Public Law 98-328
98th Congress

# An Act

June 26, 1984
[H.R. 1149]

To designate certain national forest system and other lands in the State of Oregon for inclusion in the National Wilderness Preservation System, and for other purposes.

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

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

SEC. 2. (a) The Congress finds that—

(1) many areas of undeveloped National Forest System land in the State of Oregon possess outstanding natural characteristics which give them high value as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) the Department of Agriculture's second roadless area review and evaluation (RARE II) of National Forest System lands in the State of Oregon and the related congressional review of such lands have identified areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the National Forest System's share of a quality National Wilderness Preservation System; and

(3) the Department of Agriculture's second roadless area review and evaluation of National Forest System lands in the State of Oregon and the related congressional review of such lands have also identified areas which do not possess outstanding wilderness attributes or which possess outstanding energy, mineral, timber, grazing, dispersed recreation and other values and which should not now be designated as components of the National Wilderness Preservation System but should be available for nonwilderness multiple uses under the land management planning process and other applicable laws.

(b) The purposes of this Act are to—

(1) designate certain National Forest System lands and certain public lands in the State of Oregon as components of the National Wilderness Preservation System, in order to promote, perpetuate, and preserve the wilderness character of the lands, protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people, to a greater extent than is possible in the absence of wilderness designation; and

(2) insure that certain other National Forest System lands in the State of Oregon be available for nonwilderness multiple use.

16 USC 1131 note.

SEC. 3. In furtherance of the purpose of the Wilderness Act the following lands in the State of Oregon comprising approximately eight hundred fifty-nine thousand six hundred acres and as generally depicted on maps appropriately referenced, dated May 1984; are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Mount Hood National Forest, which comprise approximately thirty-nine thousand acres, are generally depicted on a map entitled "Columbia Wilderness—Proposed", and which shall be known as the Columbia Wilderness; 16 USC 1132 note.

(2) certain lands in the Mount Hood National Forest, which comprise approximately forty-four thousand six hundred acres, are generally depicted on a map entitled "Salmon-Huckleberry Wilderness—Proposed", and which shall be known as the Salmon-Huckleberry Wilderness; 16 USC 1132 note.

(3) certain lands in the Mount Hood National Forest, which comprise approximately twenty-four thousand acres, are generally depicted on a map entitled "Badger Creek Wilderness—Proposed", and which shall be known as the Badger Creek Wilderness; 16 USC 1132 note.

(4) certain lands in the Mount Hood National Forest and the Willamette National Forest, which comprise approximately thirty-four thousand nine hundred acres, are generally depicted on a map entitled "Bull of the Woods Wilderness—Proposed", and which shall be known as the Bull of the Woods Wilderness; 16 USC 1132 note.

(5) certain lands in the Siuslaw National Forest, which comprise approximately five thousand eight hundred acres, are generally depicted on a map entitled "Drift Creek Wilderness—Proposed", and which shall be known as the Drift Creek Wilderness; 16 USC 1132 note.

(6) certain lands in the Siuslaw National Forest, which comprise approximately seven thousand four hundred acres, are generally depicted on a map entitled "Rock Creek Wilderness—Proposed", and which shall be known as the Rock Creek Wilderness; 16 USC 1132 note.

(7) certain lands in the Siuslaw National Forest, which comprise approximately nine thousand three hundred acres, are generally depicted on a map entitled "Cummins Creek Wilderness—Proposed", and which shall be known as the Cummins Creek Wilderness; 16 USC 1132 note.

(8) certain lands in the Umpqua National Forest, which comprise approximately nineteen thousand one hundred acres, are generally depicted on a map entitled "Boulder Creek Wilderness—Proposed", and which shall be known as the Boulder Creek Wilderness; 16 USC 1132 note.

(9) certain lands in the Umpqua and Rogue River National Forests, which comprise approximately thirty-three thousand two hundred acres, are generally depicted on a map entitled "Rogue-Umpqua Divide Wilderness—Proposed", and which shall be known as the Rogue-Umpqua Divide Wilderness; 16 USC 1132 note.

