

Congressional Record -- Senate

Wednesday, June 6, 1990;

(Legislative day of Wednesday, April 18, 1990)

101st Cong. 2nd Sess.

136 Cong Rec S 7537

REFERENCE: Vol. 136 No. 70

TITLE: MAINE WILDERNESS ACT

SPEAKER: Mr. COHEN; Mr. DOLE; Mr. LEAHY; Mr. LUGAR; Mr. MITCHELL

TEXT: [*S7537] Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 561, S. 2205, a bill to designate certain lands in Maine as wilderness.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2205) to designate certain lands in the State of Maine as wilderness.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to the consideration of the bill, which had been reported from the Committee on Agriculture, Nutrition, and Forestry, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maine Wilderness Act of 1990".

SEC. 2. DESIGNATION OF WILDERNESS AREAS.

In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), certain lands in the White Mountain National Forest, in the State of Maine –

(1) which comprise approximately twelve thousand acres, as generally depicted on a map entitled "Caribou-Speckled Mountain Wilderness -- Proposed", dated January 1987; and

(2) which shall be known as the Caribou-Speckled Mountain Wilderness, are hereby designated wilderness, and, therefore, as components of the National Wilderness Preservation System.

SEC. 3. MAPS AND DESCRIPTIONS.

As soon as practicable after enactment of this act, the Secretary of Agriculture shall file a map and a legal description of the 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. The map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such map and description may be made by the Secretary. The map and description shall be on file and available for public inspection in the [*S7538] Office of the Chief of the Forest Service, Department of Agriculture.

SEC. 4. ADMINISTRATION OF WILDERNESS.

Subject to valid existing rights, the 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.

SEC. 5. WILDERNESS REVIEW CONCERNS.

(a) Findings. -- The Congress finds that --

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

(2) The Congress has made its own review and examination of National Forest System road less areas in the Maine section of the White Mountain National Forest and of the environmental impacts associated with alternative allocations of such areas.

(b) Determination. -- 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 the State of Maine; such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Maine;

(2) with respect to the National Forest System lands in the State of Maine which were reviewed by the Department of Agriculture in the second road less 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;

(3) areas in the state of Maine reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness upon enactment of this act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976; Provided, that such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Maine 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 road less area review and evaluation of National Forest System lands in the State of Maine for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) Revision. -- 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) Application of Section. -- The provisions of this section shall also apply to National Forest System road less lands in the State of Maine which are less than 5,000 acres in size.

SEC. 6. PROHIBITION ON BUFFER ZONES.

Congress does not intend that the designation of a wilderness area in the State of Maine lead to the creation of protective perimeters or buffer zones around the wilderness area. The fact that non-wilderness activities or uses can be seen or heard from within the wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

SEC. 7. CONTROL OF FIRE, INSECTS, AND DISEASES.

As provided in section 4(d)(1) of the Wilderness Act, such measures may be taken within wilderness areas designated by this Act as may be necessary in the control of fire, insects, and diseases, subject to applicable laws and such additional reasonable conditions as the Secretary deems desirable.

SEC. 8. STATE FISH AND WILDLIFE AUTHORITY.

As provided in section 4(d)(7) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Maine with respect to wildlife and fish in the national forests in Maine.

Mr. MITCHELL. Mr. President, I strongly urge my colleagues to support passage today of S. 2205, the Maine Wilderness Act of 1990. This legislation comes before the Senate having been considered and favorably reported by the Committee on Agriculture, Nutrition and Forestry.

I want to express my appreciation to Senator Leahy and Senator Lugar, the chairman ranking member of the full committee and Senator Fowler and Senator Bond, the chairman and ranking member of the Subcommittee on Conservation and Forestry respectively, for their cooperation and assistance in bringing this legislation to this point.

Mr. President, S. 2205 will designate approximately 12,000 acres in the Caribou-Speckled portion of the White Mountain National Forest in Maine as wilderness. In addition, S. 2205 releases approximately 4,000 acres of road less area in the Maine portion of the forest not designated as wilderness for such uses as are determined appropriate through the forest's land management planning process.

This area, one of the last large undeveloped tracts of land in Maine, contains no roads, has not seen any logging for many years, contains a wide variety of wildlife and plant species, and many spectacular views and opportunities for solitude and relative isolation from the intrusions of modern life.

Enactment of this legislation will add approximately 12,000 acres to the 102,000 acres already designated as wilderness to the White Mountain National Forest.

