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4/16/76

APPROVED
APR 16 1976

THE WHITE HOUSE
WASHINGTON
April 14, 1976

ACTION
Last Day: April 19

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *JP*

SUBJECT:

S. 2308 - Bristol Cliffs
Wilderness Area, Vermont

Attached for your consideration is S. 2308, sponsored by Senators Stafford and Leahy.

The enrolled bill would modify the boundaries of the Bristol Cliffs Wilderness Area in Vermont by eliminating all privately owned lands (2,905 acres) and certain National Forest lands (720 acres) which would not be contiguous to the remaining wilderness because of the private lands being deleted.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 2308 at Tab B.



posted 4/17/76
To Archives 4/19/76



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

APR 13 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2308 - Bristol Cliffs Wilderness
Area, Vermont
Sponsors - Sen. Stafford (R) Vermont and
Sen. Leahy (D) Vermont

Last Day for Action

April 19, 1976 - Monday

Purpose

Modifies the boundaries of the Bristol Cliffs Wilderness Area, Vermont, by eliminating all private and certain National Forest lands.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture	Approval
Council on Environmental Quality	Approval
Department of the Interior	Defers to Agriculture

Discussion

The Bristol Cliffs Wilderness Area is one of sixteen National Forest System areas east of the 100th meridian which were designated as components of the National Wilderness Preservation System under the Eastern Wilderness Act. It is located within the Green Mountain National Forest in Vermont and contains some 7,400 acres, including 2,905 acres of private land.

Since the Eastern Wilderness Act became law, most of the Bristol Cliffs Wilderness Area's private landowners have strongly objected to the inclusion of their land within the area. Their objections are based largely on the fact that the Secretary of Agriculture could condemn and acquire their land if its use was deemed to be incompatible with wilderness values. However, it should be noted that under the "Eastern" concept of wilderness, private residences could be retained by a private landowner, something not allowed under the Wilderness Act in the West. In contrast to the manner in which most areas are designated wilderness, the Bristol Cliffs Wilderness Area was established "instantly" by statute without the normal public hearings process.

S. 2308 would modify the boundaries of the Bristol Cliffs Wilderness Area by eliminating (a) all privately owned lands (2,905 acres) and (b) certain National Forest lands (720 acres) which would not be contiguous to the remaining wilderness because of the private lands being deleted. The resulting wilderness would then comprise some 3,775 acres of strictly National Forest lands.

In reporting on S. 2308 to Congress, Agriculture recommended the deletion of 405 acres of private lands (the residential and highly developed properties) and 5 acres of National Forest lands. This approach was predicated on the retention of private lands which were generally undeveloped and necessary for the management of this wilderness area.

However, in its report on S. 2308, the House Interior Committee stated that:

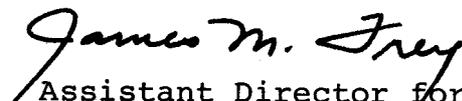
"It is not the intent of the Committee to set a precedent for the wholesale exclusion of private lands from wilderness areas. Many designated wilderness areas have private lands within their boundaries, but these lands consist mainly of scattered, uninhabited inholdings and represent a small fraction of the total wilderness area, which is not the case in this instance. The Committee feels that prompt and remedial action is required because (a) local inhabitants did not have a reasonable opportunity to express

their views on the appropriateness of the designation of the land as wilderness; (b) the Forest Service acted to implement the law in a precipitous manner; and (c) the acreage adjustment to conform with the boundaries of the area was implemented without informing the Committee."

In its enrolled bill letter, Agriculture reiterates its preference for the retention of some private lands in the wilderness area, and concludes that:

"The bill as passed will diminish to some degree the public benefits that can be presently and prospectively derived from the present Wilderness. However, the lands that would remain in the Wilderness pursuant to S. 2308, would consist of a single contiguous block of National Forest land that would be manageable as wilderness.

"In view of the fact that our preferred solution could not be achieved, and because S.2308 appears to be the most reasonable and practical alternative for alleviating the problems, we recommend that the President approve the enactment."


Assistant Director for
Legislative Reference

Enclosures



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

April 8, 1976

Honorable James T. Lynn
Director, Office of Management
and Budget

Dear Mr. Lynn:

In reply to the request of your office, the following report is submitted on the enrolled enactment S.2308, "To provide for the modification of the boundaries of the Bristol Cliffs Wilderness Area."

The Department of Agriculture recommends that the President approve the enactment.

S.2308 would contract and realign the boundary of the Bristol Cliffs Wilderness for the purpose of excluding all privately owned lands.

The Bristol Cliffs Wilderness is located within the Green Mountain National Forest in Vermont. It is one of the 16 areas designated as wilderness by P.L. 93-622, an act commonly referred to as the "Eastern Wilderness Act." Included within the present boundary of the Wilderness are 4,495 acres of National Forest land and 2,905 acres of privately owned land. Several of the private landowners permanently reside on their land and/or depend in varying degrees upon the use of their land for a livelihood. The residences are concentrated along the western and southern edges of the Wilderness.

This legislation results from the reaction of private landowners to the effects of section 6(b) of P.L. 93-622. Paragraph (3) of section 6(b) establishes the conditions under which privately owned lands may be acquired by condemnation. The provisions prohibit the Secretary of Agriculture from acquiring private lands if the owner continues to use them as they were being used at the time they were included within a wilderness; provided, that such use is compatible with the management of the area as wilderness. Embodied within the provisions is an implied duty for the Secretary to acquire the privately owned lands, by condemnation if necessary, whenever the uses are incompatible with the management of an area as wilderness. "Incompatible use" is an indefinite concept. Therefore, cause for pursuing acquisition is necessarily a judgemental matter based upon the specific circumstances of each situation. The indefinite and unilateral aspects of paragraph (3), together with the notification requirements of paragraphs (4) and (5), raised concerns and resentment among many of the landowners who reside within the Bristol Cliffs Wilderness and who use (or plan to use) their land in ways that change its present characteristics. Many of the traditional land use

Honorable James T. Lynn

2.

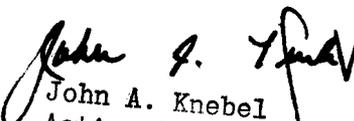
and property management activities pursued by these classes of landowners appear to fall within the ambit of section 6(b).

The provisions of section 6(b) of P.L. 93-622 have had their greatest impact upon the Bristol Cliffs Wilderness because it contains (by considerable margin) more privately owned lands and residences than any of the other wildernesses designated by the Act. In recognition of these unique circumstances, the Department recommended, in its legislative reports to Congress, that the Wilderness boundary be modified to exclude certain areas containing the residential and highly developed private properties. Our proposal would not have excluded private lands that were generally uninhabited and undeveloped. Some of these undeveloped private lands contain key natural features which, in their present state, contribute to the enjoyment of the total area as wilderness. Members of the Vermont delegation were generally sympathetic to our recommendations, but were unable to find support for them among constituent landowners. The majority of the landowners felt that all private lands should be removed from under the purview of the Act.

The bill as passed will diminish to some degree the public benefits that can be presently and prospectively derived from the present Wilderness. However, the lands that would remain in the Wilderness pursuant to S.2308, would consist of a single contiguous block of National Forest land that would be manageable as wilderness.

In view of the fact that our preferred solution could not be achieved, and because S.2308 appears to be the most reasonable and practical alternative for alleviating the problems, we recommend that the President approve the enactment.

Sincerely,


John A. Knebel
Acting Secretary



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR 8 - 1976

Dear Mr. Lynn:

This responds to your request for our views on the enrolled bill S. 2308, "To provide for the modification of the boundaries of the Bristol Cliffs Wilderness Area."

