

Union Calendar No. 387

103D CONGRESS
2D SESSION

H. R. 2866

[Report No. 103-667, Parts I and II]

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.

AUGUST 16, 1994

Reported from the Committee on Agriculture with an amendment, and referred to the Committee on Merchant Marine and Fisheries for a period ending not later than August 16, 1994, for consideration of such provisions contained in the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(m), rule X

Committee on Merchant Marine and Fisheries discharged; committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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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.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1993

Mr. HAMBURG (for himself, Mr. STARK, Mr. STUDDS, Mr. GEPHARDT, Mr. MILLER of California, Mr. WAXMAN, Mr. DEFazio, Ms. WOOLSEY, Mrs. SCHROEDER, Mr. MATSUI, Mr. MINETA, Mr. BRYANT, Mr. VENTO, Mr. RAVENEL, Mr. ABERCROMBIE, Mr. RICHARDSON, Mr. SMITH of Iowa, Ms. FURSE, Mr. EDWARDS of California, Mr. SABO, Mr. BROWN of Ohio, Mr. POSHARD, Miss COLLINS of Michigan, Mr. ACKERMAN, Mr. DEL-LUMS, Mr. ANDREWS of Maine, Mr. OLVER, Ms. MOLINARI, Mr. MARKEY, Mr. BARRETT of Wisconsin, Mr. BEILENSEN, Mr. BERMAN, Mr. BISHOP, Mrs. MINK, Mr. BLACKWELL, Mr. SERRANO, Mr. BONIOR, Mr. WASHINGTON, Mr. BROWN of California, Mr. JACOBS, Mr. COLEMAN, Mr. MFUME, Ms. WATERS, Mr. WATT, Mr. TORRES, Mrs. CLAYTON, Mr. RAHALL, Mr. CLYBURN, Mr. DIXON, Mrs. COLLINS of Illinois, Mr. KOPETSKI, Mr. LANCASTER, Mr. ENGEL, Ms. SHEPHERD, Mr. UNDERWOOD, Ms. ESHOO, Mr. INSLEE, Mr. POMEROY, Ms. ROYBAL-ALLARD, Mr. JOHNSON of South Dakota, Mr. EVANS, Mr. LIPINSKI, Mr. FALCOMA, Mr. MORAN, Mr. OWENS, Mr. PASTOR, Mr. FARR of California, Mr. FILNER, Mr. HINCHEY, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. LANTOS, Mr. MARTINEZ, Mr. MCHALE, Mrs. MEEK, Ms. PELOSI, Mrs. UNSOELD, Ms. VELÁZQUEZ, Mr. ROMERO-BARCELÓ, Mr. SANDERS, and Mr. SHARP) introduced the following bill; which was referred jointly to the Committees on Natural Resources and Agriculture

AUGUST 4, 1994

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AUGUST 16, 1994

Additional sponsors: Mr. KENNEDY, Mr. DE LUGO, Ms. MCKINNEY, Mr. GEJDENSON, Mr. BARLOW, Mrs. MEYERS of Kansas, Mr. MURPHY, Mr. TUCKER, Ms. SCHENK, Mr. MINGE, Mr. BAESLER, Mr. COPPERSMITH, Mr. HILLIARD, Mr. KLEIN, Ms. ENGLISH of Arizona, Mr. THOMPSON of Mississippi, Mr. PETERSON of Minnesota, Mr. BECERRA, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. FINGERHUT, Mr. FOGLIETTA, Mr. SCOTT, Ms. LAMBERT, Mr. SHAYS, Mrs. MALONEY, Mr. MACHTLEY, Mr. YATES, Mr. RANGEL, Mr. FLAKE, Mr. NADLER, Mr. GLICKMAN, Mr. SARPALIUS, Mr. JEFFERSON, Mr. McCLOSKEY, Ms. SLAUGHTER, Mr. KILDEE, Mr. DEUTSCH, Mr. NEAL of Massachusetts, Mr. GUTIERREZ, Mr. CONYERS, Mr. CLAY, Mr. JOHNSTON of Florida, Mr. BOEHLERT, Mr. MEEHAN, Ms. NORTON, Mr. PRICE of North Carolina, Mrs. MORELLA, Mr. ZIMMER, Mr. LEVIN, Mr. VALENTINE, Mr. HOCHBRUECKNER, Mr. FORD of Tennessee, Ms. BROWN of Florida, Mr. NEAL of North Carolina, Mr. STRICKLAND, Mr. BILBRAY, Mr. SKAGGS, Mr. TRAFICANT, Mr. PORTER, Mr. KREIDLER, and Mrs. LOWEY

