

103D CONGRESS
1ST SESSION

H. R. 2153

To designate the Giant Sequoia National Forest Preserve in the State of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 1993

Mr. BROWN of California (for himself, Mr. BEILENSEN, Mr. HINCHEY, Mr. WAXMAN, Mr. DELLUMS, Ms. SCHENK, Mr. EDWARDS of California, Mr. BERMAN, Mr. STARK, and Ms. ESHOO) introduced the following bill; which was referred jointly to the Committees on Natural Resources and Agriculture

A BILL

To designate the Giant Sequoia National Forest Preserve in the State of California, 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 “Giant Sequoia Preser-
5 vation Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds and declares the following:

8 (1) The Giant Sequoia trees (*Sequoiadendron*
9 *giganteum*), the largest of all trees and the most

1 majestic of all living things, are native to only a
2 small part of the Sierra Nevada range in California.
3 The Giant Sequoia groves and other ancient forests
4 located within Sequoia National Forest are a unique
5 national treasure that should be passed on intact for
6 the benefit and enjoyment of future generations.

7 (2) The Giant Sequoias are named for the
8 Cherokee Indian Sequoya, a giant among his people
9 as the creator of the Cherokee alphabet.

10 (3) The Giant Sequoias are plant relatives of
11 the Coastal Redwoods of California, the Dawn Red-
12 woods of China, and the Bald Cypress of the Amer-
13 ican South.

14 (4) Most of all the Giant Sequoia trees in the
15 entire world are within the boundaries of the Se-
16 quoya National Forest; these trees and their environs
17 are currently unprotected statutorily from logging,
18 development, and other impacts resulting from
19 human activity.

20 (5) The ancient forests located in the Sequoia
21 and Sierra National Forests provide unique and un-
22 paralleled opportunities for scientific study and re-
23 search.

24 (6) The ancient forests of the Sequoia and Si-
25 erra National Forests are the homes of endemic,

1 rare, threatened, and endangered species of plants
2 and wildlife; further destruction and diminution of
3 the forest can only accelerate the extirpation or ex-
4 tinction of said species.

5 (7) The ancient forests of the Sequoia and Si-
6 erra National Forests can and do provide outstand-
7 ing and unique recreational opportunities for our
8 Nation's people.

9 (8) The ancient forests of the Sequoia and Si-
10 erra National Forests retain and release water, thus
11 guaranteeing a steady and assured supply of clean,
12 high-quality water for agricultural, industrial, mu-
13 nicipal, animal, environmental, and recreational pur-
14 poses.

15 (9) The most valuable aspect of the Sequoia
16 and Sierra National Forests is their intact, natural
17 ecosystems, which have developed over tens of thou-
18 sands of years; such ecosystems are not renewable
19 for many centuries after logging, if at all.

20 (10) The policy of the United States Forest
21 Service has been to encourage logging of ancient for-
22 est habitats, including that of the Giant Sequoias.

23 (11) At the current rate of logging in the Se-
24 quoia National Forest, it is estimated that all of the

1 ecologically significant unprotected forests will be de-
2 stroyed within 7 to 8 years.

3 (12) Removal of timber from the Sequoia Na-
4 tional Forest is done at a net loss to the United
5 States Treasury of more than \$8,000,000 annually,
6 over and above the amounts appropriated annually
7 by the Congress for the administration and oper-
8 ation of the Forest.

9 (13) Direct and indirect employment afforded
10 as part of the logging in the Sequoia and Sierra Na-
11 tional Forests will decline with reduction of the vol-
12 ume of native forest and with compliance with envi-
13 ronmental laws. Workers paid by private interests
14 for felling, hauling, and milling trees within the
15 boundaries of the Preserve established by this Act
16 are subsidized by United States taxpayers.

17 (14) At current and prospective rates of logging
18 under the United States Forest Service's present
19 "Sequoia National Forest Plan", the forest is being
20 removed at more than double the sustainable rate.

21 (15) United States Forest Service figures show
22 the recreational value of the Sequoia National For-
23 est to be more than 6 times that of timber extrac-
24 tion, yet recreational values, and the opportunities
25 for gainful employment associated therewith, are se-

1 riously and permanently eroded under past and
2 present management of the Forest.