S. 2308 provides for the modification of the boundaries of the Bristol Cliffs Wilderness Area in the Green Mountain National Forest in Vermont and the designation of certain lands in the Chattahoochee and Cherokee National Forests in Georgia and Tennessee from their present status as "Cohutta Wilderness Area Proposal" to "Cohutta Wilderness".

Since S. 2308 concerns lands exclusively administered by the National Forest Service, this Department defers to the Department of Agriculture on the question of whether the President should approve the bill.

Sincerely yours,

Nathaniel P. Reed

Assistant

Secretary of the Interior

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503



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EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY

722 JACKSON PLACE, N. W.
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APR 9 1976

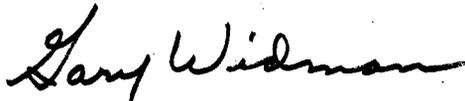
MEMORANDUM FOR JAMES M. FREY
ASST. DIRECTOR FOR LEGISLATIVE REFERENCE

ATTN: Ms. Ramsey

SUBJECT: S. 2308 Enrolled Bill, "To provide for the
modification of the boundaries of the Bristol
Cliffs Wilderness Area."

The Act of January 3, 1975 (Eastern Wilderness Act) established the Bristol Cliffs Wilderness within the Green Mountain National Forest, Vermont. Private lands, some of which are developed, were included within the wilderness.

The Department of Agriculture proposed an amendment to the Act which would have excluded the developed private lands but would have retained the undeveloped private lands within the boundary as wilderness. S. 2308 would further reduce the wilderness to exclude private lands and scattered federal tracts. Although we preferred the Department of Agriculture proposal, it appears this is the best bill that can be obtained. Therefore, we recommend that the President sign S. 2308.



Gary Widman
General Counsel

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: April 13

Time: 530pm

FOR ACTION: George Humphreys *GH* cc (for information): Jack Marsh
Max Friedersdorf *MF* Ed Schmults
Ken Lazarus *KL* Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: April 18

Time: 300pm

SUBJECT:

S. 2308 *S* - Bristol Cliffs Wilderness Area, Vermont

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to Judy Johnston, Ground Floor West Wing

*Cannon 4/14 6 30pm
Cannon 4/16 10am*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: April 13

Time: 530pm

FOR ACTION: George Humphreys
Max Friedersdorf
Ken Lazarus ✓

cc (for information): Jack Marsh
Ed Schmults
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: April 14

Time: 300pm

SUBJECT:

S. 2309 - Bristol Cliffs Wilderness Area, Vermont

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

please return to Judy Johnston, Ground Floor West Wing

No objection -- Ken Lazarus 4/14/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: April 13

Time: 530pm

FOR ACTION: George Humphreys ✓
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Ed Schmults
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: April 14

Time: 300pm

SUBJECT:

s. 2309 - Bristol Cliffs Wilderness Area, Vermont

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

X For Your Comments

___ Draft Remarks

REMARKS:

please return to Judy Johnston, Ground Floor West Wing

*Recommended
Approval 4/14/76*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.F.*
SUBJECT: S. 2309 - Bristol Cliffs Wilderness Area, Vermont

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

MODIFICATION OF THE BOUNDARIES OF THE BRISTOL CLIFFS WILDERNESS AREA, VERMONT

OCTOBER 7 (legislative day, SEPTEMBER 11), 1975.—Ordered to be printed

Mr. LEAHY, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

[To accompany S. 2308]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 2308) to provide for the modification of the boundaries of the Bristol Cliffs Wilderness Area, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

SHORT EXPLANATION

S. 2308 would modify the boundaries of the Bristol Cliffs Wilderness Area, which is located in the Green Mountain National Forest, Vt. The boundary modification would eliminate from the wilderness area all privately owned lands (2,905 acres) and approximately 720 acres of noncontiguous National Forest lands.

The wilderness area would be reduced in size from about 6,500 acres to about 3,775 acres, and include only lands which are owned by the U.S. Government and managed by the Forest Service of the U.S. Department of Agriculture.

COMMITTEE AMENDMENTS

The committee amendments are editorial in nature: on page 2, line 11, strike the word "and"; on page 2, line 12, strike the word "July" and substitute therefor the word "October"; and on page 2, line 12, insert after the word "entitled" the following: "Bristol Cliffs Wilderness Area—Revised", and shall be known as the".

The amendments revise the bill to (1) reflect the date of the map showing the revised boundaries of the Bristol Cliffs Wilderness Area and (2) denote the name of the wilderness area.

BACKGROUND AND NEED

I

Public Law 93-622 (approved January 3, 1975) designated 16 areas in 13 States as wilderness within the National Wilderness Preservation System, which was established by the Wilderness Act of 1964. Public Law 93-622 also designated 17 areas in 9 States to be studied by the Secretary of Agriculture as to their suitability for preservation as wilderness. All of the areas designated as wilderness and wilderness study areas are in the National Forests east of the 100th meridian, consisting predominantly of acquired lands.

The purpose of Public Law 93-622 in designating wilderness areas in the Eastern United States was to preserve such areas as an enduring source of wilderness and afford present and future generations with an opportunity to enjoy primitive recreation in a spacious, natural, and wilderness setting.

II

The Bristol Cliffs Wilderness Area was one of the 16 areas designated as wilderness by Public Law 93-622. The area presently consists of approximately 7,400 acres and is located in the Green Mountain National Forest in Addison County in west central Vermont. The area is approximately 30 miles south of Burlington and Interstate 89, and 50 miles north of Rutland. Major urban centers within a 200-mile radius include, Boston, Mass.; Hartford, Conn.; Providence, R.I.; and New York City and Albany, N.Y.

The area contains an annual allowable timber harvest of approximately 0.7 million board feet which is about 2 percent of the annual allowable cut of 24 million board feet of the Green Mountain National Forest. The actual harvest on the Green Mountain National Forest in 1972 was 12.9 million board feet. There are no outstanding private mineral rights within the area.

The area can be characterized as encompassing a single steep mountain, with a relative relief of 1,800 feet. The top of the mountain is relatively flat with several ponds and supports mixed stands of northern hardwoods and softwoods.

Privately owned lands within the area total approximately 2,905 acres.

III

Subsequent to the enactment of Public Law 93-622, the resident landowners in the Bristol Cliffs Wilderness Area showed that they had not been afforded an adequate opportunity to advise the Government on the potential adverse effects resulting from the establishment of the area.

No formal public hearings were held with respect to the suitability of the area for preservation as wilderness. Private landowners were informed for the first time in March of 1975, 3 months after the Act

became law, that their property was included in the wilderness area, and that their use of the property was subject to certain restrictions.¹

With the exception of one parcel of land, the privately held acreage generally runs along the western, southern, and eastern boundaries of the wilderness area. Private homes occupy much of the private property included in the wilderness. Most of the homes are not vacation homes, but permanent residences of the local inhabitants of the area. Many of the private landowners are people of modest means, and they select small quantities of timber to be cut each year to supplement their income.

After learning of the creation of the Bristol Cliffs Wilderness Area, the private landowners—while virtually unanimous in favor of designating the federally owned lands as wilderness—voiced strong objections to the inclusion of their land.

IV

On September 9, 1975, Senators Leahy and Stafford introduced S. 2308. On September 28 and 29, 1975, the Subcommittee on Environment, Soil Conservation, and Forestry held formal public hearings on the bill at Holley Hall in Bristol, Vt.