Deleted sponsor: Mr. STUPAK (added May 4, 1994; deleted June 22, 1994)

AUGUST 16, 1994

Reported from the Committee on Agriculture with an amendment, and referred to the Committee on Merchant Marine and Fisheries for a period ending not later than August 16, 1994, for consideration of such provisions contained in the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(m), rule X

[Strike out all after the enacting clause and insert the part printed in boldface roman]

AUGUST 16, 1994

Committee on Merchant Marine and Fisheries discharged; committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on August 4, 1993]

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.

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

6 (a) *FINDINGS.—The Congress finds that:*

7 (1) *Redwoods are a significant national symbol*
8 *and a defining symbol of the State of California.*

9 (2) *Old growth redwood trees are a unique and*
10 *irreplaceable natural resource.*

11 (3) *Most of the Nation’s old growth forests have*
12 *been cut. Less than 5 percent of the original 2,000,000*
13 *acre Coast redwoods remain standing. The groves that*
14 *are left are crucial to maintain habitat needed for*
15 *survival of old-growth dependent species. The Head-*
16 *waters Forest, for example, is home to one of Califor-*
17 *nia’s three largest population of marbled murrelets,*
18 *rare sea birds that nest only in coastal old growth*
19 *trees; the Northern Spotted Owl; and native salmon*
20 *stocks that spawn in the Forest’s creeks.*

21 (4) *The remaining unprotected stands of old*
22 *growth forests and old growth redwoods are under im-*
23 *mediate threat of being harvested without regard to*
24 *their ecological importance and without following*
25 *Federal timber harvest guidelines.*

1 (5) *Significant amounts of old growth redwoods*
2 *in the proposed National Forest additions are being*
3 *cut at a pace that is based on paying high interest*
4 *rates on poor quality bonds and not at a pace that*
5 *is based on sound forest management practices.*

6 (b) *PURPOSE.*—*The purpose of this Act is to provide*
7 *for the sound management and protection of old growth*
8 *Redwood forest areas in Humboldt County, California, and*
9 *to preserve and enhance habitat for the marbled murrelet,*
10 *Northern Spotted owl, native salmon stocks, and other old*
11 *growth forest dependent species, by adding certain lands*
12 *and waters to the Six Rivers National Forest and by in-*
13 *cluding a portion of such lands in the national wilderness*
14 *preservation system.*

15 **SEC. 3. ADDITION TO SIX RIVERS NATIONAL FOREST.**

16 (a) *EXTENSION OF BOUNDARIES.*—*The exterior bound-*
17 *aries of the Six Rivers National Forest in the State of Cali-*
18 *ornia are hereby extended to include the area comprising*
19 *approximately 44,000 acres, as generally depicted on the*
20 *map entitled “Six Rivers National Forest Addition pro-*
21 *posed”, dated June 1993. Such area shall hereinafter in this*
22 *Act be referred to as the Six Rivers National Forest Addi-*
23 *tion. The map shall be on file and available for public in-*
24 *spection in the offices of the Forest Supervisor, Six Rivers*

1 *National Forest, and in the offices of the Chief of the Forest*
2 *Service, Department of Agriculture.*

