

Public Law 98-574
98th Congress

An Act

To designate various areas as components of the National Wilderness Preservation System in the national forests in the State of Texas.

Oct. 30, 1984
[H.R. 3788]

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 "Texas Wilderness Act of 1984".

Texas
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 in the State of Texas are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Angelina National Forest, Texas, which comprise approximately five thousand four hundred acres, as generally depicted on a map entitled "Turkey Hill Wilderness—Proposed", dated March 1984, and which shall be known as the Turkey Hill Wilderness;

16 USC 1132
note.

(2) certain lands in the Angelina National Forest, Texas, which comprise approximately twelve thousand acres, as generally depicted on a map entitled "Upland Island Wilderness—Proposed", dated March 1984, and which shall be known as the Upland Island Wilderness;

16 USC 1132
note.

(3) certain lands in the Davy Crockett National Forest, Texas, which comprise approximately three thousand acres, as generally depicted on a map entitled "Big Slough Wilderness—Proposed", dated March 1984, and which shall be known as the Big Slough Wilderness;

16 USC 1132
note.

(4) certain lands in the Sabine National Forest, Texas, which comprise approximately nine thousand nine hundred and forty-six acres, as generally depicted on a map entitled "Indian Mounds Wilderness—Proposed", dated September 1984, and which shall be known as the Indian Mounds Wilderness; and

16 USC 1132
note.

(5) certain lands in the Sam Houston National Forest, Texas, which comprise approximately four thousand acres, as generally depicted on a map entitled "Little Lake Creek Wilderness—Proposed", dated March 1984, and which shall be known as the Little Lake Creek Wilderness.

16 USC 1132
note.

MAPS AND DESCRIPTIONS

SEC. 3. As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and 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

Public
availability.

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.

ADMINISTRATION OF WILDERNESS

16 USC 1131
note.

SEC. 4. (a) 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.

(b) The Congress finds that the Indian Mounds and Upland Island Wilderness areas designated by this Act contain significant amounts of intermingled lands owned by the Temple-Eastex Incorporated and that in order to manage the wilderness in an efficient and effective manner it is in the public interest that these lands be owned by the Federal Government. Accordingly, the Secretary is encouraged to expeditiously acquire by exchange the intermingled lands owned by Temple-Eastex Incorporated. The lands acquired by the United States under the provisions of this section shall become parts of the Sabine and Angelina National Forests, respectively, and shall be administered in accordance with the laws, rules, and regulations applicable to the National Forest System and the National Wilderness Preservation System, as appropriate.

Contracts with
U.S.

(c) Any purchaser under an existing timber sale contract wholly or partially within the boundaries of the Indian Mounds, Upland Islands, or Little Lake Creek Wilderness areas designated by this Act shall be entitled, for a period of ninety days following the date of enactment of this Act, to enter into an agreement with the Secretary to mutually cancel the timber sale contract without payment of damages by either party if the contract is not in breach and if the purchaser has completed its contractual obligations to logical stopping points as determined by the Secretary after consultation with the purchaser: *Provided*, That upon satisfaction of all such contract requirements, moneys held by the Forest Service for payment of timber to be cut under the contract shall be returned to the purchaser with interest payable from the date the moneys were deposited with the Forest Service at the rate published for use under section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611).

EFFECT OF RARE II

Conservation.

SEC. 5. (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 Texas, 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 Texas, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Texas;

(2) with respect to the National Forest System lands in the State of Texas 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.

(3) areas in the State of Texas 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;

16 USC 1604.

(4) in the event that revised land management plans in the State of Texas 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 Texas for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

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

Approved October 30, 1984.

LEGISLATIVE HISTORY—H.R. 3788:

- HOUSE REPORT No. 98-730, Pt 1 (Comm. on Interior and Insular Affairs).
- SENATE REPORT No. 98-614 (Comm. on Agriculture, Nutrition, and Forestry).
- CONGRESSIONAL RECORD, Vol. 130 (1984):
 - May 8, considered and passed House.
 - Oct. 2, considered and passed Senate, amended.
 - Oct. 4, House concurred in Senate amendment.