

Public Law 98-578
98th Congress

An Act

Oct. 30, 1984
[H.R. 4263]

To designate certain lands in the Cherokee National Forest, Tennessee, as wilderness areas, and to allow management of certain lands for uses other than wilderness.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Tennessee Wilderness Act of 1984".

Tennessee
Wilderness Act
of 1984.
National
Wilderness
Preservation
System.
National Forest
System.

DESIGNATION OF WILDERNESS AREAS

SEC. 2. In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

16 USC 1132
note.

(1) certain lands in the Cherokee National Forest, Tennessee, which comprise approximately five thousand and fifty-five acres, as generally depicted on a map entitled "Big Frog Wilderness—Proposed", dated April 1984, and which shall be known as the Big Frog Wilderness;

16 USC 1132
note.

(2) certain lands in the Cherokee National Forest, Tennessee, which comprise approximately sixteen thousand acres, as generally depicted on a map entitled "Citico Creek Wilderness—Proposed", dated April 1984, and which shall be known as the Citico Creek Wilderness; and

16 USC 1132
note.

(3) certain lands in the Cherokee National Forest, Tennessee, which comprise approximately three thousand eight hundred and eighty-seven acres, as generally depicted on a map entitled "Bald River Gorge Wilderness—Proposed", dated April 1984, and which shall be known as the Bald River Gorge Wilderness.

MAPS AND DESCRIPTIONS

SEC. 3. As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and with the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such map and description may be made by the Secretary. Each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

Public
availability.

ADMINISTRATION OF WILDERNESS

SEC. 4. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that

16 USC 1131
note.

any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

16 USC 1131
note.

EFFECT OF RARE II

SEC. 5. (a) The Congress finds that—

Conservation.

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in Monroe and Polk Counties, Tennessee, and of the environmental impacts associated with alternative allocations of such areas.

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

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands other than in Monroe and Polk Counties, Tennessee, such statement shall not be subject to judicial review with respect to National Forest System lands in Monroe and Polk Counties, Tennessee;

(2) with respect to the National Forest System lands in Monroe and Polk Counties, Tennessee, which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), except those lands designated for wilderness study upon enactment of this Act, that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

16 USC 1600
note.

(3) areas in Monroe and Polk Counties, Tennessee, reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness or for wilderness study upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans; and

16 USC 1604.

(4) in the event that revised land management plans in Monroe and Polk Counties, Tennessee, are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be man-

aged for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law.

16 USC 1600 note.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

16 USC 1604.

(d) The provisions of this section shall also apply to National Forest System roadless lands in Monroe and Polk Counties, Tennessee, which are less than five thousand acres in size.

DESIGNATION OF WILDERNESS STUDY AREAS

16 USC 1131 note.

SEC. 6. (a) In furtherance of the purposes of the Wilderness Act, the following lands shall be reviewed by the Secretary of Agriculture as to their suitability for preservation as wilderness during preparation of the initial land management plan for the Cherokee National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended:

(1) certain lands in the Cherokee National Forest, which comprise approximately four thousand eight hundred acres, as generally depicted on a map entitled "Little Frog Wilderness Study Area—Proposed," dated April 1984, and which shall be known as the Little Frog Wilderness Study Area; and

(2) certain lands in the Cherokee National Forest which comprise approximately three thousand acres, as generally depicted on a map entitled "Big Frog Study Area," dated April 1984.

(b) Subject to valid existing rights, the Little Frog Wilderness Study Area designated by this section shall, until Congress determines otherwise, be administered by the Secretary so as to maintain its presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

Approved October 30, 1984.

LEGISLATIVE HISTORY—H.R. 4263:

HOUSE REPORT No. 98-714, Pt. I (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-615 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Apr. 30, May 1, considered and passed House.
Oct. 2, considered and passed Senate, amended.
Oct. 4, House concurred in Senate amendments.