3 (16) Private-property values within and around
4 the area affected by provisions of this Act, which are
5 now adversely impacted by logging and associated
6 activities, will be enhanced by the cessation of such
7 activities, and opportunities for new businesses com-
8 patible with forest and ecosystem preservation will
9 appear.

10 (17) Sequoia National Forest adjoins Sequoia
11 National Park on the north and south, surrounds
12 the Redwood Mountain and Grant Grove sections of
13 Kings Canyon National Park, and with the Sierra
14 National Forest bounds the entire west side of the
15 main part of Kings Canyon National Park. Logging
16 on the Sequoia National Forest severely impacts the
17 views from and between these parks and from the
18 celebrated Generals' Highway connecting them. Add-
19 ing to the negative impacts is the traffic of logging
20 trucks using the public highways adjacent to the
21 parks. Among the Sequoia groves in and adjacent to
22 the Kings River watershed, where visitors expect na-
23 tional-park conditions, logging operations spoil the
24 experience for many, including visitors to the Mon-
25 arch and Jennie Lakes Wildernesses, which abut the

1 timber sales. Moreover, debris and soil eroded from
2 logging and formerly logged areas are carried down
3 slopes and streams into the once-pristine Sequoia
4 groves of the Monarch Wilderness, and into the
5 Kings River.

6 (18) One of the fundamental purposes of this
7 Preserve is to conserve the stands of *Sequoiadendron*
8 *giganteum* and other ancient trees, along with con-
9 necting and associated forests and other Federal
10 lands, including cut-over and otherwise damaged for-
11 est land, within a portion of the Sequoia National
12 Forest and a portion of the Sierra National Forest,
13 and to conserve and restore the scenery, natural ob-
14 jects and wildlife, and to provide for the enjoyment
15 of the same in such manner and by such means as
16 will leave them unimpaired for the enjoyment and
17 amazement of future generations and for the devel-
18 opment of scientific information.

19 **SEC. 3. DEFINITIONS.**

20 (a) As used in this Act, the term “National Forest
21 Preserve” means forested land or land in close association
22 with forests within existing National Forests or on other
23 United States public land that is dedicated in perpetuity
24 for scientific study, recreational activity, and/or environ-
25 mental protection, and on which commercial timber har-

1 vest or further commercial or private development is pro-
2 hibited.

3 (b) The term “the Secretary” means the Secretary
4 of Agriculture, except as otherwise expressly provided.

5 **SEC. 4. ESTABLISHMENT OF THE GIANT SEQUOIA NA-**
6 **TIONAL FOREST PRESERVE.**

7 (a) ESTABLISHMENT.—In furtherance of the pur-
8 poses of this Act, certain federally owned lands within the
9 Sequoia and Sierra National Forests in the State of Cali-
10 fornia, which comprise approximately 442,425 acres as
11 generally depicted on a map entitled, “Giant Sequoia Na-
12 tional Forest Preserve, 1993”, dated _____ and num-
13 bered _____ are hereby designated as the Giant Sequoia
14 National Forest Preserve (hereafter in this Act referred
15 to as the “Preserve”).

16 (b) MAP AND LEGAL DESCRIPTION.—(1) Not later
17 than 6 months after the date of enactment of this Act,
18 the Secretary shall file a map and a legal description of
19 the Preserve established under subsection (a) with the
20 Committee on Natural Resources and the Committee on
21 Agriculture of the United States House of Representatives
22 and with Committee on Energy and Natural Resources
23 and the Committee on Agriculture, Forestry, and Nutri-
24 tion of the United States Senate. Such map and descrip-
25 tion shall have the same force and effect as if included

1 in this Act. Such map and description shall be made avail-
2 able for public inspection in the office of the Forest Super-
3 visor, Sequoia National Forest, in the office of the Re-
4 gional Forester, United States Forest Service, Region 5,
5 in the office of the Superintendent, Sequoia National
6 Park, in the office of the Director, National Park Service,
7 Department of the Interior and in the office of the Chief
8 of the Forest Service, Department of Agriculture.

9 (2) The Secretary may correct clerical and typo-
10 graphical errors in the legal description referred to in
11 paragraph (1).