More than 30 witnesses testified during the 2 days, and many other residents of the community were present. Almost without exception, the witnesses testified in favor of eliminating privately owned lands from the Bristol Cliffs Wilderness Area. A witness from the Wilderness Society—although opposing the removal of all privately owned lands—stated that the permanent residences should not have been included within the boundaries of the area.

The Committee on Agriculture and Forestry does not intend that S. 2308 be considered as a precedent for the wholesale exclusion of private lands from wilderness areas. The bill is addressed to a peculiar, local situation where the inhabitants of the area were not afforded an adequate opportunity to comment on the appropriateness of the designation of the land as wilderness.

SECTION-BY-SECTION ANALYSIS

Section 1. Modification of boundaries

The first section of the bill modifies the boundaries of the Bristol Cliffs Wilderness Area and makes necessary technical and conforming changes in the text of Public Law 93-622. The boundary modification eliminates from the wilderness area all privately owned lands (approximately 2,905 acres) and approximately 720 acres of non-contiguous National Forest lands.

¹ Under sec. 6(b) of Public Law 93-622, the Secretary of Agriculture may acquire private inholdings in wilderness areas by purchase, exchange, condemnation, or otherwise. The condemnation authority of the Secretary is, however, circumscribed so as to respect as much as possible the rights and wishes of inholders. The Secretary may not condemn private land within any wilderness area so long as the owner holds and uses it in the same manner and for the same purpose that it was held and used when the area was designated as wilderness. The Secretary may, however, condemn the private land upon a finding that the use on the date of designation is incompatible with the management of the area as wilderness and the owner does not select another use which is compatible with the management of the area as wilderness.

Other provisions in sec. 6(b) require private landowners to notify the Secretary of contemplated land transfers and changes in the use of lands.

Section 2. Inapplicability of Wilderness Act provisions

Section 2 provides that, upon enactment of the bill, the provisions of Public Law 93-622 and the Wilderness Act of 1964 shall not be applicable to any lands previously designated as the Bristol Cliffs Wilderness Area which are not contained within the boundaries of the area as revised by the bill.

DEPARTMENTAL VIEWS

In a letter dated October 2, 1975, to the chairman from the Honorable J. Phil Campbell, Under Secretary of Agriculture, the Department of Agriculture stated that it would have no objection to the enactment of S. 2308 if modified so as to remove from the Bristol Cliffs Wilderness Area only 405 acres of privately owned land and 15 acres of National Forest land. The letter from the Department reads as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., October 2, 1975.

HON. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR MR. CHAIRMAN: As you requested, here is the report of the Department of Agriculture on S. 2308, a bill to provide for the modification of the boundaries of the Bristol Cliffs Wilderness Area.

The Department of Agriculture would have no objection to the enactment of S. 2308 if amended as suggested herein.

S. 2308 would amend section 3 of the Act of January 3, 1975 (88 Stat. 2097), to modify the boundary of the Bristol Cliffs Wilderness. The Bristol Cliffs Wilderness is located within the Green Mountain National Forest, Vermont. The effect of the boundary modification would be to eliminate all privately-owned lands and approximately 720 acres of National Forest lands from the Wilderness. Upon enactment, the provisions of the Act of January 3, 1975, and the Wilderness Act (78 Stat. 890) would no longer be applicable to the eliminated lands.

The present boundary of the Bristol Cliffs Wilderness generally follows roads and prominent terrain features and encompasses the area known as South Mountain. Included within the boundary are 4,495 acres of National Forest land and 2,905 acres of private land. Except for several homesites and other improved properties that are located adjacent to the roads, the lands contained within the boundary are forested and relatively undeveloped.

In our consideration of the legislation which eventually became the Act of January 3, 1975, we concluded that the ability to administer the proposed eastern wilderness was strongly dependent upon the ability to acquire private inholdings and interests in land. Only through the acquisition of intermixed private lands could separated parcels of

National Forest lands be eventually joined to fully contribute toward the purposes for which the wildernesses were established. The ability to acquire private land inholdings also affords a practical means for preventing uses of those lands in ways that would unreasonably interfere with the public's use and enjoyment of the adjacent wilderness. We therefore recommended that the legislation contain specific acquisition authority, including, authority to exercise the power of eminent domain. We envisioned a gradual and selective approach to land acquisition, and an infrequent need to enter into condemnation proceedings. The acquisition of residential properties along the outside edge of a wilderness was not viewed as a priority.

Congress did not agree that the Secretary of Agriculture should have broad discretion in the exercise of the power of eminent domain, and consequently, the Act limited the application of such authority to situations where quality wilderness experience and solitude would be jeopardized by nonconforming uses of private lands. Pertinent provisions state that authority to condemn any private land shall not be invoked so long as the owner uses it in the same manner and for the same purposes for which it was held on the date of the Act, and so long as such uses are compatible with the management of the area as wilderness. Related to these provisions are provisions which require landowners to notify the Forest Service of contemplated land transfers and changes in the use of lands.

It is our understanding that the purpose of S. 2308 is to remove all private lands within the Bristol Cliffs Wilderness from the application of the provisions pertaining to condemnation and notification. The effect of the resultant boundary change would be to reduce the overall size of the Wilderness by nearly one-half. A reduction of this magnitude would greatly diminish the public benefits of wilderness that can be derived from the present Wilderness.

We recognize that the provisions pertaining to condemnation and notification place some new requirements on all private landowners; however, landowners who reside on their properties would tend to be most frequently affected. In view of the fact that a relatively large number of residences are located within the Bristol Cliffs Wilderness, and in view of the fact that these residences are concentrated along the roadways, we would not object to their being excluded from the Wilderness. However, we strongly urge that the bounds of such exclusions be limited to the areas depicted on the enclosed map entitled "Bristol Cliff Wilderness—Exclusions." The boundaries of these exclusions have been carefully drawn to eliminate all residences. Additionally, all hunting and other recreational camps were eliminated except two that are located in interior areas. The private lands that have been retained within the Wilderness are generally undeveloped and are critical to the successful management and the future enhancement of the Wilderness.

In addition to a map, we are enclosing a supplemental page to this report which provides a comparison of acreages, a description of the proposed exclusions, and an amendment to S. 2308 for excluding the areas we have suggested.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

Enclosures.

SUPPLEMENT TO USDA REPORT ON S. 2308

COMPARISON OF ACREAGES

Bristol Cliffs Wilderness	Acres of national forest land	Acres of private land	Total acres
Area within the existing wilderness.....	4,495	2,905	7,400
Area as proposed by S. 2308.....	3,775	3,775	7,550
Area that would remain in the wilderness after USDA proposed exclusions..	4,480	2,500	6,980

DESCRIPTION OF USDA PROPOSED EXCLUSIONS

Exclusion A.—This exclusion extends along the western edge of the Bristol Cliffs Wilderness. It encompasses all the residences in that part of the Wilderness together with associated developable lands lying between the present boundary and the foot of the mountain.

Exclusion B.—This exclusion is located in the southwest corner of the Wilderness near the junction of the Little Notch Road and the road along the western edge of the Wilderness. This exclusion consists of approximately six acres of residential property.

