

Public Law 98-323
98th Congress

An Act

To establish wilderness areas in New Hampshire, and for other purposes.

June 19, 1984
[H.R. 3921]

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 "New Hampshire Wilderness Act of 1984".

New Hampshire
Wilderness Act
of 1984.
National
Wilderness
Preservation
System.
National Forest
System.

TITLE I—NEW WILDERNESS AREAS

DESIGNATION OF WILDERNESS AREAS

SEC. 101. 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:

(1) certain lands in the White Mountain National Forest, New Hampshire, which comprise approximately forty-five thousand acres, as generally depicted on a map entitled "Pemigewasset Wilderness—Proposed", dated July 1983, and which shall be known as the Pemigewasset Wilderness Area;

16 USC 1132
note.

(2) certain lands in the White Mountain National Forest, New Hampshire, which comprise approximately twenty-five thousand acres, as generally depicted on a map entitled "Sandwich Range Wilderness—Proposed", dated July 1983, and which shall be known as the Sandwich Range Wilderness; and

16 USC 1132
note.

(3) certain lands in the White Mountain National Forest, New Hampshire, which comprise approximately seven thousand acres, as generally depicted on a map entitled "Presidential Range-Dry River Wilderness Additions—Proposed", dated July 1983, and which are hereby incorporated in and shall be deemed to be a part of the Presidential Range-Dry River Wilderness as designated by Public Law 93-622.

16 USC 1132
note.

MAPS AND DESCRIPTIONS

SEC. 102. 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

16 USC 1131
note.

SEC. 103. 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 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.

EFFECT OF RARE II

Conservation.

SEC. 104. (a) 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 the State of New Hampshire and of the environmental impacts associated with alternative allocations of such areas.

Congress.

(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 in States other than New Hampshire, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of New Hampshire;

(2) with respect to the National Forest System lands in the State of New Hampshire 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 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.
16 USC 1600
note.

(3) areas in the State of New Hampshire 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; and

16 USC 1604.

(4) in the event that revised land management plans in the State of New Hampshire are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management

16 USC 1604.

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.

16 USC 1600
note.16 USC 1600
note.

16 USC 1604.

(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.

(d) The provisions of this section shall also apply to—

(1) those National Forest System roadless lands in the State of New Hampshire which were evaluated in the Kancamagus, Waterville Valley, and Presidential unit plans; and

(2) National Forest System roadless lands in the State of New Hampshire which are less than five thousand acres in size.

(e) The Kilkenny Unit Plan Area, as depicted on a map entitled "Kilkenny Unit Plan Area", dated October 1983, shall be considered for all uses, including wilderness, during preparation of a forest plan for the White Mountain National Forest 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.

16 USC 1604.

(f) The provisions of this section shall not apply to any lands in the White Mountain National Forest located within the State of Maine.

TITLE II—WILD AND SCENIC RIVER STUDY

WILDCAT BROOK WILD AND SCENIC RIVER STUDY

SEC. 201. Section 5(a) of the Wild and Scenic Rivers Act (Public Law 90-542; 82 Stat. 906, as amended) is further amended by adding at the end thereof the following new paragraph:

16 USC 1276.

"(89) Wildcat Brook, New Hampshire: The segment from its headwaters including the principal tributaries to its confluence with the Ellis River. The study authorized in this paragraph shall be completed no later than six years from the date of enactment of this paragraph and an interim report shall be prepared and submitted to the Congress no later than three years from the date of enactment of this paragraph."

Report.

TITLE III—NATIONAL FOREST BOUNDARY EXPANSION

PURCHASE OF PILOT RANGE TRACTS

SEC. 301. In order to develop and preserve recreational opportunities, maintain long-term public access, and provide the watershed protection and controlled timber harvesting associated with National Forest System ownership, the Secretary of Agriculture is authorized to purchase, under the provisions of the Weeks Act of March 1, 1911 (16 U.S.C. 480 et seq.), certain lands contiguous to the White Mountain National Forest, New Hampshire, comprising approximately four thousand acres, as generally depicted on the map entitled "Pilot Range Tracts", dated 1984. The maps and legal description of the boundary of such lands shall be on file and

16 USC 552 note.

Public
availability.

available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture, and appropriate field offices of the Forest Service.

ADDITION TO THE WHITE MOUNTAIN NATIONAL FOREST

SEC. 302. All lands purchased pursuant to section 301 of this title are hereby added to the White Mountain National Forest, and shall be administered in accordance with the laws, rules, and regulations applicable with respect to lands in the National Forest System.

LAND AND WATER CONSERVATION FUND

SEC. 303. For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundary of the White Mountain National Forest, as modified by this title, shall be treated as if it were the boundary of that forest as of January 1, 1965.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 304. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this title.

Approved June 19, 1984.

LEGISLATIVE HISTORY—H.R. 3921:

HOUSE REPORT No. 98-545, Pt. 1 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-414 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD:

Vol. 129 (1983): Nov. 15, considered and passed House.

Vol. 130 (1984): May 24, considered and passed Senate, amended.

June 6, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 25 (1984):
June 19, Presidential statement.