12 **SEC. 5. PURPOSES.**

13 (a) RESOURCE PROTECTION AND RESTORATION.—
14 The Preserve shall be established to protect and restore
15 the ecological, botanical, zoological, biological, scientific,
16 aquatic, atmospheric, scenic, and recreational resources of
17 the area within its boundaries.

18 (b) SEQUOIA GROVES AND FOREST ECOSYSTEM.—
19 The Preserve shall be established to protect the Giant Se-
20 quoya groves as well as all contiguous forests within the
21 boundaries of the Preserve, and to restore the entire forest
22 ecosystem within the boundaries of the Preserve to a natu-
23 ral state.

1 (c) HABITAT.—The Preserve shall provide optimum
2 habitat for all naturally occurring species, in accordance
3 with the Endangered Species Act.

4 (d) RECREATION, INTERPRETATION, STUDY.—The
5 Preserve shall provide opportunities for recreation, inter-
6 pretation, and scientific study consistent with the other
7 purposes of this Act.

8 (e) WATER, AIR, AND SCENIC QUALITY.—The Pre-
9 serve shall provide optimum water quality, air quality, and
10 scenic quality within its boundaries, consistent with the
11 provisions of all other Federal and State laws.

12 (f) PROHIBITION.—No activities shall be permitted
13 within the Preserve that are inconsistent with the pur-
14 poses listed in subsections (a) through (e).

15 **SEC. 6. SCIENTIFIC ADVISORY BOARD.**

16 (a) ESTABLISHMENT.—There is hereby established
17 the Giant Sequoia Scientific Advisory Board (hereinafter
18 referred to as the “Board”). The Secretary shall consult
19 and seek the advice and recommendations of the Board
20 with respect to—

- 21 (1) the measures needed to protect and manage
22 the natural and scientific values of the Preserve; and
23 (2) the administration of the Preserve with re-
24 spect to policies, programs, and activities which are
25 specifically intended to retain and restore the natu-

1 ral ecological processes of the Preserve, with special
2 attention to preservation of the ancient forest
3 ecosystems, including those of the Giant Sequoias.

4 The Board may make recommendations to the Secretary
5 with regard to new research opportunities which may exist
6 within the Preserve designed to gain scientific information
7 for future interpretation of the ecology and evolution of
8 this area, to add to the understanding of the importance
9 of natural systems, and to enhance enjoyment by visitors
10 to the Preserve. The Board shall encourage public partici-
11 pation in connection with such recommendations and re-
12 quest public input before making such proposals to the
13 Secretary and before any meeting between the Secretary
14 and the Board as referenced in subsection (e) of this sec-
15 tion. No recommendation by the Board shall be binding
16 upon the Secretary.

17 (b) MEMBERSHIP.—The Board shall be composed of
18 members, who shall be appointed by the Secretary as
19 follows:

20 (1) Three members from several persons rec-
21 ommended by the Chief of the Forest Service, to in-
22 clude (A) a forest ecologist to serve as Chair of the
23 Board, (B) a forest microbiologist, and (C) a con-
24 servation biologist, all of whom may be employees of
25 the Forest Service.

1 (2) Three members from several persons rec-
2 ommended by the National Academy of Sciences, to
3 include (A) a hydrologist with expertise on Sierra
4 Nevada watersheds, (B) a wildlife biologist, and (C)
5 a fisheries biologist.

6 (3) Three members from several persons rec-
7 ommended by the California Academy of Sciences, to
8 include (A) a plant biologist with expertise on
9 Sequoiadendron giganteum, (B) a soil scientist with
10 expertise on the Sierra Nevada, (C) a lay person
11 from a nongovernmental noncommercial organization
12 dedicated to the conservation of natural resources in
13 the Sierra Nevada.

14 (c) TERMS.—Each member of the Board shall be ap-
15 pointed to serve for a term of 3 years, except that one
16 of the initial appointees of each nominating official or or-
17 ganization shall serve an initial term of 4 years, one of
18 the initial appointees of each nominating official shall
19 serve an initial term of 2 years, and one of the initial ap-
20 pointees of each nominating official shall serve an initial
21 term of 1 year.

22 (d) APPOINTMENT.—The members of the Board shall
23 be appointed within 90 days of the date of enactment of
24 this Act.

1 (e) CONSULTATION.—The Secretary, or a designee,
2 shall from time to time, but at least annually, meet and
3 consult with the Board on matters relating to the protec-
4 tion and restoration of the Preserve and potential and on-
5 going research programs within the Preserve.

