

Public Law 100-547
100th Congress

An Act

Oct. 28, 1988
[H.R. 5395]

To designate the Sipsey River as a component of the National Wild and Scenic Rivers System, to designate certain areas as additions to the Sipsey Wilderness, to designate certain areas as conditions to the Cheaha Wilderness, and to preserve over thirty thousand acres of pristine natural treasures in the Bankhead National Forest for the aesthetic and recreational benefit of future generations of Alabamians, and for other purposes.

Sipsey Wild and
Scenic River and
Alabama
Addition Act of
1988.
Public lands.

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 "Sipsey Wild and Scenic River and Alabama Addition Act of 1988".

TITLE I—WILD AND SCENIC RIVER DESIGNATION

SEC. 101. DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (82 Stat. 906, as amended; 16 U.S.C. 1274(a)) is amended by adding the following new paragraph:

"() (A) SIPSEY FORK OF THE WEST FORK, ALABAMA.—Segments of the Sipsey Fork and several tributaries; to be administered by the Secretary of Agriculture in the classifications indicated, as follows:

"(1) Sipsey Fork from the confluence of Sandy Creek upstream to Forest Highway 26, as a scenic river; and

"(2) Sipsey Fork from Forest Highway 26 upstream to its origin at the confluence of Thompson Creek and Hubbard Creek, as a wild river; and

"(3) Hubbard Creek from its confluence with Thompson Creek upstream to Forest Road 210, as a wild river; and

"(4) Thompson Creek from its confluence with Hubbard Creek upstream to its origin in section 4, township 8 south, range 9 west, as a wild river; and

"(5) Tedford Creek from its confluence with Thompson Creek upstream to section 17, township 8 south, range 9 west, as a wild river; and

"(6) Mattox Creek from its confluence with Thompson Creek upstream to section 36 of township 7 south, range 9 west, as a wild river; and

"(7) Borden Creek from its confluence with the Sipsey Fork upstream to Forest Road 208, as a wild river; and

"(8) Borden Creek from Forest Road 208 upstream to its confluence with Montgomery Creek, as a scenic river; and

"(9) Montgomery Creek from its confluence with Borden Creek upstream to the southwest quarter of the southwest quarter of section 36, township 7 south, range 8 west, as a scenic river; and

"(10) Flannigan Creek from its confluence with Borden Creek upstream to Forest Road 208, as a wild river; and

"(11) Flannigan Creek from Forest Road 208 upstream to section 4, township 8 south, range 8 west, as a scenic river; and

“(12) Braziel Creek from its confluence with Borden Creek upstream to section 12, township 8 south, range 9 west, as a wild river; and

“(13) Hogood Creek from its confluence with Braziel Creek upstream to the confluence with an unnamed tributary in section 7, township 8 south, range 8 west, as a wild river.

“(B) A map entitled ‘Sipsey Fork of the West Fork Wild and Scenic River’, generally depicting the Sipsey Fork and the tributaries, shall be on file and remain available for public inspections in the office of the Chief of the Forest Service, Department of Agriculture.”.

SEC. 102. STUDY.

The Secretary of Agriculture shall conduct a study to determine the feasibility of constructing a dam to establish a substantial lake, suitable for all types of recreational uses, to be located in the northeast portion of the Bankhead National Forest.

SEC. 103. LEWIS SMITH LAKE.

The Secretary is authorized and directed to monitor the waters flowing towards and into Lewis Smith Lake to take actions, including preventative maintenance, necessary to prevent any national forest management activities from causing injurious water quality.

Pollution.

TITLE II—WILDERNESS DESIGNATION

SEC. 201. DESIGNATION AND ADMINISTRATION.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 890), the following National Forest System lands in the State of Alabama, comprising approximately thirteen thousand nine hundred and seventy acres, as generally depicted on maps appropriately referenced and on file in the Office of the Chief of the Forest Service, Department of Agriculture, are hereby designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

16 USC 1132
note.

(1) certain lands in the William B. Bankhead National Forest which comprise approximately thirteen thousand two hundred and sixty acres as generally depicted on a map entitled “Sipsey Wilderness Additions—Proposed”, dated September 1988, and which are hereby incorporated in and shall be deemed to be part of the Sipsey Wilderness;

(2) certain lands in the Talladega National Forest which comprise approximately seven hundred ten acres as generally depicted on a map entitled “Cheaha Wilderness Additions—Proposed”, dated June 1988, and which are hereby incorporated in and shall be deemed to be a part of the Cheaha Wilderness.

