

103^D CONGRESS
2^D SESSION

S. 2285

To provide for the sound management and protection of redwood forest areas in Humboldt County, California, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 14 (legislative day, JULY 11), 1994

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the sound management and protection of redwood forest areas in Humboldt County, California, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Headwaters Forest Act
5 of 1994”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—The Congress finds that:

3 (1) Redwoods are a significant national symbol
4 and a defining symbol of the State of California.

5 (2) Old growth stands of redwood trees are a
6 unique and irreplaceable natural resource.

7 (3) Most of the old growth forests of the United
8 States have been cut.

9 (4) Less than 5 percent of the original
10 2,000,000 acres of redwood trees of the West Coast
11 of California remain standing.

12 (5) The redwood stands that remain are crucial
13 to maintain habitat needed for survival of species
14 that are dependent on old growth forests.

15 (6) An example of an old growth redwood forest
16 that is crucial to the survival of species that are de-
17 pendent on old growth forests is the Headwaters
18 Forest, California.

19 (7) The Headwaters Forest is home to one of
20 the three largest populations in California of mar-
21 bled murrelets, a rare sea bird that nests only in
22 coastal old growth trees and such forest also pro-
23 vides habitat for the northern spotted owl and native
24 salmon stocks that spawn in the creeks of the forest.

25 (8) The other remaining stands of old growth
26 forests and old growth redwoods are unprotected

1 and are under immediate threat of being harvested
2 without regard to a consideration of their ecological
3 importance and without the benefit of Federal tim-
4 ber harvest guidelines.

5 (9) Instead of basing decisions on sound forest
6 management practices, harvesters of old growth red-
7 woods are cutting significant amounts of old growth
8 redwoods in the areas proposed to be added to the
9 National Forest pursuant to this Act at a rate deter-
10 mined by the demands for the payment of high in-
11 terest on poor quality bonds.

12 (b) PURPOSES.—The purposes of this Act are to add
13 certain lands and waters to the Six Rivers National For-
14 est, California, and include a portion of such lands and
15 waters in the national wilderness preservation system—

16 (1) to provide for the sound management and
17 protection of old growth redwood forest areas in
18 Humboldt County, California; and

19 (2) to preserve and enhance habitat for the
20 marbled murrelet, the northern spotted owl, native
21 salmon stocks, and other species that are dependent
22 on old growth forests.

23 **SEC. 3. DEFINITIONS.**

24 As used in this Act:

1 (1) HEADWATERS FOREST.—The term “Head-
2 waters Forest” means the Headwaters Forest, Cali-
3 fornia.

4 (2) HEADWATERS FOREST WILDERNESS.—The
5 term “Headwaters Forest Wilderness” means the
6 lands in the State of California that are acquired
7 pursuant to section 4 that are within the areas gen-
8 erally depicted on the map referred to in section 4(a)
9 as the “Headwaters Forest Wilderness (Proposed)”.

10 (3) SIX RIVERS NATIONAL FOREST ADDITION.—
11 The term “Six Rivers National Forest Addition”
12 means the area added to the Six Rivers National
13 Forest pursuant to section 4.

14 **SEC. 4. ADDITION TO SIX RIVERS NATIONAL FOREST.**

15 (a) EXTENSION OF BOUNDARIES.—

16 (1) IN GENERAL.—The exterior boundaries of
17 the Six Rivers National Forest in the State of Cali-
18 fornia are hereby extended to include the area com-
19 prising approximately 44,000 acres, as generally de-
20 picted on the map prepared by the National Forest
21 Service entitled “Six Rivers National Forest Addi-
22 tion proposed”, dated June 1993.

23 (2) FILING OF MAP.—A copy of the map re-
24 ferred to in paragraph (1) shall be on file and avail-
25 able for public inspection in the office of the Forest

1 Supervisor, Six Rivers National Forest, and in the
2 office of the Chief of the Forest Service, Department
3 of Agriculture.

4 (b) ACQUISITION OF LAND.—

5 (1) IN GENERAL.—

6 (A) MEANS OF ACQUISITION.—The Sec-
7 retary may acquire lands or interests in land
8 within the exterior boundaries of the Six Rivers
9 National Forest Addition by donation, by pur-
10 chase with donated or appropriated funds, or by
11 an exchange.

12 (B) EXCESS AND SURPLUS FEDERAL
13 PROPERTY.—If the Secretary identifies as suit-
14 able for an exchange under subparagraph (A),
15 excess or surplus Federal property, as deter-
16 mined under the Federal Property and Admin-
17 istrative Services Act of 1949 (40 U.S.C. 471
18 et seq.) in the form of lands that are under the
19 jurisdiction of any other department, agency, or
20 instrumentality of the United States, the Sec-
21 retary may take such action as may be nec-
22 essary to obtain the advance approval of Con-
23 gress to transfer the lands to the Secretary for
24 exchange. A transfer of such lands shall be
25 made on the condition that the department,

1 agency, or instrumentality that transfers the
2 lands may not receive compensation for such
3 transfer.