6 (f) COMPENSATION.—Members of the Board shall
7 serve without compensation as such, but the Secretary is
8 authorized to pay, upon vouchers signed by the Chair, the
9 expenses reasonably incurred by the Board and its mem-
10 bers in carrying out their responsibilities under this Act.

11 (g) VACANCIES.—Any vacancy in the Board shall be
12 filled in the same manner in which the original appoint-
13 ment was made.

14 **SEC. 7. ADMINISTRATION.**

15 (a) IN GENERAL.—The Secretary, acting through the
16 Forest Service, shall administer the Preserve as a separate
17 unit within the National Forest system in accordance with
18 the purposes and provisions of this Act.

19 (b) ANNUAL RECOMMENDATIONS.—The Secretary, in
20 cooperation and consultation with the Secretary of the In-
21 terior and the Administrator of the Environmental Protec-
22 tion Agency (or their successors), shall make yearly rec-
23 ommendations to the President and to Congress on other
24 areas to be designated National Forest Preserves.

1 (c) OTHER AREA DESIGNATIONS.—Any existing des-
2 ignated wilderness areas, wild and scenic rivers, or special
3 management areas lying partly or wholly within the
4 boundaries of the Preserve at the date of enactment shall
5 retain such designation and shall continue to be managed
6 accordingly. Nothing in this Act shall be construed to pro-
7 hibit designation of additional areas within the boundaries
8 of the Preserve as wilderness or to prohibit their designa-
9 tion under similar protective status.

10 (d) MANAGEMENT PLAN.—Based on recommenda-
11 tions of the Board, within 2 years after the date of enact-
12 ment of this Act, the Secretary shall publish a detailed
13 and comprehensive management plan (“plan”) for the
14 Preserve. The initial plan and subsequent plans shall be
15 freestanding documents. The plans shall include but not
16 be limited to—

17 (1) measures for the preservation and restora-
18 tion of the ecological, botanical, zoological, biological,
19 scientific, aquatic, atmospheric, scenic and rec-
20 reational resources of the area; and

21 (2) identification of all other measures intended
22 to carry out the purposes and provisions of this Act,
23 including specific delineation of planned administra-
24 tive activities to carry out the provisions of sub-
25 sections (d) through (m) of section 6.

1 (e) TRANSPORTATION.—The Secretary, acting
2 through the Forest Service and based upon recommenda-
3 tions of the Board, shall include as part of the plan a com-
4 prehensive transportation plan for the Preserve. In order
5 to protect the natural features of the Preserve, reduce user
6 conflicts, and ensure visitor safety, the Secretary is au-
7 thorized, consistent with the purposes and provisions of
8 the Act, to regulate and control times and means of access
9 and use of the Preserve and parts thereof. Nothing in this
10 section shall be construed to prohibit the use of motorized
11 vehicles or aircraft for emergency and other essential ad-
12 ministrative services, including those provided by State
13 and local governments, or when necessary, for authorized
14 scientific research:

15 (1) ROADS.—Based on recommendations by the
16 Board, the transportation plan shall include a de-
17 tailed analysis of roads needed to be retained and
18 maintained for restorative, recreational, interpretive,
19 administrative, and scientific purposes. Consistent
20 with the purposes and provisions of this Act, roads
21 and associated developed facilities within the Pre-
22 serve shall be located in areas which were developed
23 prior to the establishment of the Preserve. To carry
24 out the purposes and provisions of this Act, particu-
25 larly with regard to wildlife protection and regenera-

1 tion of the forest, the transportation plan shall also
2 include a program of permanent road closures. The
3 transportation plan shall indicate on which remain-
4 ing roads motorized travel and/or recreation, such as
5 by automobiles, 4-wheel drive vehicles, motorized
6 dirt bikes or snowmobiles, shall be allowed, as well
7 as on which roads or trails nonmotorized, mecha-
8 nized vehicles, such as mountain bikes, shall be al-
9 lowed. The construction of new roads is inconsistent
10 with the purposes of this Act, but maintenance of
11 existing roads is allowed, as are improvements for
12 reasons of public safety and environmental protec-
13 tion.