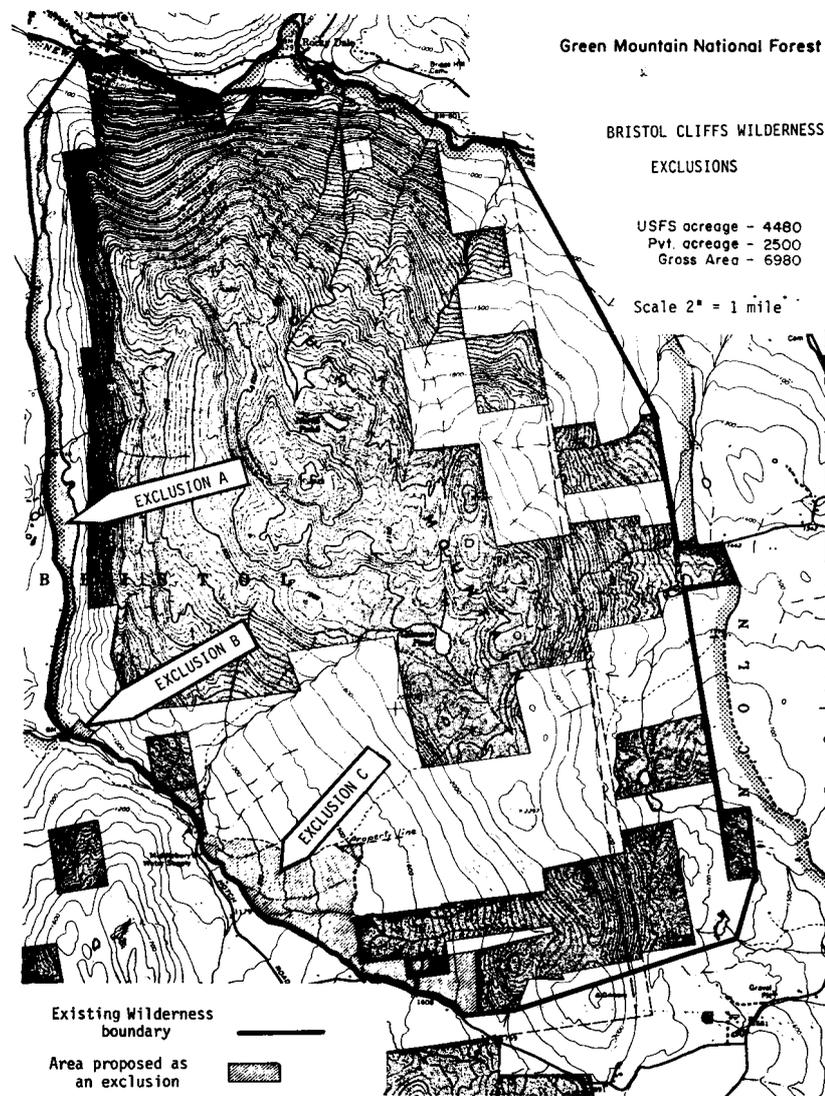
Exclusion C.—This exclusion extends along the central portion of the southern edge of the Wilderness where it generally follows the Little Notch Road. It encompasses all the residences and hunting or other recreation camps in that part of the Wilderness and also approximately 15 acres of National Forest lands that enclose a private residence.

PROPOSED AMENDMENT

To provide for the exclusion of the areas we suggest, S. 2308 should be amended by striking lines 9 through 13 on page 2 of the bill and substituting in lieu therefor the following:

“(2) certain lands in the Green Mountain National Forest, Vermont, which comprise about six thousand nine hundred and eighty acres, and are generally depicted on a map dated October 1975, entitled Bristol Cliffs Wilderness.”

We would be happy to provide a large copy of the map upon request.



COST ESTIMATE

In accordance with section 252 of the Legislative Reorganization Act of 1970, the committee estimates that no increased Federal expenditures would be required as the result of the enactment of S. 2308.

Some savings would result inasmuch as no funds would be required for the purchase of private inholdings.

The committee has received no cost estimate from any Federal agency.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

ACT OF JANUARY 3, 1975

(Public Law 93-622, 88 Stat. 2096)

AN ACT To further the purposes of the Wilderness Act by designating certain acquired lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STATEMENT OF FINDINGS AND POLICY

SEC. 2. (a) The Congress finds that—

(1) in the more populous eastern half of the United States there is an urgent need to identify, study, designate, and preserve areas for addition to the National Wilderness Preservation System;

(2) in recognition of this urgent need, certain areas in the national forest system in the eastern half of the United States were designated by the Congress as wilderness in the Wilderness Act (78 Stat. 890); certain areas in the national wildlife refuge system in the eastern half of the United States have been designated by the Congress as wilderness or recommended by the President for such designation, and certain areas in the national park system in the eastern half of the United States have been recommended by the President for designation as wilderness; and

(3) additional areas of wilderness in the more populous eastern half of the United States are increasingly threatened by the pressures of a growing and more mobile population, large-scale industrial and economic growth, and development and uses inconsistent with the protection, maintenance, and enhancement of the areas' wilderness character.

(b) Therefore, the Congress finds and declares that it is in the national interest that these and similar areas in the eastern half of the United States be promptly designated as wilderness within the National Wilderness Preservation System, in order to preserve such areas as an enduring resource of wilderness which shall be managed to promote and perpetuate the wilderness character of the land and its specific values of solitude, physical and mental challenge, scientific study, inspiration, and primitive recreation for the benefit of all of the American people of present and future generations.

DESIGNATION OF WILDERNESS AREAS

SEC. 3. (a) In furtherance of the purposes of the Wilderness Act, the following lands (hereinafter in this Act referred to as "wilderness areas"), as generally depicted on maps appropriately referenced, dated April 1974, are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Bankhead National Forest, Alabama, which comprise about twelve thousand acres, are generally depicted on a map entitled "Sipsey Wilderness Area—Proposed", and shall be known as the Sipsey Wilderness;

(2) certain lands in the Ouachita National Forest, Arkansas, which comprise about fourteen thousand four hundred and thirty-three acres, are generally depicted on a map entitled "Caney Creek Wilderness Area—Proposed", and shall be known as the Caney Creek Wilderness;

(3) certain lands in the Ozark National Forest, Arkansas, which comprise about ten thousand five hundred and ninety acres, are generally depicted on a map entitled "Upper Buffalo Wilderness Area—Proposed", and shall be known as the Upper Buffalo Wilderness;

(4) certain lands in the Appalachian National Forest, Florida, which comprise about twenty-two thousand acres, are generally depicted on a map entitled "Bradwell Bay Wilderness Area—Proposed", and shall be known as the Bradwell Bay Wilderness;

(5) certain lands in the Daniel Boone National Forest, Kentucky, which comprise about five thousand five hundred acres, are generally depicted on a map entitled "Beaver Creek Wilderness Area—Proposed", and shall be known as the Beaver Creek Wilderness;

(6) certain lands in the White Mountain National Forest, New Hampshire, which comprise about twenty thousand three hundred and eighty acres, are generally depicted on a map entitled "Presidential Range-Dry River Wilderness Area—Proposed", and shall be known as the Presidential Range-Dry River Wilderness;

(7) certain lands in the Nantahala and Cherokee National Forests, North Carolina and Tennessee, which comprise about fifteen thousand acres, are generally depicted on a map entitled "Joyce Kilmer-Slickrock Wilderness Area—Proposed", and shall be known as the Joyce Kilmer-Slickrock Wilderness;

(8) certain lands in the Sumter, Nantahala, and Chattahoochee National Forests in South Carolina, North Carolina, and Georgia, which comprise about three thousand six hundred acres, are generally depicted on a map entitled "Ellicott Rock Wilderness Area—Proposed", and shall be known as Ellicott Rock Wilderness;

(9) certain lands in the Cherokee National Forest, Tennessee, which comprise about two thousand five hundred and seventy acres, are generally depicted on a map entitled "Gee Creek Wilderness Area—Proposed", and shall be known as the Gee Creek Wilderness;

[(10) certain lands in the Green Mountain National Forest, Vermont, which comprise about six thousand five hundred acres,

are generally depicted on a map entitled "Bristol Cliffs Wilderness Area—Proposed", and shall be known as the Bristol Cliffs Wilderness;]