3 (b) *ACQUISITION OF LAND.—(1) The Secretary may*
4 *acquire lands or interests in land within the exterior bound-*
5 *aries of the Six Rivers National Forest Addition by dona-*
6 *tion, by purchase with donated or appropriated funds, or*
7 *by exchange. For purposes of such exchange, excess or sur-*
8 *plus lands under the jurisdiction of any other department,*
9 *agency, or instrumentality of the United States may be*
10 *transferred, subject to advance approval by Congress, to the*
11 *administrative jurisdiction of the Secretary if the Secretary*
12 *identifies such lands as suitable for exchange; such transfer*
13 *shall be without compensation to the transferring depart-*
14 *ment, agency, or instrumentality. When any tract of land*
15 *is only partly within such boundaries, the Secretary may*
16 *acquire all or any portion of the land outside of such bound-*
17 *aries in order to minimize the payment of severance costs.*
18 *Land so acquired outside of the boundaries may be ex-*
19 *changed by the Secretary for non-Federal lands within the*
20 *boundaries, and any land so acquired and not utilized for*
21 *exchange shall be reported to the General Services Adminis-*
22 *tration for disposal under the Federal Property and Admin-*
23 *istrative Services Act of 1949 (63 Stat. 377). Lands, and*
24 *interests in lands, within the boundaries of the Six Rivers*
25 *National Forest Addition which are owned by the State of*

1 *California or any political subdivision thereof, may be ac-*
2 *quired only by donation or exchange.*

3 (2) *The Secretary is authorized to accept from the*
4 *State of California funds to cover the cost of acquiring lands*
5 *within the Six Rivers National Forest Addition, and not-*
6 *withstanding any other provision of law, the Secretary may*
7 *retain and expend such funds for purposes of such acquisi-*
8 *tion. Such funds shall be available for such purposes with-*
9 *out further appropriation and without fiscal year limita-*
10 *tion.*

11 (c) *LAND ACQUISITION PLAN.—The Secretary shall de-*
12 *velop and implement, within 6 months after the enactment*
13 *of this Act, a land acquisition plan which contains specific*
14 *provisions addressing how and when lands will be acquired*
15 *under subsection (b). The plan shall give priority first to*
16 *the acquisition of lands within the boundaries of the Head-*
17 *waters Forest Wilderness identified on the map referred to*
18 *in section 3(a). Such plan shall include an analysis of the*
19 *possibilities for noncash compensation for the acquisition*
20 *of these lands including but not limited to the use of excess*
21 *and surplus Federal properties. The Secretary shall identify*
22 *and list such properties. The Secretary shall submit copies*
23 *of such plan to the Committee on Natural Resources, the*
24 *Committee on Agriculture, and the Committee on Appro-*
25 *priations of the United States House of Representatives and*

1 *to the Committee on Energy and Commerce, the Committee*
2 *on Agriculture, Nutrition, and Forestry and the Committee*
3 *on Appropriations of the United States Senate.*

4 (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*
5 *hereby authorized to be appropriated such sums as may be*
6 *necessary to carry out the purposes of this Act.*

7 **SEC. 4. WILDERNESS AREAS.**

8 (a) *DESIGNATION.—In furtherance of the purposes of*
9 *the Wilderness Act (16 U.S.C. 1131–1136), lands in the*
10 *State of California acquired under section 3 of this Act*
11 *which are within the areas generally depicted on the map*
12 *referred to in section 3 as the “Headwaters Forest Wilder-*
13 *ness (Proposed)” shall be designated as wilderness and*
14 *therefore as a component of the National Wilderness Preser-*
15 *vation System, effective upon acquisition under section 3.*
16 *Such lands shall be known as the Headwaters Forest Wil-*
17 *derness.*

18 (b) *MAP AND DESCRIPTION.—As soon as practicable*
19 *after the inclusion of any lands in the Headwaters Forest*
20 *Wilderness, the Secretary shall file a map and a legal de-*
21 *scription of the area so included with the Committee on*
22 *Natural Resources of the House of Representatives and with*
23 *the Committee on Energy and Natural Resources of the*
24 *United States Senate. The Secretary may correct clerical*
25 *and typographical errors in such legal description and such*

1 *map. Each such map and legal description shall be on file*
2 *and available for public inspection in the Office of the Chief*
3 *of the Forest Service, United States Department of Agri-*
4 *culture.*

5 *(c) BUFFER ZONES NOT INTENDED.—The Congress*
6 *does not intend that designation of any area as wilderness*
7 *under this section lead to the creation of protective perim-*
8 *eters or buffer zones around the wilderness area. The fact*
9 *that nonwilderness activities or uses can be seen or heard*
10 *from areas within a wilderness shall not, of itself, preclude*
11 *such activities or uses up to the boundary of the wilderness*
12 *area.*