14 (2) TRAILS.—Based on recommendations by
15 the Board and consistent with the purposes and pro-
16 visions of this Act, the Secretary shall provide for
17 appropriate nonmotorized, primitive recreation op-
18 portunities within the Preserve, including possible
19 development of new trails and restoration and main-
20 tenance of existing trails. The transportation plan
21 shall indicate which trails will be limited to non-
22 motorized, nonmechanized recreation, such as by
23 horseback, and which will allow nonmotorized,
24 mechanized recreation, such as by mountain bike.
25 Generally, there shall be no use of trails by motor-

1 ized vehicles (except in the case of motorized wheel-
2 chairs on trails specifically designed and constructed
3 for their use); generally, use of motorized vehicles
4 shall be restricted to roads only as delineated in sec-
5 tion 5(d)(1). The transportation plan shall include
6 provisions ensuring adequate and appropriate rec-
7 reational trail opportunities for disabled individuals.

8 (f) RECREATION AND INTERPRETATION.—Based on
9 recommendations by the Board and consistent with the
10 purposes and provisions of this Act, the Secretary shall
11 provide for recreational use of the Preserve and shall pro-
12 vide recreational and interpretive facilities, including trails
13 and campgrounds, for the use of the public. The Secretary
14 may assist adjacent affected local governmental agencies
15 in the development of related interpretive programs.

16 (g) REGENERATION.—Based on recommendations by
17 the Board and consistent with the purposes and provisions
18 of this Act, the Forest Service shall implement the regen-
19 eration plan required by the Stipulation for Entry of
20 Judgment dated 12/27/89 in *Sierra Club v. United States*
21 Forest Service, Case No. CVF-87-263 EDP. The objec-
22 tive of regenerating cut-over giant Sequoia Groves will be
23 to restore these areas, as nearly as possible, to their
24 former natural forest condition, provided that restoration
25 activities have minimal negative impact on the root sys-

1 tems of the Giant Sequoias. Such work shall commence
2 within 1 year after the enactment of this Act and shall
3 be completed within 5 years after enactment.

4 (h) SCIENTIFIC STUDY AND RESEARCH.—Based on
5 recommendations by the Board and consistent with the
6 purposes and provisions of this Act, the Secretary shall
7 permit the use of the Preserve for scientific study and re-
8 search, except that the Secretary may impose such restric-
9 tions as may be necessary to protect public health and
10 safety and environmental well-being.

11 (i) FIRE MANAGEMENT.—Acting upon a fire policy
12 and plan developed by the Board and consistent with the
13 purposes and provisions of this Act, the Secretary may
14 take action to reduce fuel load and restore native densities
15 of the forest. A plan shall be written with a goal of elimi-
16 nating fire control activities within the Preserve, except
17 as necessary to protect life and property. Such plan must
18 be implemented within 2 years of the date of enactment
19 of this Act. Until such time as the Board determines na-
20 tive densities have been sufficiently restored, limited con-
21 trolled burning may be allowed, consistent with the pur-
22 poses and provisions of this Act, in accordance with the
23 fire policy and plan noted above. Fuel reduction activities
24 should not utilize tractors, motorized cables, or other such
25 heavy ground equipment where such use would cause dam-

1 age to Preserve soils, plant root systems, or wildlife habi-
2 tat. Draft animals may be used where appropriate.

3 (j) HUNTING AND FISHING.—Based on recommenda-
4 tions of the Board, the Secretary may permit hunting and
5 fishing on lands and waters within the Preserve consistent
6 with the purposes and provisions of this Act and in accord-
7 ance with applicable Federal and State law. Consistent
8 with the purposes and provisions of this Act, the Secretary
9 may designate zones where and establish periods when no
10 hunting or fishing shall be permitted for reasons of public
11 health and safety, protection of resources, scientific re-
12 search and activities, or public use and enjoyment. Except
13 in emergencies, any regulations issued by the Secretary
14 under this subsection shall be put into effect only after
15 consultation with the appropriate State agencies respon-
16 sible for hunting and fishing activities. Nothing in this
17 subsection shall be construed as affecting the jurisdiction
18 or responsibilities of the State of California with respect
19 to wildlife and fish within the Preserve.