[(11)] (10) certain lands in the Green Mountain National Forest, Vermont, which comprise about fourteen thousand three hundred acres, are generally depicted on a map entitled "Lye Brook Wilderness Area—Proposed", and shall be known as the Lye Brook Wilderness;

[(12)] (11) certain lands in the Jefferson National Forest, Virginia, which comprise about eight thousand eight hundred acres, are generally depicted on a map entitled "James River Face Wilderness Area—Proposed", and shall be known as the James River Face Wilderness;

[(13)] (12) certain lands in the Monongahela National Forest, West Virginia, which comprise about ten thousand two hundred and fifteen acres, are generally depicted on a map entitled "Dolly Sods Wilderness Area—Proposed", and shall be known as the Dolly Sods Wilderness;

[(14)] (13) certain lands in the Monongahela National Forest, West Virginia, which comprise about twenty thousand acres, are generally depicted on a map entitled "Otter Creek Wilderness Study Area", and shall be known as the Otter Creek Wilderness; and

[(15)] (14) certain lands in the Chequamegon National Forest, Wisconsin, which comprise about six thousand six hundred acres, are generally depicted on a map entitled "Rainbow Lake Wilderness Area—Proposed", and shall be known as the Rainbow Lake Wilderness.

(b) In furtherance of the purposes of the Wilderness Act, the following lands [(hereinafter referred to as "wilderness areas")], as generally depicted on maps appropriately referenced, dated April 1973,] are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Chattahoochee and Cherokee National forests, Georgia and Tennessee, which comprise about thirty-four thousand five hundred acres, are generally depicted on a map dated April 1973, entitled "Cohutta Wilderness Area—Proposed", and shall be known as the Cohutta Wilderness.

(2) *certain lands in the Green Mountain National Forest, Vermont, which comprise about three thousand seven hundred and seventy-five acres, are generally depicted on a map dated October 1975, entitled "Bristol Cliffs Wilderness Area—Revised", and shall be known as the Bristol Cliffs Wilderness.*

SEC. 4. (a) In furtherance of the purposes of the Wilderness Act and in accordance with the provisions of subsection 3(d) of that Act, the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall review, as to its suitability or nonsuitability for preservation as wilderness, each area designated by or pursuant to subsection (b) of this section and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as wilderness of each such area on which the review has been completed.

(b) Areas to be reviewed pursuant to this section (hereinafter referred to as "wilderness study areas"), as generally depicted on maps appropriately referenced, dated April 1974, include—

(1) certain lands in the Ouachita National Forest, Arkansas, which comprise approximately five thousand seven hundred acres and are generally depicted on a map entitled "Belle Starr Cave Wilderness Study Area";

(2) certain lands in the Ouachita National Forest, Arkansas, which comprise approximately five thousand five hundred acres and are generally depicted on a map entitled "Dry Creek Wilderness Study Area";

(3) certain lands in the Ozark National Forest, Arkansas, which comprise approximately two thousand one hundred acres and are generally depicted on a map entitled "Richland Creek Wilderness Study Area";

(4) certain lands in the Appalachian National Forest, Florida, which comprise approximately one thousand one hundred acres and are generally depicted as the "Sopchoppy River Wilderness Study Area" on a map entitled "Bradwell Bay Wilderness Area—Proposed";

(5) certain lands in the Hiawatha National Forest, Michigan, which comprise approximately five thousand four hundred acres and are generally depicted on a map entitled "Rock River Canyon Wilderness Study Area";

(6) certain lands in the Ottawa National Forest, Michigan, which comprise approximately thirteen thousand two hundred acres and are generally depicted on a map entitled "Sturgeon River Wilderness Study Area";

(7) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately one thousand one hundred acres and are generally depicted on a map entitled "Craggy Mountain Wilderness Study Area";

(8) certain lands in the Francis Marion National Forest, South Carolina, which comprise approximately one thousand five hundred acres and are generally depicted on a map entitled "Wambaw Swap Wilderness Study Area";

(9) certain lands in the Jefferson National Forest, Virginia, which comprise approximately four thousand acres and are generally depicted on a map entitled "Mill Creek Wilderness Study Area";

(10) certain lands in the Jefferson National Forest, Virginia, which comprise approximately eight thousand four hundred acres and are generally depicted on a map entitled "Mountain Lake Wilderness Study Area";

(11) certain lands in the Jefferson National Forest, Virginia, which comprise approximately five thousand acres and are generally depicted on a map entitled "Peters Mountain Wilderness Study Area";

(12) certain lands in the George Washington National Forest, Virginia, which comprise approximately six thousand seven hundred acres and are generally depicted on a map entitled "Ramsey's Draft Wilderness Study Area";

(13) certain lands in the Chequamegon National Forest, Wisconsin, which comprise approximately six thousand three hundred acres and are generally depicted on a map entitled "Flynn Lake Wilderness Study Area";

(14) certain lands in the Chequamegon National Forest, Wisconsin, which comprise approximately four thousand two hundred acres and are generally depicted on a map entitled "Round Lake Wilderness Study Area";

(15) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately thirty-six thousand three hundred acres and are generally depicted on a map entitled "Cranberry Wilderness Study Area";

(16) certain lands in the Cherokee National Forest, Tennessee, which comprise approximately four thousand five hundred acres and are generally depicted on a map entitled "Big Frog Wilderness Study Area"; and

(17) certain lands in the Cherokee National Forest, Tennessee, which comprise approximately fourteen thousand acres and are generally depicted as the "Citico Creek Area" on a map entitled "Joyce Kilmer-Slickrock Wilderness Area—Proposed";

(c) Reviews shall be completed and the President shall make his recommendations to Congress within five years after enactment of this Act.

(d) Congress may, upon the recommendation of the Secretary of Agriculture or otherwise, designate as study areas, national forest system lands east of the 100th meridian other than those areas specified in subsection (b) of this section, for review as to suitability or nonsuitability for preservation as wilderness. Any such area subsequently designated as a wilderness study area after the enactment of this Act shall have its suitability or nonsuitability for preservation as wilderness submitted to Congress within ten years from the date of designation as a wilderness study area. Nothing in this Act shall be construed as limiting the authority of the Secretary of Agriculture to carry out management programs, development, and activities in accordance with the Multiple-Use, Sustained-Yield Act of 1960 (74 Stat. 215, 16 U.S.C. 528-531) within areas not designated for review in accordance with the provisions of this Act.

(e) Nothing herein contained shall limit the President in proposing, as part of his recommendation to Congress, the alteration of existing boundaries of any wilderness study area or recommending the addition to any such area of any contiguous area predominantly of wilderness value. Any recommendation of the President to the effect that such area or portion thereof should be designated as "wilderness" shall become effective only if so provided by an Act of Congress.

FILING OF MAPS AND DESCRIPTIONS

SEC. 5. As soon as practicable after enactment of this Act, a map of each wilderness study area and a map and a legal description of each wilderness area shall be filed with the Committees on Interior and Insular Affairs and on Agriculture of the United States Senate and House of Representatives, and each such map and description shall have the same force and effect as if included in this Act: *Pro-*

vided, however, That correction of clerical and typographical errors in each such legal description and map 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.

MANAGEMENT OF AREAS

SEC. 6. (a) except as otherwise provided by this Act, the wilderness areas designated by or pursuant to this Act shall be managed by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act. The wilderness study areas designated by or pursuant to this Act shall—be managed by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System until Congress has determined otherwise, except that such management requirement shall in no case extend beyond the expiration of the third succeeding Congress from the date of submission to the Congress of the President's recommendations concerning the particular study area.