13 *(d) STATE AUTHORITY OVER FISH AND WILDLIFE.—*
14 *As provided in section 4(d)(8) of the Wilderness Act, noth-*
15 *ing in this Act shall be construed as affecting the jurisdic-*
16 *tion or responsibilities of the State of California with re-*
17 *spect to wildlife and fish in any areas designated by this*
18 *Act as wilderness.*

19 **SEC. 5. ADMINISTRATION.**

20 *(a) MANAGEMENT PLAN.—The Secretary shall develop,*
21 *within 1 year after acquiring all or part of the lands identi-*
22 *fied to be acquired in section 3, a comprehensive manage-*
23 *ment plan for the lands so acquired detailing measures for*
24 *the preservation of the existing old growth redwood*

1 *ecosystems in the Six Rivers National Forest Addition, in-*
2 *cluding but not limited to each of the following:*

3 (1) *Prohibition of sale of timber from lands*
4 *within the old growth redwood groves as depicted gen-*
5 *erally on the map referred to in section 3(a). Timber*
6 *sales in other areas shall be allowed consistent with*
7 *the purposes of this Act and other applicable Federal*
8 *laws and regulations.*

9 (2) *Measures to restore lands affected by previous*
10 *timber harvests to mitigate watershed degradation*
11 *and impairment of habitat for the marbled murrelet,*
12 *spotted owl, native salmon stocks, and other old-*
13 *growth forest dependent species (“Restoration Meas-*
14 *ures”).*

15 *The Management Plan shall be reviewed and revised every*
16 *time the Six Rivers National Forest Land and Resource*
17 *Management plan is revised or more frequently as necessary*
18 *to meet the purposes of this Act.*

19 (b) *APPLICABLE LAWS AND POLICIES.—(1) The Sec-*
20 *retary, acting through the Chief of the Forest Service, shall*
21 *administer the lands acquired under section 3(b) in accord-*
22 *ance with the Management Plan, this Act, and with the*
23 *other laws, rules, and regulations applicable to such na-*
24 *tional forest. In addition, subject to valid existing rights,*
25 *any lands acquired and designated as wilderness under sec-*

1 *tion 4(a) shall also be administered in accordance with the*
2 *provisions of the Wilderness Act governing areas designated*
3 *by that Act as wilderness, except that any reference in such*
4 *provisions to the effective date of the Wilderness Act (or any*
5 *similar reference) shall be deemed to be a reference to the*
6 *date of acquisition of such lands under section 3 of this*
7 *Act.*

8 *(2) To the maximum extent practicable, all work to*
9 *implement the management plan's Restoration Measures*
10 *shall be performed by unemployed forest and timber work-*
11 *ers, unemployed commercial fishermen, or other unem-*
12 *ployed persons whose livelihood depends on fishery and tim-*
13 *ber resources.*

14 *(3) In order to facilitate management, the Secretary,*
15 *acting through the Chief of the Forest Service may enter*
16 *into agreements with the State of California for the man-*
17 *agement of lands owned by the State or purchased with*
18 *State assistance.*

19 **SEC. 6. PAYMENTS TO LOCAL GOVERNMENT.**

20 *(a) PILT.—Solely for purposes of payments made*
21 *pursuant to chapter 69 of title 31 of the United States Code,*
22 *all lands added to the Six Rivers National Forest by this*
23 *Act shall be deemed to have been acquired for the purposes*
24 *specified in section 6904(a) of such title 31.*

1 (b) 10-YEAR PAYMENT.—(1) Subject to annual appro-
2 priations and the provisions of subsection (c), for a period
3 of 10 years after acquisition by the United States of lands
4 added to the Six Rivers National Forest by this Act, the
5 Secretary, with respect to such acquired lands, shall make
6 annual payments to Humboldt County in the State of Cali-
7 fornia in an amount equal to the State of California Tim-
8 ber Yield Tax revenues payable under the California Reve-
9 nue and Taxation Code (sec. 38101 et seq.) in effect as of
10 the date of enactment of this Act that would have been paid
11 with respect to such lands if the lands had not been acquired
12 by the United States, as determined by the Secretary pursu-
13 ant to this subsection.