20 (k) TIMBER CUTTING.—(1) Consistent with the pur-
21 poses and provisions of this Act, timber cutting shall not
22 be permitted on Federal lands within the Preserve except
23 for scientific study or as consistent with the fire plan as
24 established by the Board. Timber cutting for scientific
25 purposes shall in no case exceed $\frac{1}{20}$ of 1 percent of the

1 total Preserve acreage in any given year. Any timber cut-
2 ting for scientific study must be approved by a $\frac{2}{3}$ majority
3 vote of the Board. Timber cutting within 500 yards of Se-
4 quia groves is prohibited. In no case shall any timber cut-
5 ting be permitted for commercial purposes. No timber in
6 the Preserve shall be included as part of any allowable
7 sale quantity of timber.

8 (2) The Secretary is authorized to buy out any exist-
9 ing signed timber contracts within the boundaries of the
10 Preserve at the time of enactment, in accordance with ap-
11 plicable Federal law.

12 (I) MINERAL AND GEOTHERMAL LEASING.—

13 (1) PATENTS.—No patent may be issued under
14 the mining or geothermal laws of the United States
15 after the date of enactment of this Act for locations
16 and claims made before the enactment of this Act on
17 Federal lands located within the boundaries of the
18 Preserve.

19 (2) ADMINISTRATION.—All mineral and geo-
20 thermal exploration, filing of claims, extraction and/
21 or development on federally owned lands within the
22 Preserve is prohibited.

23 (3) WITHDRAWAL.—Federal lands within the
24 exterior boundary of the Preserve are hereby with-
25 drawn from all forms of location, entry, and patent

1 under the United States mining laws, and from the
2 operation of the mineral leasing laws of the United
3 States, including all laws pertaining to geothermal
4 leasing.

5 (m) WATER RIGHTS.—(1) With respect to the Pre-
6 serve designated by this Act, Congress hereby reserves a
7 quantity of water sufficient to fulfill the purposes of this
8 Act. The priority date of such reserved rights shall be the
9 date of enactment of this Act.

10 (2) The Secretary and all other officers of the United
11 States shall take steps necessary to protect the rights re-
12 served by paragraph (1), including the filing by the Sec-
13 retary of a claim for the quantification of such rights in
14 any present or future stream adjudication in the courts
15 of the State of California in which the United States is
16 or may be joined and which is conducted in accordance
17 with the McCarran Amendment (43 U.S.C. 666).

18 (3) Nothing in this Act shall be construed as a relin-
19 quishment or reduction of any water rights reserved or
20 appropriated by the United States in the State of Califor-
21 nia on or before the date of enactment of this Act.

22 (4) The Federal water rights reserved by this Act are
23 specific to the Giant Sequoia National Forest Preserve lo-
24 cated in the State of California designated by this Act.
25 Nothing in this Act related to reserved Federal water shall

1 be construed as establishing a precedent with regard to
2 any future designations, nor shall it constitute an interpre-
3 tation of any other Act or any designation made pursuant
4 thereto.

5 (n) GRAZING RIGHTS.—(1) Based on recommenda-
6 tions by the Board and consistent with the purposes and
7 provisions of this Act, the Secretary may make allowances
8 for grazing of cattle within the boundaries of the Preserve,
9 provided that all such grazing shall be ended within 10
10 years of the date of enactment of this Act.

11 (2) The Secretary is authorized to buy out any exist-
12 ing leases for cattle grazing within the boundaries of the
13 Preserve or to allow use of comparable land on other Na-
14 tional Forest lands in exchange for any existing leases for
15 cattle grazing within the boundaries of the Preserve at the
16 time of enactment of this Act, in accordance with applica-
17 ble Federal law.

18 (o) PUBLIC SAFETY.—Nothing in this Act shall pro-
19 hibit the Secretary from undertaking or permitting those
20 measures within the Preserve reasonably necessary to en-
21 sure public safety and prevent loss of life and property.

22 **SEC. 8. ASSISTANCE TO COMMUNITIES.**

23 (a) PAYMENTS TO LOCAL GOVERNMENTS.—In the
24 case of lands indicated under this Act for inclusion in the
25 Preserve, in lieu of payments under the Act of May 23,

1 1908 (16 U.S.C. 500) and under chapter 69 of title 31
2 of the United States Code, for each year (or portion of
3 a year) after such acquisition, the Secretary shall make
4 annual payments under this section to the local govern-
5 ment of each political subdivision within the boundaries
6 of which such lands are located which local government
7 would have received real property tax revenues if such
8 lands were privately rather than publicly held.