(b) Within the sixteen wilderness areas designated by section 3 of this Act:

(1) the Secretary of Agriculture may acquire by purchase with donated or appropriated funds, by gift, exchange, condemnation, or otherwise, such lands, waters, or interests therein as he determines necessary or desirable for the purposes of this Act. All lands acquired under the provisions of this subsection shall become national forest lands and a part of the Wilderness System;

(2) in exercising the exchange authority granted by paragraph (1), the Secretary of Agriculture may accept title to non-Federal property for federally owned property of substantially equal value, or, if not of substantially equal value, the value shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require;

(3) the authority of the Secretary of Agriculture to condemn any private land or interest therein within any wilderness area designated by or pursuant to this Act shall not be invoked so long as the owner or owners of such land or interest holds and uses it in the same manner and for those purposes for which such land or interest was held on the date of the designation of the wilderness area: *Provided, however,* That the Secretary of Agriculture may acquire such land or interest without consent of the owner or owners whenever he finds such use to be incompatible with the management of such areas as wilderness and the owner or owners manifest unwillingness, and subsequently fail, to promptly discontinue such incompatible use;

(4) at least sixty days prior to any transfer by exchange, sale, or otherwise (except by request) of such lands, or interests therein described in paragraph (3) of this subsection, the owner or owners of such lands or interests therein shall provide notice of such transfer to the supervisor of the national forest concerned, in accordance with such rules and regulations as the Secretary of Agriculture may promulgate;

(5) at least sixty days prior to any change in the the use of such lands or interests therein described in paragraph (3) of this sub-

section which will result in any significant new construction or disturbance of land surface or flora or will require the use of motor vehicles and other forms of mechanized transport or motorized equipment (except as otherwise authorized by law for ingress or egress or for existing agricultural activities begun before the date of the designation other than timber cutting), the owner or owners of such lands or interests therein shall provide notice of such change in use to the supervisor of the national forest within which such lands are located, in accordance with such rules and regulations as the Secretary of Agriculture may promulgate:

(6) for the purposes of paragraphs (7) and (8) of this subsection, the term "property" shall mean a detached, noncommercial residential dwelling, the construction of which was begun before the date of the designation of the wilderness area (hereinafter referred to as "dwelling"), or an existing agricultural activity begun before the date of the designation of the wilderness area, other than timber cutting (hereinafter referred to as "agricultural activity"), together with so much of the land on which the dwelling or agricultural activity is situated, such land being in the same ownership as the dwelling or agricultural activity, as the Secretary of Agriculture shall determine to be necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use or for the agricultural activity, together with any structures accessory to the dwelling or agricultural activity which are situated on the land so designated;

(7) any owner or owners of property on the date of its acquisition by the Secretary of Agriculture may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the property for such noncommercial residential purpose or agricultural activity for twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary of Agriculture shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner: *Provided*, That whenever an owner of property elects to retain a right of use and occupancy as provided for in this section, such owner shall be deemed to have waived any benefits or rights accruing under section 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act; and

(8) a right of use and occupancy retained or enjoyed pursuant to paragraph (7) of this subsection may be terminated with respect to the entire property by the Secretary of Agriculture upon his determination that the property or any portion thereof has ceased to be used for such noncommercial residential purpose or agricultural activity and upon tender to the holder of a right an amount equal to the fair market value as of the date of tender of that portion of the right which remains unexpired on the date of termination.

TRANSFER OF FEDERAL PROPERTY

SEC. 7. The head of any Federal department or agency having jurisdiction over any lands or interests in lands within the boundaries of wilderness areas and wilderness study areas designated by or pursuant to this Act is authorized to transfer to the Secretary jurisdiction over such lands for administration in accordance with the provisions of this Act.

APPLICABILITY

SEC. 8. Unless otherwise provided by any other Act the provisions of this Act shall only apply to National Forest areas east of the 100th meridian.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated an amount not to exceed \$5,000,000 for the acquisition by purchase, condemnation, or otherwise of lands, waters, or interests therein located in areas designated as wilderness pursuant to section 3 of this Act and an amount not to exceed \$1,700,000 for the purpose of conducting a review of wilderness study areas designated by section 4 of this Act.



PROVIDING FOR THE MODIFICATION OF THE BOUNDARIES OF THE BRISTOL CLIFFS WILDERNESS AREA

MARCH 30, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany S. 2308]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 2308) to provide for the modification of the boundaries of the Bristol Cliffs Wilderness Area, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

S. 2308 would modify the boundaries of the Bristol Cliffs Wilderness, Green Mountain National Forest, Vermont, by eliminating all privately-owned lands (about 2,905 acres) and approximately 720 acres of Federally-owned lands within the National Forest which would be left isolated by removal of the private lands.

The wilderness would be reduced in size from about 6,500 acres to approximately 3,775 acres. Only Federally-owned lands, administered by the U.S. Forest Service, Department of Agriculture, would remain in the wilderness.

BACKGROUND AND NEED

The Bristol Cliffs Wilderness was one of 16 such areas in 13 states designated as units of the National Wilderness Preservation System by Public Law 93-622, approved on January 3, 1975. Public Law 93-622 also designated 17 additional areas in nine states as "wilderness study areas" to be reviewed by the Secretary of Agriculture within five years as to their suitability or non-suitability as wilderness. All of the areas designated as wilderness and wilderness study areas are situated in National Forests located east of the 100th meridian and consist mainly of acquired lands.

The purpose of Public Law 93-622 was to designate wilderness areas within National Forests in the eastern half of the United States a

part of the National Wilderness Preservation System as an enduring resource of wilderness for the benefit of present and future generations.

The Bristol Cliffs Wilderness was one of the 16 areas designated as "instant" wilderness by Public Law 93-622. The area encompasses about 7,400 acres and is located in Green Mountain National Forest, Addison County, in west central Vermont. There are about 2,905 acres of privately owned lands within the wilderness.

In March, 1975, private landowners were informed for the first time by the U.S. Forest Service that their property had been included in the wilderness area and that their lands were subject to certain restrictions pursuant to Public Law 93-622. With the exception of one inholding, the private landholdings generally run along the eastern, southern and western boundaries of the wilderness area. Private residences, occupied yearlong, are situated on the privately-owned land.

After learning of the designated boundaries of the Bristol Cliffs Wilderness, the private landowners, while strongly in support of the wilderness concept, voiced strenuous objections to the inclusion of their land. In addition, the landowners demonstrated that they had not afforded an adequate opportunity to comment on the establishment of the area. No local public hearings were held with respect to the suitability of the area prior to its designation as wilderness. While such hearings are not required they often are helpful in that they reflect local interests and permit consideration of local points of view.

The Subcommittee on Public Lands held a public hearing on December 12, 1975, on boundary modification proposals of the Bristol Cliffs Wilderness. Considered at the hearing were S. 2308, H.R. 11058, and H.R. 11102. The latter two identical bills provided an alternative approach to modifying the boundaries by eliminating the private lands but providing the means for adding them to the Bristol Cliffs Wilderness in the event the lands should be acquired at some point in the future. Testimony was received from Mr. Jeffords, author of H.R. 11058 and H.R. 11102, accompanied by representatives of local landowners, and representatives of the U.S. Forest Service and conservation organizations. Testimony at the hearing revealed that the Forest Service, which had originally proposed the boundaries of the Bristol Cliffs area as a "wilderness study area," had apparently acted in an aggressive manner when notifying landowners that their land and residences had been included in the area as finally designated by statute.