It would also add to the 5,000 acres in the Moosehorn National Wildlife Refuge that are federally designated as wilderness in Maine. In addition, 36,000 acres in the Allagash Wilderness Waterway are managed as wilderness.

S. 2205 was introduced by the Maine delegation on February 28, 1990, after an extended process of public discussion, study, evaluation, deliberation, negotiation, and compromise involving the Forest Service, the delegation, and a variety of interested parties including the timber products industry, conservation groups, State and local governments, snowmobilers, and regional planning agencies.

To give some perspective of that process, Mr. President, the Caribou-Speckled road less area includes a zone identified as a "wilderness resource" in the Evans Notch Unit Plan/EIS that was released in 1977. The area was not recommended for wilderness designation, however, but was managed for backpacking, snowshoeing and other dispersed uses.

The issue of wilderness designation for Caribou-Speckled next arose in 1983, when the Maine delegation asked representatives of industry, State, conservation and recreation interests to serve on an ad hoc committee to recommend possible wilderness designation for the area.

That committee conducted its work while the Forest Service was in the process of conducting its development of the forest's 10-year land and resource management plan.

In the fall of 1984, the Forest Service, in a draft management plan recommended that approximately 12,000 of the 16,000 acres in Caribou-Speckled be studied by Congress for possible wilderness designation and that the remaining approximately 4,000 acres be released for multiple use.

The Forest Service's final land and resource management plan, released in 1986, made some modifications to the originally proposed wilderness area boundaries, but the recommendation to designate approximately 12,000 acres as wilderness and release approximately 4,000 acres for multiple use remained the same.

Mr. President, S. 2205 as introduced and reported by the Agriculture Committee embodies the recommendation made by the Forest Service in the land and resource management plan for the White Mountain National Forest.

As such, it represents a compromise that the Maine congressional delegation believes balances the many, some [*S7539] times competing, interests this Nation places on its national forest. If no action is taken, the entire 16,000 acres will remain managed by the Forest Service so as to retain its wilderness character. There would be no access to the area's timber by local wood-using industries. There would be no permanent protection of the area as wilderness. The issue would remain unresolved.

Mr. President, the committee's report filed with S. 2205 discusses the background of this issue, the legislation and the committee's intent for the management of the future management of the area in sufficient detail so that I need not repeat them in this statement.

Mr. President, I'm pleased to note that I am joined today, as I have been in every step of this process, by my distinguished colleague Bill Cohen. With passage today of S. 2205 by the Senate we move closer to concluding the debate over wilderness designation for Caribou-Speckled.

Again, let me express my gratitude to the leadership of the Committee on Agriculture, Nutrition, and Forestry that has considered and reported out this legislation.

Mr. COHEN. Mr. President, I thank my colleagues for their support of S. 2205, the Maine Wilderness Act. In passing this legislation, we will finally resolve an issue which has been under discussion for many years in Maine. I believe that S. 2205 is a fair resolution of this issue, one that allows for the many users of our national forests to continue to have access to the resources they desire, whether they be recreational or commercial. It is my intent that this bill represent the final resolution of the wilderness question in the Maine section of the White Mountain National Forest. A significant amount of work has gone into this issue on the part of many individuals and organizations, and I believe the Maine delegation has crated a bill that fairly addresses all concerns.

This legislation, which is supported by the entire Maine congressional delegation, incorporates the recommendations of both the U.S. Forest Service and the Maine Ad Hoc Wilderness Committee with regard to the disposition of the 16,000 acre road less area in the Caribou-Speckled Mountain region of the White Mountain National Forest. Under the bill's provisions, approximately 12,000 acres are designated as wilderness and approximately 4,000 acres are released for multiple use, according to the provisions of the 1986 forest plan for the White Mountain National Forest. That plan calls for a number of non-wilderness uses in the 4,000 acre area, including timber harvesting. Timber sales are scheduled to occur in the area in the next few years, and once this bill is enacted, the Forest Service will move ahead with that portion of the plan.

This legislation is needed in order to end uncertainty over the future management of the entire 16,000 acre road less area that was reviewed by the U.S. Forest Service during the development of the forest plan, and that has been managed as wilderness since the Forest Service issued its recommendations in 1986. If the delegation did not act on the 12,000-acre recommendation, the remaining 4,000-acre area would remain off-limits to timber harvesting and other non-wilderness uses for an indefinite period of time.