14 (2) The Secretary shall determine the amounts to be
15 paid pursuant to paragraph (1) of this subsection based on
16 an assessment of a variety of factors including, but not lim-
17 ited to—

18 (A) timber actually sold in the subject year from
19 comparable commercial forest lands of similar soil
20 type, slope and such determination of appropriate
21 timber harvest levels,

22 (B) comparable timber size class, age, and qual-
23 ity,

24 (C) market conditions,

1 (D) all applicable Federal, State, and local laws
2 and regulations, and

3 (E) the goal of sustainable, even-flow harvest or
4 renewable timber resources.

5 (c) CALIFORNIA TIMBER YIELD TAX.—The amount of
6 State of California Timber Yield Tax payments paid to
7 Humboldt County in any year pursuant to the laws of Cali-
8 fornia for timber sold from lands acquired under this Act
9 shall be deducted from the sums to be paid to Humboldt
10 County in that year under subsection (b).

11 (d) 25-PERCENT FUND.—Amounts paid under sub-
12 section (b) with respect to any land in any year shall be
13 reduced by any amounts paid under the Act of May 23,
14 1908 (16 U.S.C. 500) which are attributable to sales from
15 the same lands in that year.

16 **SEC. 7. FOREST STUDY.**

17 The Secretary shall study the lands within the area
18 comprising approximately 13,620 acres and generally de-
19 picted as “Study Area” on the map referred to in section
20 3(a). The study shall analyze the area’s potential to be
21 added to the Headwaters Forest and shall identify the natu-
22 ral resources of the area including the location of old growth
23 forests, old growth redwood stands, threatened and endan-
24 gered species habitat and populations including the north-
25 ern spotted owl and marbled murrelet, commercial timber

1 *volume, recreational opportunities, wildlife and fish, water-*
2 *shed management, and the cost of acquiring the land. With-*
3 *in one year of the date of enactment of this Act, the Sec-*
4 *retary shall submit a report with the findings of the study*
5 *to the Committees on Natural Resources, and Agriculture*
6 *of the United States House of Representatives and the Com-*
7 *mittees on Energy and Natural Resources, and Agriculture,*
8 *Nutrition, and Forestry of the United States Senate.*

9 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

10 **(a) SHORT TITLE.—This Act may be cited as**
11 **the “Headwaters Forest Act”.**

12 **(b) TABLE OF CONTENTS.—The table of con-**
13 **tents for this Act is as follows:**

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings, purpose, and definitions.
- Sec. 3. Addition to Six Rivers National Forest.
- Sec. 4. Wilderness areas.
- Sec. 5. Administration.
- Sec. 6. Payments to local government.
- Sec. 7. Forest study.
- Sec. 8. No adverse effect on lands until acquired.

14 **SEC. 2. FINDINGS, PURPOSE, AND DEFINITIONS.**

15 **(a) FINDINGS.—Congress finds the follow-**
16 **ing:**

17 **(1) Redwoods are a significant na-**
18 **tional symbol and a defining symbol of**
19 **the State of California.**

1 **(2) Old growth redwood trees are a**
2 **unique and irreplaceable natural re-**
3 **source.**

4 **(3) Most of the Nation's old growth**
5 **forests have been cut. Less than 5 per-**
6 **cent of the original 2,000,000 acres of**
7 **coastal redwoods remain standing. The**
8 **groves that are left are crucial to main-**
9 **tain habitat needed for survival of old-**
10 **growth dependent species. The Head-**
11 **waters Forest, for example, is home to**
12 **one of California's three largest popu-**
13 **lations of marbled murrelets, rare sea**
14 **birds that nest only in coastal old growth**
15 **trees; the northern spotted owl; and na-**
16 **tive salmon stocks that spawn in the for-**
17 **est's creeks.**

18 **(4) The remaining unprotected stands**
19 **of old growth forests and old growth red-**
20 **woods are under immediate threat of**
21 **being harvested without regard to their**
22 **ecological importance and without fol-**
23 **lowing Federal timber harvest guidelines.**