At the time of the consideration of Public Law 93-622, the Forest Service estimated the acreage within the boundaries of the wilderness area to be approximately 6,500 acres. Since that time, more detailed surveys have revealed that the true acreage of the area is closer to 7,400 acres—i.e. a miscalculation of about 900 acres. Added to this error, the Forest Service found that its initial calculation of the land in private ownership was 200 acres more than it had indicated when the initial legislation was under consideration.

It is not the intent of the Committee to set a precedent for the wholesale exclusion of private lands from wilderness areas. Many designated wilderness areas have private lands within their boundaries, but these lands consist mainly of scattered, uninhabited inholdings and

represent a small fraction of the total wilderness area, which is not the case in this instance. The Committee feels that prompt and remedial action is required because (a) local inhabitants did not have a reasonable opportunity to express their views on the appropriateness of the designation of the land as wilderness; (b) the Forest Service acted to implement the law in a precipitous manner; and (c) the acreage adjustment to conform with the boundaries of the area was implemented without informing the Committee.

Testimony at the hearing revealed that some 30 landowners presently are willing to negotiate sale of their land for inclusion in the wilderness. The Committee wants to make it clear that modification of the boundaries does not preclude future acquisition of private properties from willing sellers on a negotiated basis. The Wilderness Act (Sec. 3(e)) provides the direction and process (including public hearings) for recommending additions to existing wilderness areas but only with the approval of the Congress.

SECTION-BY-SECTION ANALYSIS

Section 1 modifies the boundaries of the Bristol Cliffs Wilderness and makes necessary technical and conforming changes in the text of Public Law 93-622. The boundary modification eliminates from the wilderness area all privately-owned lands (about 2,905 acres) and approximately 720 acres of noncontiguous National Forest lands.

Section 2 provides that, upon enactment of the bill, the provisions of Public Law 93-622 and the Wilderness Act (Public Law 88-577) shall not be applicable to any lands previously designated as the Bristol Cliffs Wilderness which are not contained within the boundaries of the area as revised by the bill.

COST, INFLATIONARY IMPACT STATEMENT AND BUDGET ACT COMPLIANCE

Since no new appropriations are authorized by S. 2308, enactment of this legislation would not have any federal budgetary impact. Administrative costs will be minimal and private land acquisition will not be necessary; therefore, there should be no significant inflationary impact.

OVERSIGHT STATEMENT

The Committee on Interior and Insular Affairs carried out its general oversight responsibilities as described in Rule X, Clause 2(b)(1) by reviewing with the affected government agencies and private citizens the problems associated with the current law (Public Law 93-622) creating the Bristol Cliffs Wilderness Area. The Committee received no oversight findings or recommendations from the Committee on Government Operations which would be required to be included in this report under Rule XI, Clause, 2(1)(3)(D).

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs reported S. 2308, without amendment, by voice vote on March 16, 1976.

DEPARTMENTAL COMMUNICATION

A communication from the Department of Agriculture dated January 19, 1976 follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., January 19, 1976.

HON. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs, House of Representatives

DEAR MR. CHAIRMAN: As you requested, here is the report of the Department of Agriculture on S. 2308, H.R. 11058, and H.R. 11102, bills "To provide for the modification of the boundaries of the Bristol Cliffs Wilderness."

The Department of Agriculture does not favor the enactment of any of these bills. We recommend that a substitute proposal be enacted in lieu thereof.

The bills would revise the boundaries of the Bristol Cliffs Wilderness so as to exclude all private lands; however, the bills H.R. 11058 and H.R. 11102 (identical bills), and S. 2308 take different approaches to that end.

The Bristol Cliffs Wilderness is located within the Green Mountain National Forest in Vermont. Included within the present boundary of the Wilderness are 4,495 acres of National Forest land and 2,905 acres of private land. Except for several homesites and other improved properties that are located adjacent to the roads, the lands contained within the boundary are forested and relatively undeveloped.

S. 2308 would contract and realign the Wilderness boundary around the largest single block (3,775 acres) of National Forest land, and thereby exclude all privately owned lands and approximately 720 acres of noncontiguous National Forest lands from the Wilderness. This would reduce the overall size of the Wilderness by nearly one-half. A reduction of this magnitude would greatly diminish the public benefits of wilderness that can be derived from the present area, and would expose some of the associated key natural features, such as the Bristol Cliffs and the New Haven River nonconforming development.

H.R. 11058 and H.R. 11102 would repeal the wilderness area designation of the present Bristol Cliffs Wilderness and redesignate as wilderness all the National Forest lands that were within the former boundary. As a result, no private lands would fall within any area designated as wilderness and each separate tract of National Forest land would, in effect, become a separate wilderness. The consequences of removing the private lands from within the Wilderness and from the application of the provisions of section 6(b) of Public Law 93-622, are that there will no longer be any sure means available for preventing those private lands from being used in ways that would substantially interfere with the public's use and enjoyment of the adjacent wilderness. Relating the situation to the definition of wilderness contained in section 2(c) of the Wilderness Act, we conclude that opportunities for preserving wilderness in an unimpaired condition and for affording solitude or primitive and unconfined type of recreation would be severely compromised. In apparent recognition of the prob-

lems that it would create with respect to managing the several small tracts of existing National Forest lands as wilderness, H.R. 11058 and H.R. 11102 would direct us to acquire all the private lands by purchase or exchange, but only with the consent of owners. Upon acquisition, a private tract would become wilderness. We believe this would be an unwise approach for at least three reasons.

First, there are no assurances that we would be able to acquire all the critical lands through negotiations. We would face the prospect of having to try to manage more small and scattered tracts of acquired land as wilderness for an indefinitely long period of time. The boundary posting and maintenance, and the law enforcement aspects of that situation would be formidable. Second, such direction to acquire would, in effect, be a continuing purchase or exchange offer to all landowners without respect to the nature of the structures, facilities and investments that they might develop on those lands in the future. Third, such direction gives the acquisition of these lands priority over the acquisition of lands within other wilderness areas designated by Public Law 93-622.

The Department of Agriculture does not favor the enactment of S. 2308, H.R. 11058, or H.R. 11102 for the above reasons and because of precedents that would be established with respect to other wildernesses designated by Public Law 93-622. We recommend that a substitute proposal be enacted in lieu of those bills. Our recommended proposal would modify the boundary of the wilderness to exclude 420 acres of developed lands from the Wilderness. This proposal is explained in detail in the attached supplement to this report.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN A. KNOBEL,
Under Secretary.

Enclosure.

SUPPLEMENT TO DEPARTMENT OF AGRICULTURE REPORT ON S. 2308, H.R. 11058, AND H.R. 11102

It is our understanding that the purpose of the three bills is to separate all private lands within the Bristol Cliffs Wilderness from the application of the provisions of Public Law 93-622 pertaining to condemnation and notification. These provisions do place some new requirements on all private landowners; however, landowners who reside on their properties would tend to be most frequently affected. In view of the fact that a relatively large number of residences are located within the Bristol Cliffs Wilderness, and in view of the fact that these residences are concentrated along the roadways, we would not object to certain areas being excluded from the Wilderness. A map depicting three areas (containing a total of 420 acres) which we recommend for exclusion was addressed at the hearing before the Public Lands Subcommittee on December 12, 1975. The boundaries of these exclusions have been carefully drawn to eliminate all permanent residences. Additionally, all hunting and other recreational camps were eliminated

except two that are located in interior areas. The private lands that have been retained within the Wilderness are generally undeveloped and are critical to the successful management and the future enhancement of the Wilderness.

Description of proposed exclusions

Exclusion A extends along the western edge of the Bristol Cliffs Wilderness. It encompasses all the residences in that part of the Wilderness together with associated developable lands lying between the present boundary and the foot of the mountain.