(10) certain lands in the Willamette National Forest, which comprise approximately thirty-nine thousand two hundred acres, are generally depicted on a map entitled "Waldo Lake Wilderness—Proposed", and which shall be known as the Waldo Lake Wilderness; 16 USC 1132 note.

(11) certain lands in the Willamette National Forest, which comprise approximately four thousand eight hundred acres, are generally depicted on a map entitled "Menagerie Wilderness—Proposed", and which shall be known as the Menagerie Wilderness; 16 USC 1132 note.

(12) certain lands in the Willamette National Forest, which comprise approximately seven thousand five hundred acres, are generally depicted on a map entitled "Middle Santiam Wilder- 16 USC 1132 note.

ness—Proposed", and which shall be known as the Middle Santiam Wilderness;

16 USC 1132 note.

(13) certain lands in the Siskiyou National Forest which comprise approximately seventeen thousand two hundred acres, are generally depicted on a map entitled "Grassy Knob Wilderness—Proposed", and which shall be known as the Grassy Knob Wilderness;

16 USC 1132 note.

(14) certain lands in the Siskiyou National Forest, which comprise approximately three thousand four hundred acres, are generally depicted on a map entitled "Red Buttes Wilderness—Proposed", and which shall be known as the Red Buttes Wilderness;

16 USC 1132 note.

(15) certain lands in the Rogue River and Winema National Forests, which comprise approximately one hundred sixteen thousand three hundred acres, are generally depicted on a map entitled "Sky Lake Wilderness—Proposed", and which shall be known as the Sky Lakes Wilderness;

16 USC 1132 note.

(16) certain lands in the Ochoco National Forest, which comprise approximately five thousand four hundred acres, are generally depicted on a map entitled "Bridge Creek Wilderness—Proposed", and which shall be known as the Bridge Creek Wilderness;

16 USC 1132 note.

(17) certain lands in the Ochoco National Forest, which comprise approximately seventeen thousand four hundred acres, are generally depicted on a map entitled "Mill Creek Wilderness—Proposed", and which shall be known as the Mill Creek Wilderness;

16 USC 1132 note.

(18) certain lands in the Ochoco National Forest which comprise approximately thirteen thousand four hundred acres, are generally depicted on a map entitled "Black Canyon Wilderness—Proposed", and which shall be known as the Black Canyon Wilderness;

16 USC 1132 note.

(19) certain lands in the Wallowa-Whitman and Umatilla National Forests, which comprise approximately one hundred twenty-one thousand four hundred acres, are generally depicted on a map entitled "North Fork John Day Wilderness—Proposed", and which shall be known as the North Fork John Day Wilderness;

16 USC 1132 note.

(20) certain lands in the Umatilla National Forest, which comprise approximately twenty thousand two hundred acres, are generally depicted on a map entitled "North Fork Umatilla Wilderness—Proposed", and which shall be known as the North Fork Umatilla Wilderness;

16 USC 1132 note.

(21) certain lands in the Malheur and Wallowa-Whitman National Forests, which comprise approximately nineteen thousand eight hundred acres, are generally depicted on a map entitled "Monument Rock Wilderness—Proposed", and which shall be known as the Monument Rock Wilderness;

16 USC 1132 note.

(22) certain lands located in the Salem District of the Bureau of Land Management, Oregon, which comprise approximately five thousand five hundred acres, as generally depicted on a map entitled "Table Rock Wilderness—Proposed", and which shall be known as the Table Rock Wilderness;

(23) certain lands in the Willamette and Mount Hood National Forests, which comprise approximately six thousand eight hundred acres, are generally depicted on a map entitled "Mount Jefferson Wilderness Additions—Proposed", and which

are hereby incorporated in, and which shall be deemed to be a part of, the Mount Jefferson Wilderness as designated by Public Law 88-577;