24 **(5) Significant amounts of old growth**
25 **redwoods in the proposed National For-**

1 **est additions are being cut at a pace that**
2 **is based on paying high interest rates on**
3 **poor quality bonds and not at a pace that**
4 **is based on sound forest management**
5 **practices.**

6 **(b) PURPOSE.—The purpose of this Act is to**
7 **provide for the sound management and pro-**
8 **tection of old growth redwood forest areas in**
9 **Humboldt County, California, and to preserve**
10 **and enhance habitat for the marbled**
11 **murrelet, northern spotted owl, native salmon**
12 **stocks, and other old growth forest dependent**
13 **species, by adding certain lands and waters to**
14 **the Six Rivers National Forest and by includ-**
15 **ing a portion of the lands in the National Wil-**
16 **derness Preservation System.**

17 **(c) DEFINITIONS.—For purposes of this Act:**

18 **(1) The terms “Six Rivers National**
19 **Forest Addition” and “Headwaters For-**
20 **est” mean the area authorized for land**
21 **acquisition activities under section 3, as**
22 **depicted on the map described in section**
23 **3(b)(1).**

24 **(2) The term “Secretary” means the**
25 **Secretary of Agriculture.**

1 **SEC. 3. ADDITION TO SIX RIVERS NATIONAL FOREST.**

2 **(a) MODIFICATION OF BOUNDARIES.—**Effec-
3 **tive upon the consummation of a land acquisi-**
4 **tion conducted as provided in subsection (b),**
5 **the Secretary of Agriculture shall modify the**
6 **exterior boundaries of the Six Rivers National**
7 **Forest in the State of California to include the**
8 **acquired lands.**

9 **(b) ACQUISITION OF LAND.—**

10 **(1) AREA FOR ACQUISITION ACTIVITIES.—**
11 **The Secretary may acquire lands and in-**
12 **terests in land within the boundaries of**
13 **an area comprising approximately 44,000**
14 **acres, as generally depicted on the map**
15 **entitled “Six Rivers National Forest Addi-**
16 **tion proposed” and dated June 1993, for**
17 **inclusion in the Six Rivers National For-**
18 **est under subsection (a). The map shall**
19 **be on file and available for public inspec-**
20 **tion in the offices of the Forest Super-**
21 **visor, Six Rivers National Forest, and in**
22 **the offices of the Chief of the Forest Serv-**
23 **ice, Department of Agriculture.**

24 **(2) MANNER OF CONDUCTING ACQUISSI-**
25 **TION.—Lands and interests in lands with-**
26 **in the Six Rivers National Forest Addi-**

1 **tion may be acquired by the Secretary**
2 **only by donation, by purchase with do-**
3 **nated or appropriated funds, or by ex-**
4 **change.**

5 **(3) CONSENT OF OWNER REQUIRED FOR**
6 **ACQUISITION.—Lands and interests in**
7 **lands within the Six Rivers National For-**
8 **est Addition may not be acquired by the**
9 **Secretary for purposes of this Act with-**
10 **out the consent of the owner of the lands.**

11 **(4) SPECIAL RULE FOR FEDERAL TRANS-**
12 **FERS.—For purposes of making an ex-**
13 **change under paragraph (2), excess or**
14 **surplus lands under the jurisdiction of**
15 **any other department, agency, or instru-**
16 **mentality of the United States may be**
17 **transferred, subject to the advance ap-**
18 **proval of the transfer by law, to the ad-**
19 **ministrative jurisdiction of the Secretary**
20 **if the Secretary identifies the lands as**
21 **suitable for use in making an exchange.**
22 **To facilitate the approval of a transfer of**
23 **lands under this paragraph, the Sec-**
24 **retary shall submit to the Committee on**
25 **Agriculture and the Committee on Natu-**

1 **ral Resources of the House of Representa-**
2 **tives and to the Committee on Agri-**
3 **culture, Nutrition, and Forestry of the**
4 **Senate proposed legislation in connection**
5 **with the proposed transfer. The transfer**
6 **of lands under this paragraph shall be**
7 **made without compensation to the trans-**
8 **ferring department, agency, or instru-**
9 **mentality.**