4 (C) ACQUISITION OF LANDS OUTSIDE OF
5 BOUNDARIES.—If a tract of land is only partly
6 within the boundaries referred to in subpara-
7 graph (A), the Secretary may acquire all or any
8 portion of the land outside of such boundaries
9 in order to minimize the payment of severance
10 costs.

11 (D) EXCHANGE OF LANDS ACQUIRED OUT-
12 SIDE OF BOUNDARIES.—Land acquired pursu-
13 ant to subparagraph (B) outside of the bound-
14 aries referred to in subparagraph (A) may be
15 exchanged by the Secretary for non-Federal
16 lands within such boundaries.

17 (E) CERTAIN UNEXCHANGED LANDS.—The
18 Secretary shall report the acquisition of any
19 land acquired pursuant to subparagraph (B)
20 that is not exchanged by the Secretary pursu-
21 ant to subparagraph (D) to the Administrator
22 of the General Services Administration. The
23 Administrator shall dispose of such lands pur-
24 suant to the Federal Property and Administra-

1 tive Services Act of 1949 (40 U.S.C. 471 et
2 seq.).

3 (F) REQUIREMENTS FOR ACQUISITION OF
4 CERTAIN LANDS.—Lands, and interests in
5 lands, within the boundaries of the Six Rivers
6 National Forest Addition which are owned by
7 the State of California or any political subdivi-
8 sion thereof, may be acquired only by donation
9 or exchange.

10 (2) ACCEPTANCE OF FUNDS.—

11 (A) IN GENERAL.—The Secretary may—

12 (i) accept from the State of California
13 funds in an amount sufficient to cover the
14 cost of acquiring lands within the Six Riv-
15 ers National Forest Addition pursuant to
16 this Act; and

17 (ii) notwithstanding any other provi-
18 sion of law, retain and expend such funds
19 for purposes of such acquisition.

20 (B) TREATMENT OF FUNDS.—Any funds
21 made available to the Secretary pursuant to
22 subparagraph (A) shall be used for the pur-
23 poses specified in such paragraph without fur-
24 ther appropriation and without fiscal year limi-
25 tation.

1 (c) LAND ACQUISITION PLAN.—

2 (1) IN GENERAL.—Not later than 180 days
3 after the date of enactment of this Act, the Sec-
4 retary shall develop and implement a land acqui-
5 sition plan.

6 (2) CONTENT OF PLAN.—A plan developed
7 under paragraph (1) shall—

8 (A) contain specific provisions addressing
9 the time and manner of the acquisition of lands
10 under subsection (b);

11 (B) in acquiring such lands, give first pri-
12 ority to the acquisition of lands for the Head-
13 waters Forest Wilderness;

14 (C) include an analysis of practicable
15 means of providing for compensation for the ac-
16 quisition of such lands other than cash pay-
17 ments, including providing for the use or ex-
18 change of certain excess or surplus property of
19 the Federal Government (as determined under
20 the Federal Property and Administrative Serv-
21 ices Act of 1949; 40 U.S.C. 471) that the Sec-
22 retary shall identify and list; and

23 (D) acquire lands in accordance with the
24 requirements of paragraph (3).

1 (3) EXHAUSTION OF NON-CASH ALTER-
2 NATIVES.—With respect to the acquisition of a spe-
3 cific parcel of land pursuant to the plan, the Sec-
4 retary shall, to the maximum extent practicable, use
5 all practicable alternatives to cash payments from
6 funds appropriated to the Department of the Inte-
7 rior. With respect to such acquisition, the Secretary
8 may use such cash payments only to the extent that
9 such alternatives are not sufficient to provide for
10 such acquisition.

11 (4) DISTRIBUTION OF PLAN.—The Secretary
12 shall submit a copy of the plan developed under this
13 subsection to the Committee on Energy and Natural
14 Resources, the Committee on Agriculture, Nutrition,
15 and Forestry and the Committee on Appropriations
16 of the Senate and the Committee on Natural Re-
17 sources, the Committee on Agriculture, and the
18 Committee on Appropriations of the House of Rep-
19 resentatives.

20 **SEC. 5. WILDERNESS AREAS.**

21 (a) DESIGNATION.—In furtherance of the purposes of
22 the Wilderness Act (16 U.S.C. 1131 et seq.), lands in Cali-
23 fornia that are acquired under section 4 that are in the
24 Headwaters Forest Wilderness shall, upon acquisition, be

1 considered wilderness and a part of the National Wilder-
2 ness Preservation System.