9 (b) AMOUNT OF PAYMENT.—The amount of the pay-
10 ment to be made to a local government under this section
11 for any lands referred to in subsection (a) shall be equiva-
12 lent to the real property tax which would be paid to the
13 local government with respect to such lands in the fiscal
14 year concerned if the lands were in private ownership and
15 were to be used for timber production. For any parcel of
16 property, such amount shall be referred to for purposes
17 of this section as the “tax-equivalency amount”.

18 (c) USES OF PAYMENTS.—At least one-half of all
19 moneys paid to the local political subdivisions as the tax-
20 equivalency amount under this Act shall be dedicated for
21 the purpose of public education. Local political subdivi-
22 sions receiving payments under this Act shall provide an
23 annual accounting to the Secretary for all uses of such
24 payments.

1 (d) DETERMINATION OF AMOUNT.—For each fiscal
2 year, the Secretary, after consultation with the Comptrol-
3 ler General, shall determine a proposed tax-equivalency
4 amount for all lands within the Preserve. Upon determin-
5 ing the proposed tax-equivalency amount for any political
6 subdivision, the Secretary shall notify the local govern-
7 ment concerned. If the local government notifies the Sec-
8 retary that the local government accepts the Secretary's
9 estimate, the Secretary shall promptly make such payment
10 to the local government.

11 (e) DISPUTES.—If a local government objects to the
12 Secretary's estimate of the tax equivalency amount pro-
13 posed to be paid by the Secretary under this section for
14 any fiscal year to that local government, the local govern-
15 ment shall notify the Secretary in writing of the amount
16 which the local government estimates to be the correct tax-
17 equivalency amount. Upon receipt of such notice, the Sec-
18 retary shall appoint an arbiter. The local government shall
19 also appoint an arbiter. The arbiters appointed by the
20 local government and the Secretary shall jointly appoint
21 a third arbiter. The three arbiters shall comprise an arbi-
22 tration panel which shall determine the tax equivalency
23 amount to be paid under this section. The determination
24 of the arbitration panel shall be binding on the Secretary
25 and the local government and shall not be subject to judi-

1 cial review, except as provided in sections 10 and 11 of
2 title 9 of the United States Code.

3 (f) COSTS OF ARBITRATION.—The costs of arbitra-
4 tion shall be paid by the Secretary, but if the tax-equa-
5 lency amount determined by an arbitration panel estab-
6 lished under subsection (d) is closer to the amount speci-
7 fied by the Secretary than to the amount estimated by
8 the local government, the costs of arbitration shall be de-
9 ducted from the tax equivalency amount paid by the Sec-
10 retary to the local government under this section.

11 (g) COMMUNITY ASSISTANCE TASK FORCE.—(1) The
12 Secretary shall establish a community assistance task
13 force (hereinafter referred to as the “task force”) to over-
14 see assistance to local communities in those counties that
15 include lands within the Preserve or contain facilities that
16 mill timber therefrom at the time of enactment of this Act.
17 Any local community in the region that is impacted by
18 loss of Federal timber sales proven to result from imple-
19 mentation of this Act may request assistance from the
20 task force. The task force shall verify the stated need for
21 the claim and, if verified, provide the following types of
22 assistance—

23 (A) establishment of local community task
24 forces, retraining programs for workers, technical
25 assistance, loans and grants to help communities di-

1 versify their economies, and job counseling and job
2 placement services; and

3 (B) the facilities, equipment, and personnel of
4 the agencies administered by the Secretary may be
5 used to provide such assistance.

6 (2) The task force shall cease to exist 5 years after
7 the date of its establishment by the Secretary.

8 (3) Any worker displaced from a job in the timber
9 industry in the immediate area as a direct consequence
10 of this Act may request assistance from the task force.

11 (4) The task force shall encourage and develop em-
12 ployment opportunities in forest ecosystem restoration,
13 recreation, and other forms of employment compatible
14 with the purposes and provisions of this Act.

15 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

16 There are hereby authorized to be appropriated such
17 sums as may be necessary to carry out this Act.

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