12 diameter or age classes to provide a sustained yield  
13 of forest products. Cutting methods that develop and  
14 maintain selection stands are individual-tree and  
15 group selection. A goal of selection is improvement  
16 of quality by continuously harvesting trees less likely  
17 to contribute to the long-range health of the stand.

18 “(M) The term ‘shelterwood cut’ means an  
19 even-aged silvicultural regeneration method under  
20 which a minority of the mature stand is retained as  
21 a seed source or protection during the regeneration  
22 period. The standing mature trees, usually 10 to 20  
23 per acre, are later removed in one or more cuttings.

24 “(N) The term ‘timber purposes’ shall include  
25 the use, sale, lease, or distribution of trees, or the

1 felling of trees or portions of trees except to create  
2 land space for a structure or other use.

3 “(4)(A)(i) The purpose of this paragraph is to foster  
4 the widest possible enforcement of subsection (c) and this  
5 subsection.

6 “(ii) Congress finds that all people of the United  
7 States are injured by actions on lands to which subsection  
8 (c) and this subsection apply.

9 “(B) The provisions of subsection (c) and this sub-  
10 section shall be enforced by the Secretary of the Interior  
11 and the Attorney General of the United States against any  
12 person who violates either of them.

13 “(C)(i) Any citizen may enforce any provision of sub-  
14 section (c) and this subsection by bringing an action for  
15 declaratory judgment, temporary restraining order, in-  
16 junction, civil penalty, and other remedies against any al-  
17 leged violator including the United States, in any district  
18 court of the United States.

19 “(ii) The court, after determining a violation of either  
20 of such subsections shall impose a penalty of not less than  
21 \$5,000 and not more than \$50,000 per violation, shall  
22 issue one or more injunctions and other equitable relief  
23 and shall award to the plaintiffs reasonable costs of litiga-  
24 tion including attorney’s fees, witness fees and other nec-  
25 essary expenses.

1       “(D) The penalty authorized by subparagraph (C)(ii)  
2 shall be paid by the violator or violators designated by the  
3 court. If that violator is the United States of America or  
4 a Federal agency or officer, the penalty shall be paid to  
5 the Judgment Fund, as provided by Congress under sec-  
6 tion 1304 of title 31, United States Code.

7       “(E) The penalty should be paid from the Judgment  
8 Fund within 40 days after judgment to the person or per-  
9 sons designated to receive it, to be applied in protecting  
10 or restoring native biodiversity in or adjoining Federal  
11 land. Any award of costs of litigation and any award of  
12 attorney fees shall be paid within 40 days after judgment.

13       “(F) The United States, including its agents and em-  
14 ployees waives its sovereign immunity in all respects in  
15 all actions under subsection (c) and this subsection. No  
16 notice is required to enforce this subsection.”.

17 **SEC. 7. AMENDMENT OF TITLE 10, UNITED STATES CODE,**  
18 **RELATING TO FOREST MANAGEMENT ON**  
19 **MILITARY LANDS.**

20       (a) IN GENERAL.—Chapter 159 of title 10, United  
21 States Code, is amended by adding at the end the follow-  
22 ing new section:

23 **“§ 2693. Conservation of native biodiversity**

24       “(a) CONSERVATION OF NATIVE BIODIVERSITY.—In  
25 each stand that is operated for timber purposes through-

1 out each forested area on a military installation or projects  
2 administered by the Army Corps of Engineers, the Sec-  
3 retary concerned shall provide for the conservation or res-  
4 toration of native biodiversity, except during authorized  
5 construction projects in which events the Secretary shall  
6 conserve native biodiversity to the extent possible.

7 “(b) RESTRICTION ON USE OF CERTAIN LOGGING  
8 PRACTICES.—(1) In each stand that is managed or oper-  
9 ated for timber purposes throughout each forested area  
10 on a military installation or reservation and on a project  
11 administered by the Army Corps of Engineers, the Sec-  
12 retary under subsection (a) shall prohibit any even-age  
13 logging and any even-age management.

14 “(2) On each site already under even-age manage-  
15 ment, the Secretary shall

16 “(A) prescribe a shift to selection management,  
17 or

18 “(B) cease managing for timber purposes and  
19 actively restore the native biodiversity, or permit  
20 each site to regain its native biodiversity.

21 “(3) In this section:

22 “(A) The term ‘native biodiversity’ means the  
23 full range of variety and variability within and  
24 among living organisms and the ecological complexes  
25 in which they would have occurred in the absence of

1 significant human impact, and encompasses diver-  
2 sity, within a species (genetic), within a community  
3 of species (within-community), between communities  
4 of species (between-communities), within a total area  
5 such as a watershed (total area), along a plane from  
6 soil to sky (vertical), and along the plane of the  
7 earth-surface (horizontal). Vertical and horizontal  
8 diversity apply to all the other aspects of diversity.