3 (b) MAP AND LEGAL DESCRIPTION.—

4 (1) IN GENERAL.—As soon as practicable after
5 the inclusion of any lands in the Headwaters Forest
6 Wilderness, the Secretary shall submit a copy of the
7 map and a legal description of the area so included
8 with the Committee on Energy and Natural Re-
9 sources of the Senate and with the Committee on
10 Natural Resources of the House of Representatives.

11 (2) CORRECTION OF CLERICAL AND TYPO-
12 GRAPHICAL ERRORS.—The Secretary may correct
13 clerical and typographical errors in a map or legal
14 description referred to in paragraph (1).

15 (3) FILING OF MAPS AND BOUNDARY DESCRIP-
16 TIONS.—Each map and legal description submitted
17 to the committees of Congress specified in para-
18 graph (1) shall be on file and available for public in-
19 spection in the Office of the Chief of the Forest
20 Service, United States Department of Agriculture.

21 (c) BUFFER ZONES NOT INTENDED.—

22 (1) STATUTORY INTENT.—Nothing in this Act
23 is intended to require the creation of protective pe-
24 rimeters or buffer zones around a wilderness area
25 designated pursuant to this Act.

1 (2) PERMISSIBILITY OF CERTAIN WILDERNESS
2 ACTIVITIES ALONG A BOUNDARY.—The fact that a
3 nonwilderness activity or use may be seen or heard
4 from an area within a wilderness may not be used
5 alone to preclude such activities or uses adjacent to
6 the boundary of the wilderness area.

7 (d) STATE AUTHORITY OVER FISH AND WILD-
8 LIFE.—In accordance with section 4(d)(8) of the Wilder-
9 ness Act (16 U.S.C. 1133(d)(8)), nothing in this Act shall
10 be construed as affecting the jurisdiction or responsibil-
11 ities of the State of California with respect to wildlife and
12 fish in any areas designated by this Act as wilderness.

13 **SEC. 6. ADMINISTRATION.**

14 (a) MANAGEMENT PLAN.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the Secretary acquires all or a significant portion of
17 the lands identified under the land acquisition plan
18 developed under section 4(c), the Secretary shall de-
19 velop and implement a comprehensive management
20 plan for the Six Rivers National Forest Addition.

21 (2) CONTENT OF PLAN.—The comprehensive
22 management plan developed under paragraph (1)
23 shall prescribe measures for the preservation of the
24 existing old growth redwood ecosystems in the Six

1 Rivers National Forest Addition, including the fol-
2 lowing:

3 (A) With respect to the sale of timber—

4 (i) prohibiting the sale of timber from
5 lands within the old growth redwood groves
6 in the Six Rivers National Forest Addition,
7 as depicted generally on the map referred
8 to in section 4(a); and

9 (ii) permitting the sale of timber in
10 areas of the Six Rivers National Forest
11 Addition not specified in clause (i) in a
12 manner consistent with the purposes of
13 this Act and any other applicable Federal
14 laws.

15 (B) Restoration measures to restore lands
16 affected by timber harvests that occurred before
17 the date of implementation of the plan to miti-
18 gate watershed degradation and the impairment
19 of habitat for the marbled murrelet, spotted
20 owl, native salmon stocks, and other species de-
21 pendent on old growth forests.

22 (3) REVIEW AND REVISION OF PLAN.—

23 (A) Except as provided in subparagraph
24 (B), at such time as the Secretary revises the
25 applicable land and resource management plan

1 for the Six Rivers National Park that is in ef-
2 fect on the date of enactment of this Act the
3 Secretary shall review and revise the com-
4 prehensive management plan developed under
5 this subsection.

6 (B) The Secretary may revise the schedule
7 for reviewing and revising a comprehensive
8 management plan developed under this sub-
9 section if the Secretary determines that a more
10 frequent schedule of review and revision is nec-
11 essary to meet the purposes specified in section
12 2(b).

13 (b) APPLICABLE LAWS AND POLICIES.—

14 (1) IN GENERAL.—The Secretary, acting
15 through the Chief of the Forest Service, shall admin-
16 ister the lands acquired under section 4(b) in ac-
17 cordance with the comprehensive management plan
18 developed under subsection (a), other applicable re-
19 quirements of this Act, and any other applicable law.

20 (2) WILDERNESS.—Except as provided in para-
21 graph (3), subject to valid existing rights, any lands
22 acquired and designated as wilderness under section
23 5(a) shall be administered in accordance with the
24 comprehensive management plan developed under
25 subsection (a), other applicable requirements of this

1 Act, and any other applicable law, including the Wil-
2 derness Act (16 U.S.C. 1131 et seq.).

3 (3) EFFECTIVE DATES UNDER WILDERNESS
4 ACT.—With respect to lands designated as wilder-
5 ness under section 5(a), any effective date under the
6 Wilderness Act (or any similar reference) shall be
7 deemed to be a reference to the date of acquisition
8 of such lands under section 4.