16 USC 1131 note.

(24) certain lands in the Willamette and Deschutes National Forests, which comprise approximately six thousand four hundred acres, are generally depicted on a map entitled "Mount Washington Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be part of, the Mount Washington Wilderness as designated by Public Law 88-577;

(25) certain lands in the Willamette and Deschutes National Forests which comprise approximately thirty-eight thousand one hundred acres, are generally depicted on a map entitled "Three Sisters Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Three Sisters Wilderness as designated by Public Laws 88-577 and 95-237;

16 USC 1131 note, 1132 note.

(26) certain lands in the Fremont National Forest which comprise approximately four thousand one hundred acres, are generally depicted on a map entitled "Gearhart Mountain Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Gearhart Mountain Wilderness as designated by Public Law 88-577;

(27) certain lands in the Malheur National Forest which comprise approximately thirty-five thousand three hundred acres, are generally depicted on a map entitled "Strawberry Mountain Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed a part of, the Strawberry Mountain Wilderness as designated by Public Law 88-577;

(28) certain lands in the Wallowa-Whitman National Forest which comprise approximately sixty-six thousand five hundred acres, are generally depicted on a map entitled "Eagle Cap Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Eagle Cap Wilderness as designated by Public Laws 88-577 and 92-521;

16 USC 1131 note.
86 Stat. 1026.

(29) certain lands in the Wallowa-Whitman National Forest, which comprise approximately twenty-two thousand seven hundred acres, are generally depicted on a map entitled "Hells Canyon Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be part of, the Hells Canyon Wilderness as designated in Public Law 94-199.

16 USC 460gg.

SEC. 4. (a) In order to conserve, protect, and manage, in a substantially undeveloped condition, certain National Forest System lands in the State of Oregon having unique geographic, topographic, biological, ecological features and possessing significant scenic, wildlife, dispersed recreation, and watershed values, there is hereby established, within the Umpqua, Willamette, Winema and Deschutes National Forests, the Oregon Cascades Recreation Area (hereinafter referred to in this Act as the "recreation area").

Conservation.
16 USC 460oo.

(b) The recreation area shall comprise approximately one hundred fifty-six thousand nine hundred acres as generally depicted on a map entitled "Oregon Cascades Recreation Area" dated March 1984. Except as otherwise provided in this section, the Secretary of Agri-

culture (hereinafter referred to as the "Secretary") shall administer and manage the recreation area in accordance with the laws and regulations applicable to the National Forest System so as to enhance scenic and watershed values, wildlife habitat, and dispersed recreation.

(c) The recreation area shall be managed in accordance with plans prepared in subsection (g) to:

(1) provide a range of recreation opportunities from primitive to full service developed campgrounds;

(2) provide access for use by the public;

(3) to the extent practicable, maintain the natural and scenic character of the area; and

(4) provide for the use of motorized recreation vehicles.

Mines and mining.

(d)(1) Subject to valid existing rights, all mining claims located within the recreation area shall be subject to such reasonable regulations as the Secretary may prescribe to insure that mining activities will, to the maximum extent practicable, be consistent with the purposes for which the recreation area is established. Any patent issued after the date of enactment of this Act shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations as the Secretary shall prescribe.

(2) Effective January 1, 1989, and subject to valid existing rights, the lands located within the recreation area are hereby withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to the mineral leasing and geothermal leasing and all amendments thereto.

(e) Within the recreation area, the Secretary may permit, under appropriate regulations those limited activities and facilities which he determines necessary for resource protection and management and for visitor safety and comfort, including—

(1) those necessary to prevent and control wildfire, insects, diseases, soil erosion, and other damaging agents including timber harvesting activities necessary to prevent catastrophic mortality from insects, diseases or fire;

(2) those necessary to maintain or improve wildlife habitat, water yield and quality, forage production, and dispersed outdoor recreation opportunities;

(3) livestock grazing, to the extent that such use will not significantly adversely affect the resources of the recreation area;

(4) salvage of major timber mortality caused by fire, insects, disease, blowdown, or other causes when the scenic characteristics of the recreation area are significantly affected, or the health and safety of the public is threatened, or the overall protection of the forested area inside or outside the recreation area might be adversely affected by failure to remove the dead or damaged timber;

(5) those developments or facilities necessary for the public enjoyment and use of the recreation area, when such development or facilities do not detract from the purposes of the recreation area; and

(6) public service land occupancies, including power transmission lines, provided there is no feasible alternative location, and, the Secretary finds that it is in the public interest to locate such facilities within the recreation area.