9 “(B) The terms ‘conserve’ and ‘conservation’  
10 refer to protective measures for maintaining existing  
11 native biological diversity and active measures for  
12 restoring diversity through management efforts, in  
13 order to protect, restore, and enhance as much of  
14 the variety of species and communities as possible in  
15 abundances and distributions that provide for their  
16 continued existence and normal functioning, includ-  
17 ing the viability of populations throughout their nat-  
18 ural geographic distributions.

19 “(C) The term ‘within-community diversity’  
20 means the distinctive assemblages of species and ec-  
21 ological processes that occur in different physical  
22 settings of the biosphere and distinct parts of the  
23 world.

1           “(D) The term ‘genetic diversity’ means the dif-  
2           ferences in genetic composition within and among  
3           populations of a given species.

4           “(E) The term ‘species diversity’ means the  
5           richness and variety of native species in a particular  
6           location of the world.

7           “(F) The term ‘group selection’ means a form  
8           of selection management that emphasizes the peri-  
9           odic removal of trees, including mature, undesirable,  
10          and cull trees in small groups, where they occur that  
11          way, with a result of (i) creating openings not to ex-  
12          ceed in width in any direction the height of the tall-  
13          est tree standing within 10 feet of the edge of the  
14          group cut, and (ii) maintaining different age groups  
15          in a given stand. In no event will more than 30 per-  
16          cent of a stand be felled within 40 years.

17          “(G) The term ‘stand’ means a forest commu-  
18          nity with enough identity by location, topography, or  
19          dominant species to be managed as a unit, not to ex-  
20          ceed 100 acres.

21          “(H) The term ‘clearcutting’ means the logging  
22          of the commercial trees in a patch or stand in a  
23          short period of time.

24          “(I) The term ‘even-age management’ means  
25          the growing of commercial timber so that all trees

1 in a patch or stand are generally within 10 years of  
2 the same age. Except for designated leave trees, or  
3 clumps of trees, the patch or stand is logged com-  
4 pletely in any acre within a period of 30 years, by  
5 clearcutting, salvage logging, seed-tree cutting or  
6 shelterwood cutting, or any system other than selec-  
7 tion management.

8 “(J) The term, ‘salvage logging’ means the fell-  
9 ing or further damaging, within any 30-year period,  
10 of a greater basal area than 30 square feet per acre  
11 of dead, damaged, or other trees, or any combination  
12 of such trees.

13 “(K) The term ‘seed-tree cut’ means a logging  
14 operation that leaves one or more seed trees, gen-  
15 erally 6 to 10 per acre.

16 “(L) The term ‘selection management’ means  
17 the application of logging and other actions needed  
18 to maintain continuous high forest cover where such  
19 cover naturally occurs, recurring natural regenera-  
20 tion of all native species on the site, and the orderly  
21 growth and development of trees through a range of  
22 diameter or age classes to provide a sustained yield  
23 of forest products. Cutting methods that develop and  
24 maintain selection stands are individual-tree and  
25 group selection. A goal of selection is improvement

1 of quality by continuously harvesting trees less likely  
2 to contribute to the long-range health of the stand.

3 “(M) The term ‘shelterwood cut’ means an  
4 even-aged silvicultural regeneration method under  
5 which a minority of the mature stand is retained as  
6 a seed source or protection during the regeneration  
7 period. The standing mature trees, usually 10 to 20  
8 per acre, are later removed in one or more cuttings.

9 “(N) The term ‘timber purposes’ shall include  
10 the use, sale, lease, or distribution of trees, or the  
11 felling of trees or portions of trees except to create  
12 land space for a structure or other use.

13 “(4)(A)(i) The purpose of this paragraph is to foster  
14 the widest possible enforcement of this section.

15 “(ii) Congress finds that all people of the United  
16 States are injured by actions on lands to which this section  
17 applies.

18 “(B) The provisions of this section shall be enforced  
19 by the Secretary of Defense and the Attorney General of  
20 the United States against any person who violates this  
21 section.

22 “(C)(i) Any citizen may enforce any provision of this  
23 section by bringing an action for declaratory judgment,  
24 temporary restraining order, injunction, civil penalty, and

1 other remedies against any alleged violator including the  
2 United States, in any district court of the United States.

3 “(ii) The court, after determining a violation of this  
4 section, shall impose a penalty of not less than \$5,000 and  
5 not more than \$50,000 per violation, shall issue one or  
6 more injunctions and other equitable relief and shall  
7 award to the plaintiffs reasonable costs of litigation in-  
8 cluding attorney’s fees, witness fees and other necessary  
9 expenses.