(b) ADMINISTRATION.—Subject to valid existing rights, wilderness designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964: *Provided*, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(c) FIRE, INSECT, AND DISEASE CONTROL.—Consistent with section 4(d)(1) of the Wilderness Act of 1964 (Public Law 93-622), and the United States Forest Service policy, the Secretary of Agriculture may take such measures as may be necessary in the control of fire, insects (including the Southern Pine Beetle), and diseases within the

Sipsey Wilderness, and Sipsey Wilderness additions, including any areas within the designated boundaries of the Wild and Scenic Rivers, subject to conditions as the Secretary deems desirable: *Provided*, That such measures in the Secretary's judgment are deemed necessary to protect threatened resources on Federal, State or private adjacent lands. Within five years from the date of enactment of this Act, or sooner for good cause in the judgment of the Secretary, the Secretary shall evaluate the dangers and potential dangers created by the Southern Pine Beetle and other insects in the Bankhead National Forest and adjacent State and private lands. If his evaluation of such dangers and potential dangers justifies a review of present United States Forest Service policy regarding such insects, then he shall review such policy for the Sipsey Wilderness additions, including any areas within designated boundaries of Wild and Scenic Rivers, and adjacent Federal lands relative to the control of such insects. Thereafter, he shall monitor the dangers and potential dangers of such insects and such policy, closely.

(d) **HIKING AND HORSE TRAILS.**—The Secretary of Agriculture, at his discretion, shall convert existing roads within the Sipsey Wilderness Addition into suitable hiking or horse trails.

SEC. 202. FINDINGS AND DETERMINATIONS.

(a) **FINDINGS.**—The Congress finds that—

(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 Alabama and of the environmental impacts associated with alternative allocations of such areas.

(b) **DETERMINATIONS.**—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 in States other than Alabama, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Alabama; and

(2) with respect to the National Forest System lands in the State of Alabama 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), 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 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 revision of the plan, but shall review the wilderness option when the plans are revised, which revision will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary finds that conditions in a unit have significantly changed;

(3) areas in the State of Alabama reviewed in such final environmental statement, or referenced in subsection (d), and not designated wilderness 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;

(4) in the event that revised land management plans in the State of Alabama 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 managed 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; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Alabama for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) **LIMITATION.**—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.

(d) **APPLICABILITY OF SECTION 202.**—The provisions of this section shall also apply to National Forest System roadless lands in the State of Alabama which are less than five thousand acres in size.

SEC. 203. MAPS AND LEGAL DESCRIPTIONS.

As soon as practicable after enactment of this Act, the maps and legal descriptions of the Sipsey Wilderness and the Cheaha Wilderness, as modified by section 201(a), shall be filed with the Committees on Agriculture and Interior and Insular Affairs of the House of Representatives and the Committees on Energy and National Resources and Agriculture, Nutrition, and Forestry of the Senate, and such maps and legal descriptions shall have the same force and effect as if included in this Act: *Provided, however*, That corrections of clerical and typographical errors in such legal descriptions and maps may be made.

Approved October 28, 1988.

LEGISLATIVE HISTORY—H.R. 5395 (S. 2838):

HOUSE REPORTS: No. 100-1057, Pt. 1 (Comm. on Interior and Insular Affairs) and Pt. 2 (Comm. on Agriculture).

SENATE REPORTS: No. 100-578 accompanying S. 2838 (Comm. on Agriculture, Nutrition, and Forestry).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Oct. 5, S. 2838 considered and passed Senate.

Oct. 6, H.R. 5395 considered and passed House.

Oct. 11, considered and passed Senate.