(f) The following lands within the recreation area are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System, and shall, notwithstanding any other provisions of this section, be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act: Certain lands in the Umpqua, Willamette, and Winema National Forests which comprise approximately fifty-five thousand one hundred acres, are generally depicted on a map dated March 1984, entitled "Mount Thielsen Wilderness—Proposed", and which shall be known as the Mount Thielsen Wilderness; and certain lands in the Willamette and Deschutes National Forests, which comprise approximately fifteen thousand seven hundred acres, are generally depicted on a map dated March 1984, entitled "Diamond Peak Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Diamond Peak Wilderness as designated in Public Law 88-577. 16 USC 1132 note.

(g) Management direction for the recreation area shall be developed in either the forest plans developed for the Umpqua, Winema, Deschutes and Willamette Forests in accordance with section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended, or in an integrated management plan that shall be prepared within three years from the date of enactment of this Act and revised in accordance with the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended. Any plan developed by the Secretary for the recreation area shall identify and designate specific and appropriate areas and routes for the use of motorized recreation vehicles within the recreation area. 16 USC 1131 note. Plans. 16 USC 1604. 16 USC 1600 note.

SEC. 5. (a) As soon as practicable after this Act takes effect, the appropriate Secretary shall file the maps referred to in sections 3 and 4 of this Act and legal descriptions of each wilderness area designated by sections 3 and 4 of this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture; and the Director, Bureau of Land Management, Department of the Interior. 16 USC 460*oo* note. Public availability.

(b) Subject to valid existing rights, each wilderness area designated by sections 3 and 4 of this Act shall be administered by the appropriate Secretary in accordance with the provisions of the Wilderness Act of 1964 governing areas designated by that Act as wilderness areas, except that, with respect to any areas designated in sections 3 and 4 of this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area. 16 USC 1131 note.

SEC. 6. Congress does not intend that designation of wilderness areas in the State of Oregon lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from the areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

SEC. 7. (a) The Congress finds that—

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

(2) the Congress has made its own review and examination of National Forest System roadless areas in Oregon and 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 lands in States other than Oregon, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Oregon;

(2) with respect to the National Forest System lands in the State of Oregon 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 remaining in further planning or special management pursuant to section 4 of this Act upon enactment of this Act, that review and evaluation or reference shall be deemed for the purpose 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 revision of the plans, but shall review the wilderness options 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 Oregon reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness or for special management pursuant to section 4 of this Act or remaining in further planning 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 land management plans;

16 USC 1604.

(4) in the event that revised land management plans in the State of Oregon 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

16 USC 1604.

Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

16 USC 1600 note.

(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 Oregon for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

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:

(1) those National Forest System roadless lands in the Mount Hood, Siskiyou, Umatilla, Umpqua, Wallowa-Whitman, Willamette, and Winema National Forests in the State of Oregon which were evaluated in the Eagle Creek; Roaring River; Mount Butler-Dry Creek; Oregon Butte; Cougar Bluff-Williams Creek; Grand Ronde; Wallowa Valley; Willamette; or Chemult unit plans; and

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

Mines and mining.

SEC. 8. Subject to valid existing rights, the Federal lands within the Mill Creek watershed roadless area identified in the Oregon Butte Unit Plan, which is located in Wallowa and Umatilla Counties in Oregon, are hereby withdrawn from all forms of location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

Approved June 26, 1984.

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LEGISLATIVE HISTORY—H.R. 1149:

HOUSE REPORT No. 98-13, Pt. 1 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-465 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
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