10 “(D) The penalty authorized by subparagraph (C)(ii)  
11 shall be paid by the violator or violators designated by the  
12 court. If that violator is the United States of America or  
13 a Federal agency or officer, the penalty shall be paid to  
14 the Judgment Fund, as provided by Congress under sec-  
15 tion 1304 of title 31, United States Code.

16 “(E) The penalty should be paid from the Judgment  
17 Fund within 40 days after judgment to the person or per-  
18 sons designated to receive it, to be applied in protecting  
19 or restoring native biodiversity in or adjoining Federal  
20 land. Any award of costs of litigation and any award of  
21 attorney fees shall be paid within 40 days after judgment.

22 “(F) The United States, including its agents and em-  
23 ployees waives its sovereign immunity in all respects in  
24 all actions under this section. No notice is required to en-  
25 force this section.”.

1 (b) CONFORMING AMENDMENT.—The table of sec-  
2 tions for chapter 159 of title 10, United States Code, is  
3 amended by adding at the end the following new item:

“2693. Conservation of native biodiversity.”.

4 **SEC. 8. DESIGNATION OF SPECIAL AREAS.**

5 (a) DEFINITIONS.—For the purposes of this sec-  
6 tion—

7 (1) the term “extractive logging” means the re-  
8 moval of any logs from a Federal forest for any pur-  
9 pose other than the removal of small quantities of  
10 logs for firewood by local individual citizens for their  
11 own personal, non-commercial use; and

12 (2) The term “special area” means a certain  
13 area of public land designated in this section that is  
14 to be managed according to the instructions of this  
15 section.

16 (b) FINDINGS.—Congress finds the following:

17 (1) Less than 10 percent of the native and old-  
18 growth forests of the United States remain uncut.  
19 The vast majority of these forests are located on  
20 Federal forests. Of these lands, only a small fraction  
21 constitute large, unfragmented forests, unique and  
22 valuable assets to the general public which would be  
23 diminished by extractive logging.

24 (2) The exceptional recreational, biological, sci-  
25 entific, or economic assets of certain special forested

1 areas on Federal lands are valuable to the American  
2 public and would be diminished by extractive logging  
3 in these areas.

4 (3) In order to gauge the effectiveness and ap-  
5 propriateness of current and future resource man-  
6 agement activities, and to continue to broaden and  
7 develop our understanding of silvicultural practices,  
8 many special forested areas need to remain in a nat-  
9 ural, unmanaged state to serve as scientifically es-  
10 tablished baseline control forests.

11 (4) Certain special forested areas provide habi-  
12 tat for the survival and recovery of endangered and  
13 threatened plant and wildlife species such as grizzly  
14 bears, spotted owls, and Pacific salmon, and Pacific  
15 yew that are intolerant to extractive logging.

16 (5) The most recent scientific studies indicate  
17 that several thousand species of plants and animals  
18 may be dependent on large, unfragmented forest  
19 areas.

20 (6) As of the date of enactment of this Act,  
21 many neotropical migratory songbird species are  
22 currently experiencing documented broad scale popu-  
23 lation declines and require large, unfragmented for-  
24 ests to insure their survival.

1           (7) In many areas, extractive logging activities  
2           are done at significant financial loss to the Treasury  
3           of the United States and the taxpayers of the United  
4           States.

5           (8) Helicopter logging is an especially expensive  
6           logging method that can cause great and irreparable  
7           ecological harm to natural forests.

8           (9) Large, unfragmented forest watersheds pro-  
9           vide high quality drinking water supplies for citizens  
10          across the United States.

11          (10) Destruction of large scale natural forests  
12          has resulted in a tremendous loss of jobs in the fish-  
13          ing, tourism, and guiding industries and has ad-  
14          versely affected sustainable forest products indus-  
15          tries such as the collecting of mushrooms and herbal  
16          remedies.

17          (11) Many forested areas on Federal lands are  
18          considered sacred sites by native peoples.

19          (c) RESTRICTION ON EXTRACTIVE LOGGING IN SPE-  
20          CIAL AREAS.—

21               (1) Extractive logging is prohibited in the spe-  
22               cial areas described in paragraph (2).

23               (2) The special areas described in this para-  
24               graph are as follows:

1           (A) Certain lands in the Bankhead Na-  
2           tional Forest in Alabama, which comprise ap-  
3           proximately 20,000 acres, located directly west  
4           of Highway 33 and directly north of County  
5           Road 60, including all of the Sipsev River Wa-  
6           tershed north of Cranal Road.

7           (B) Certain lands in the Tongass National  
8           Forest in Alaska, which comprise approximately  
9           75,000 acres, located on north central Prince of  
10          Wales Island, comprising the Thorne River and  
11          Hatchery Creek watersheds, stretching approxi-  
12          mately 40 miles northwest from the vicinity of  
13          the town of Thorne Bay to the vicinity of the  
14          town of Coffman Cove, generally known as the  
15          “Honker Divide”.