As I stated earlier, S. 2205 is based not only on the Forest Service's Forest Plan recommendations, but also on the recommendation of the Maine Ad Hoc Wilderness Committee, established by the Maine congressional delegation in 1983. The committee consisted of representatives of the forest products industry, environmental groups, local and State government, snowmobilers and others. In 1984, the committee voted in favor of the Forest Service's preferred alternative, which was the designation of the 12,000 acre wilderness area and the release of the remaining 4,000 acres to non-wilderness uses.

In 1986, the Forest Service issued its Final Plan for the White Mountain Forest, which included the 12,000 acre wilderness recommendation. Extensive public comment was received by the Service, and significant support for the wilderness designation was evident at that time. In addition, the delegation held a public hearing in Bethel, Maine, in November 1987, at which time further public comment was solicited.

After reviewing this matter for some time, the delegation has agreed, after reviewing the circumstances in this section of the forest, that the resolution of this matter as proposed is in the best interests of Maine citizens.

Designation of the 12,000-acre Caribou-Speckled wilderness will preserve a relatively undeveloped parcel of forestland for future generations. While portions of the area were harvested at one time or another, harvesting has not occurred in over 20 years, and what did occur before then was very selective. What remains, then, is a large, fairly mature hardwood forest that is not found elsewhere in the state.

Maine has few large areas of public land suited to the wilderness experience -- Baxter State Park and the Moose-horn National Wildlife Refuge are among the few that have been set aside for this purpose. The creation of the Caribou-Speckled wilderness area will add another dimension to this experience, since it differs from the type of forest found in the other areas.

In addition to being a mature hardwood forest, the Caribou-Speckled Forest also boasts two mountain peaks a few miles apart. To the west, hikers can view the majestic peaks of Mount Washington and other mountains in the White Mountain range. Views in other directions provide a panorama of western Maine's foothills and rolling mountains. There are few preserves of this kind in Maine, and certainly none of this size.

The other component of our bill, the release of the remaining 4,000 acres, provides the means for the forest products industries and other non-wilderness users to have access to forest resources. Timber sales are scheduled in this area in the near future, and this will allow for adequate timber supply levels for the local forest products industries that depend on the forest for much of their timber supply.

Overall, this compromise should bring about the most balanced use of the national forest in Maine. Those who desire to hike and camp in the forest in relative solitude will have that opportunity, but the tradition of access to public timber by forest-dependent industries in Maine will also continue.

This is a fair, balanced bill, and I thank my colleagues for their support. I also want to thank Senator Fowler, Senator Leahy, and Senator Lugar, and their staffs, for their assistance in moving this bill through the committee and to the Senate floor. I hope it will be taken up by the House of Representatives in the near future so that Maine's small portion of national forest can remain accessible to all users.

WHITE MOUNTAIN NATIONAL FOREST

Mr. COHEN. Mr. President, I would like to discuss the intent of this legislation with the chairman and ranking member of the Agriculture Committee.

It is my intent, which is shared by Senator Mitchell, that this legislation, S. 2205, represents a resolution of the wilderness review issue in the Maine section of the White Mountain National Forest within this planning cycle. We would expect the Forest Service to proceed to manage those lands referenced in section 5 of the bill according to the forest plan. That plan calls for timber sales and other activities that are not consistent with wilderness designation, and we would expect that the Forest Service proceed to implement that portion of the plan following enactment of this legislation.

Mr. MITCHELL. I concur with Senator Cohen's statement and point out that this issue has been under discussion and review in Maine for at least 12 years. In an attempt to balance the competing uses of the national forests, and to meet the needs of all Maine residents, the Maine delegation has crafted a bill that creates a wilderness area of approximately 12,000 acres in the Maine section of the White Mountain National Forest and releases the remaining road less areas of approximately 4,000 acres to multiple use. As Senator Cohen has previously stated, this will include timber harvesting, as called for in the land and resource [*S7540] management plan for the White Mountain National Forest.

Mr. LEAHY. I certainly agree with the statements of both Maine Senators and would add that the committee's report on S. 2205 expresses the committee's belief that this legislation represents a balanced bill that meets the needs of all users of the forest. Of course, any timber sales or similar activities in the national forest, including released areas, must comply with provisions of the National Forest Management Act and any other applicable laws.

Mr. LUGAR. I concur with the Senator from Vermont and commend the Maine delegation for crafting an excellent bill that addresses all competing uses of the forest and put to an end the uncertainty that now surround this roadless area in Maine.

Mr. COHEN. I thank the chairman and the ranking member for that clarification and appreciate their assistance in getting this bill passed.

Mr. MITCHELL. I also want to thank Senators Leahy and Lugar for helping us to clarify this matter and for their hard work in ensuring passage of S. 2205.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 2205), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.