Exclusion B is located in the southwest corner of the Wilderness near the junction of the Little Notch Road and the road along the western edge of the Wilderness. This exclusion consists of approximately six acres of residential property.

Exclusion C extends along the central portion of southern edge of the Wilderness where it generally follows the Little Notch Road. It encompasses all the residences and hunting or other recreation camps in that part of the Wilderness and also approximately 15 acres of National Forest lands that enclose a private residence.

Proposed amendment

To provide for the exclusion of the areas we suggest, S. 2308 should be amended by striking lines 9 through 14 on page 2 of the bill and substituting in lieu therefore the following:

"(2) certain lands in the Green Mountain National Forest, Vermont, which comprise about six thousand nine hundred and eighty acres, and are generally depicted on a map dated _____ 1975, entitled Bristol Cliffs Wilderness."

We would be happy to provide a large copy of an appropriately referenced map upon request.

CHANGES IN EXISTING LAW

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

ACT OF JANUARY 3, 1975 (88 STAT. 2097)

* * * * *

SEC. 3. (a) In furtherance of the purposes of the Wilderness Act, the following lands (hereinafter in this Act referred to as "wilderness areas"), as generally depicted on maps appropriately referenced, dated April 1974, are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Bankhead National Forest, Alabama, which comprise about twelve thousand acres, are generally depicted on a map entitled "Sipsey Wilderness Area—Proposed", and shall be known as the Sipsey Wilderness;

(2) certain lands in the Ouachita National Forest, Arkansas, which comprise about fourteen thousand four hundred and thirty-three acres, are generally depicted on a map entitled "Caney Creek

Wilderness Area—Proposed", and shall be known as the Caney Creek Wilderness;

(3) certain lands in the Ozark National Forest, Arkansas, which comprise about ten thousand five hundred and ninety acres, are generally depicted on a map entitled "Upper Buffalo Wilderness Area—Proposed", and shall be known as the Upper Buffalo Wilderness;

(4) certain lands in the Appalachian National Forest, Florida, which comprise about twenty-two thousand acres, are generally depicted on a map entitled "Bradwell Bay Wilderness Area—Proposed", and shall be known as the Bradwell Bay Wilderness;

(5) certain lands in the Daniel Boone National Forest, Kentucky, which comprise about five thousand five hundred acres, are generally depicted on a map entitled "Beaver Creek Wilderness Area—Proposed", and shall be known as the Beaver Creek Wilderness;

(6) certain lands in the White Mountain National Forest, New Hampshire, which comprise about twenty thousand three hundred and eighty acres, are generally depicted on a map entitled "Presidential Range-Dry River Wilderness Area—Proposed", and shall be known as the Presidential Range-Dry River Wilderness;

(7) certain lands in the Nantahala and Cherokee National Forests, North Carolina and Tennessee, which comprise about fifteen thousand acres, are generally depicted on a map entitled "Joyce Kilmer-Slickrock Wilderness Area—Proposed", and shall be known as the Joyce Kilmer-Slickrock Wilderness;

(8) certain lands in the Sumter, Nantahala, and Chattahoochee National Forests in South Carolina, North Carolina, and Georgia, which comprise about three thousand six hundred acres, are generally depicted on a map entitled "Ellicott Rock Wilderness Area—Proposed", and shall be known as Ellicott Rock Wilderness;

(9) certain lands in the Cherokee National Forest, Tennessee, which comprise about two thousand five hundred and seventy acres, are generally depicted on a map entitled "Gee Creek Wilderness Area—Proposed", and shall be known as the Gee Creek Wilderness;

[(10)] certain lands in the Green Mountain National Forest, Vermont, which comprise about six thousand five hundred acres, are generally depicted on a map entitled "Bristol Cliffs Wilderness Area—Proposed", and shall be known as the Bristol Cliffs Wilderness;

[(11)] (10) certain lands in the Green Mountain National Forest, Vermont, which comprise about fourteen thousand three hundred acres, are generally depicted on a map entitled "Lye Brook Wilderness Area—Proposed", and shall be known as the Lye Brook Wilderness;

[(12)] (11) certain lands in the Jefferson National Forest, Virginia, which comprise about eight thousand eight hundred acres, are generally depicted on a map entitled "James River Face Wilderness Area—Proposed", and shall be known as the James River Face Wilderness;

[(13)] (12) certain lands in the Monongahela National Forest, West Virginia, which comprise about ten thousand two hundred and fifteen acres, are generally depicted on a map entitled "Dolly Sods Wilderness Area—Proposed", and shall be known as the Dolly Sods Wilderness;

[(14)] (13) certain lands in the Monongahela National Forest, West Virginia, which comprise about twenty thousand acres, are generally depicted on a map entitled "Otter Creek Wilderness Study Area", and shall be known as the Otter Creek Wilderness; and

[(15)] (14) certain lands in the Chequamegon National Forest, Wisconsin, which comprise about six thousand six hundred acres, are generally depicted on a map entitled "Rainbow Lake Wilderness Area—Proposed", and shall be known as the Rainbow Lake Wilderness.

"(b) In furtherance of the purposes of the Wilderness Act, the following lands [hereinafter referred to as "wilderness areas", as generally depicted on maps appropriately referenced, dated April 1973.] are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Chattahoochee and Cherokee National Forests, Georgia and Tennessee, which comprise about thirty-four thousand five hundred acres, are generally depicted on a map dated April 1973, entitled "Cohutta Wilderness Area—Proposed", and shall be known as the Cohutta Wilderness.

(2) *certain lands in the Green Mountain National Forest, Vermont, which comprise about three thousand seven hundred and seventy-five acres, are generally depicted on a map dated October 1975, entitled "Bristol Cliffs Wilderness Area-Revised", and shall be known as the Bristol Cliffs Wilderness.*



S. 2308

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To provide for the modification of the boundaries of the Bristol Cliffs Wilderness Area.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of modifying the boundaries of the Bristol Cliffs Wilderness, section 3 of the Act of January 3, 1975 (88 Stat. 2097), is amended as follows:

(a) Paragraph (10) of section 3(a) is deleted and paragraphs (11) through (15) of section 3(a) are respectively renumbered as paragraphs (10) through (14).

(b) Section 3(b) is revised to read:

“(b) In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

“(1) certain lands in the Chattahoochee and Cherokee National Forests, Georgia and Tennessee, which comprise about thirty-four thousand five hundred acres, are generally depicted on a map dated April 1973, entitled ‘Cohutta Wilderness Area—Proposed’, and shall be known as the Cohutta Wilderness.

“(2) certain lands in the Green Mountain National Forest, Vermont, which comprise about three thousand seven hundred and seventy-five acres, are generally depicted on a map dated October 1975, entitled ‘Bristol Cliffs Wilderness Area—Revised’, and shall be known as the Bristol Cliffs Wilderness.”.

SEC. 2. Upon enactment of this Act, the provisions of the Act of January 3, 1975 (88 Stat. 2096) and the Wilderness Act (78 Stat. 890) shall not be applicable to any lands previously designated as the Bristol Cliffs Wilderness that are not contained within the boundaries of the Bristol Cliffs Wilderness as depicted on the map described in section 1(b) of this Act.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

April 7, 1976

Dear Mr. Director:

The following bills were received at the White House on April 7th:

- ✓ S. 719
- ✓ S. 720
- ✓ S. 721
- ✓ S. 804
- ✓ S. 832
- ✓ S. 2308
- ✓ S. 3108

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.

Mr. Director

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Director
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Washington, D. C.