16          (C) Certain lands in the Kaibab National  
17          Forest in Arizona, included in the Grand Can-  
18          yon Game Preserve, which comprise approxi-  
19          mately 500,000 acres, abutting the northern  
20          side of the Grand Canyon in the area generally  
21          known as the “North Rim of the Grand Can-  
22          yon”.

23          (D) Certain lands in the Chatahoochee Na-  
24          tional Forest in Georgia, which comprise ap-  
25          proximately 10,000 acres, located approximately

1           20 miles northwest of the city of Rome, in the  
2           area generally known as the “Armuchee Clus-  
3           ter”, including Hurricane Mountain, Keown  
4           Falls and Hidden Creek.

5           (E) Certain lands in the Chatahoochee Na-  
6           tional Forest in Georgia, which comprise ap-  
7           proximately 5,000 acres, located approximately  
8           9 miles east of the town of Clayton, in the area  
9           generally known as the “Rabun Bald Area”.

10          (F) Certain lands in the Nez Perce Na-  
11          tional Forest in Idaho, which comprise approxi-  
12          mately 180,000 acres, located approximately 8  
13          miles east of the town of Elk City in the area  
14          generally known as “Meadow Creek”.

15          (G) Certain lands in the Nez Perce Na-  
16          tional Forest in Idaho, which comprise approxi-  
17          mately 94,000 acres, located approximately 30  
18          miles southwest of the town of Elk City, west  
19          of the town of Dixie, in the area generally  
20          known as “Cove/Mallard”.

21          (H) Certain lands in the Payette National  
22          Forest in Idaho, which comprise approximately  
23          141,000 acres, located approximately 20 miles  
24          north of the town of McCall in the area gen-  
25          erally known as “French Creek/Patrick Butte”.

1 (I) Certain lands in the Shawnee National  
2 Forest in Illinois, which comprise—

3 (i) approximately 50,000 acres located  
4 in northern Pope County, surrounding Bell  
5 Smith Springs Natural Area, in the area  
6 generally known as “Opportunity Area 6”;

7 (ii) approximately 490 acres located in  
8 northern Pope County, in the Quarrel  
9 Creek watershed, in the area generally  
10 known as “Quarrel Creek”; and

11 (iii) approximately 39 acres in Jack-  
12 son County in the Big Muddy River water-  
13 shed, in the area generally known as  
14 “Cripps Bend”.

15 (J) Certain lands in the Lolo National  
16 Forest in Montana, which comprise approxi-  
17 mately 41,000 acres, located approximately 5  
18 miles southwest of the town of Thompson Falls  
19 in the area generally known as “Mount  
20 Bushnell”.

21 (K) Certain lands in the Pisgah National  
22 Forest in North Carolina, which comprise ap-  
23 proximately 14,000 acres, located approximately  
24 15 miles west of Mount Mitchell in the area  
25 generally known as the “Big Ivy Tract”.

1 (L) Certain lands in the Siskyou National  
2 Forest and Rogue River National Forest in Or-  
3 egon, which comprise approximately 20,000  
4 acres, located approximately 20 miles southwest  
5 of Grants Pass 10 miles south of Williams in  
6 the area generally known as the “Kangaroo  
7 Roadless Area”.

8 (M) Certain lands in the Siskyou National  
9 Forest and in Oregon, which comprise approxi-  
10 mately 88,000 acres, located in Josephine  
11 County lies in the Coast Range about 30 miles  
12 due west of Grants Pass in the area generally  
13 known as the “North Kalmiopsis Roadless  
14 Area”.

15 (N) Certain lands in the Green Mountain  
16 National Forest in Vermont, which comprise  
17 approximately 5,500 acres, located 3 miles  
18 southwest of Wilmington, bounded on the west  
19 and south by Routes 8 and 100, on the north  
20 by Route 9, and on the east by New England  
21 Power Company lands, generally known as  
22 “Lamb Brook”.

23 (O) Certain lands in the Green Mountain  
24 National Forest in Vermont, which comprise  
25 approximately 35,000 acres, located 3 miles

1 northeast of Bennington, bounded by Kelly  
 2 Stand Road to the north, Forest Road 71 to  
 3 the east, Route 9 to the south and Route 7 to  
 4 the west, generally known as the “Glastenbury  
 5 Area”.

6 (P) Certain lands in the Tahoe National  
 7 Forest in California, which comprise approxi-  
 8 mately 50,000 acres, located 50 miles northeast  
 9 of Sacramento, generally known as the “North  
 10 Fork American River Roadless Area”.

11 **SEC. 9. EFFECTIVE DATE.**

12 The amendments made by this Act shall not apply  
 13 with respect to any contract to sell timber which was  
 14 awarded on or before the date of enactment of this Act.

○

S 2543 IS—2

S 2543 IS—3

S 2543 IS—4