9 (c) EMPLOYMENT PRACTICES.—To the maximum ex-
10 tent practicable, the Secretary shall take such action as
11 may be necessary to ensure that all work to implement
12 the restoration measures under the comprehensive man-
13 agement plan developed under subsection (a) are per-
14 formed by unemployed forest workers and unemployed
15 timber workers, unemployed commercial fishermen, or
16 other unemployed persons whose livelihood depends on
17 fishery and timber resources.

18 (d) AGREEMENTS.—In order to facilitate the man-
19 agement of the lands subject to the comprehensive man-
20 agement plan developed under subsection (a), the Sec-
21 retary, acting through the Chief of the Forest Service,
22 may enter into agreements with the State of California
23 for the management of lands owned by the State or pur-
24 chased with State assistance.

1 **SEC. 7. PAYMENTS TO LOCAL GOVERNMENT.**

2 (a) PILT.—Solely for purposes of payments made
3 pursuant to chapter 69 of title 31, United States Code,
4 all lands added to the Six Rivers National Forest pursuant
5 to section 4 shall be deemed to have been acquired for
6 the purposes specified in section 6904(a) of such title 31.

7 (b) 10-YEAR PAYMENT.—

8 (1) IN GENERAL.—Subject to the annual appro-
9 priations and subsection (c), for the 10-year period
10 beginning on the date of the acquisition of lands
11 under section 4, the Secretary shall make annual
12 payments with respect to such acquired lands to
13 Humboldt County in the State of California in an
14 amount equal to the State of California Timber
15 Yield Tax revenues payable under section 38101 et
16 seq. of the California Revenue and Taxation Code
17 (as in effect as of the date of enactment of this Act)
18 that would have been paid with respect to such lands
19 if the lands had not been acquired by the United
20 States, as determined by the Secretary pursuant to
21 this subsection.

22 (2) DETERMINATION OF AMOUNT OF PAY-
23 MENTS.—The Secretary shall determine the amount
24 of each annual payment made pursuant to para-
25 graph (1) on the basis of an assessment of a variety
26 of factors, including the following:

1 (A) Timber actually sold during the year
2 for which the payment is based from com-
3 parable commercial forest lands of similar soil
4 type and slope.

5 (B) A determination of appropriate timber
6 harvest levels.

7 (C) A consideration of comparable timber
8 size class, age, and quality.

9 (D) Market conditions.

10 (E) Applicable Federal laws and applicable
11 laws of States and political subdivisions of
12 States.

13 (F) The goal of achieving a sustainable,
14 even-flow harvest of renewable timber resources.

15 (c) CALIFORNIA TIMBER YIELD TAX.—The amount
16 of State of California Timber Yield Tax payments paid
17 to Humboldt County for any year pursuant to the laws
18 of California for timber sold from lands acquired under
19 this Act shall be deducted from the sums to be paid to
20 Humboldt County in such year under subsection (b).

21 (d) 25-PERCENT FUND.—Amounts paid under sub-
22 section (b) with respect to any land in any year shall be
23 reduced by any amounts paid under the last paragraph
24 in the matter under the heading “FOREST SERVICE.”
25 in the Act of May 23, 1908 (35 Stat. 360, chapter 192;

1 16 U.S.C. 500) which are attributable to sales from the
2 same lands in that year.

3 **SEC. 8. FOREST STUDY.**

4 (a) IN GENERAL.—The Secretary shall study the
5 lands within the area comprising approximately 13,620
6 acres and generally depicted as “Study Area” on the map
7 referred to in section 4(a).

8 (b) REQUIREMENTS FOR STUDY.—In carrying out
9 the study, the Secretary shall—

10 (1) analyze the potential of the area specified in
11 subsection (a) as an addition the Headwaters For-
12 est; and

13 (2) identify, with respect to the area—

14 (A) the natural resources of such area, in-
15 cluding wildlife and fish and the location of old
16 growth forests, old growth redwood stands,
17 habitat for threatened and endangered species
18 and populations (including the northern spotted
19 owl and marbled murrelet);

20 (B) commercial timber volume;

21 (C) recreational opportunities;

22 (D) watershed management needs; and

23 (E) the cost of acquiring the lands of the
24 area.

1 (c) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Secretary shall prepare a
3 report that contains the findings of the study conducted
4 under this section and submit a copy of the report to the
5 Committee on Energy and Natural Resources of the Sen-
6 ate, the Committee on Agriculture, Nutrition, and For-
7 estry of the Senate, the Committee on Natural Resources
8 of the House of Representatives, and the Committee on
9 Agriculture of the House of Representatives.

10 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated such sums
12 as may be necessary to carry out this Act.

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