10 **(5) ACQUISITION OF CERTAIN LANDS OUT-**
11 **SIDE ADDITION.—When a tract of land pro-**
12 **posed to be acquired is only partly within**
13 **the Six Rivers National Forest Addition,**
14 **the Secretary may acquire all or any por-**
15 **tion of the land outside of the Six Rivers**
16 **National Forest Addition to minimize the**
17 **payment of severance costs. Land ac-**
18 **quired outside of the boundaries may be**
19 **exchanged by the Secretary for non-Fed-**
20 **eral lands within the boundaries. Land**
21 **acquired outside of the boundaries of the**
22 **Six Rivers National Forest Addition**
23 **under this paragraph and not used for**
24 **exchange shall be reported to the Admin-**
25 **istrator of the General Services Adminis-**

1 **tration for disposal under the Federal**
2 **Property and Administrative Services Act**
3 **of 1949 (40 U.S.C. 471 et seq.).**

4 **(6) SPECIAL RULE FOR STATE OR LOCAL**
5 **GOVERNMENT LANDS.—Lands and interests**
6 **in lands within the boundaries of the Six**
7 **Rivers National Forest Addition that are**
8 **owned by the State of California or any**
9 **political subdivision thereof, may be ac-**
10 **quired only by donation or exchange.**

11 **(7) ACCEPTANCE AND USE OF FUNDS.—**
12 **The Secretary may accept from the State**
13 **of California funds to cover the cost of**
14 **acquiring lands within the Six Rivers Na-**
15 **tional Forest Addition. Notwithstanding**
16 **any other provision of law, the Secretary**
17 **may retain and expend such funds for**
18 **purposes of such acquisition. Such funds**
19 **shall be available for such purpose with-**
20 **out further appropriation and without**
21 **fiscal year limitation.**

22 **(c) LAND ACQUISITION PLAN.—The Sec-**
23 **retary shall develop and implement, within 6**
24 **months after the date of the enactment of this**
25 **Act, a land acquisition plan that contains spe-**

1 **cific provisions addressing how and when**
2 **lands will be acquired under subsection (b).**
3 **The plan shall give priority first to the acqui-**
4 **sition of lands within the Six Rivers National**
5 **Forest Addition proposed for inclusion in the**
6 **National Wilderness Preservation System.**
7 **The plan shall include an analysis of the pos-**
8 **sibilities for acquisition through means other**
9 **than the expenditure of funds, including the**
10 **use of excess and surplus Federal properties.**
11 **The Secretary shall identify and list these**
12 **properties. The Secretary shall submit copies**
13 **of the plan to the Committee on Natural Re-**
14 **sources, the Committee on Agriculture, and**
15 **the Committee on Appropriations of the**
16 **House of Representatives and to the Commit-**
17 **tee on Energy and Commerce, the Committee**
18 **on Agriculture, Nutrition, and Forestry, and**
19 **the Committee on Appropriations of the Sen-**
20 **ate.**

21 **(d) AUTHORIZATION OF APPROPRIATIONS.—**
22 **There are hereby authorized to be appro-**
23 **priated such sums as may be necessary to**
24 **carry out the purposes of this Act.**

1 **(e) TERMINATION OF ACQUISITION AUTHOR-**
2 **ITY.—Notwithstanding any other provision of**
3 **this section, the Secretary may not acquire**
4 **lands under the authority of this section after**
5 **the end of the 10-year period beginning on the**
6 **date of the enactment of this Act.**

7 **SEC. 4. WILDERNESS AREAS.**

8 **(a) DESIGNATION.—In furtherance of the**
9 **purposes of the Wilderness Act (16 U.S.C.**
10 **1131–1136), lands in the Six Rivers National**
11 **Forest Addition acquired under section 3 that**
12 **are within the areas generally depicted on the**
13 **map referred to in section 3(b)(1) as the**
14 **“Headwaters Forest Wilderness (Proposed)”**
15 **shall be designated as wilderness and there-**
16 **fore as a component of the National Wilder-**
17 **ness Preservation System, effective upon ac-**
18 **quisition under section 3. The acquired lands**
19 **shall be known as the Headwaters Forest Wil-**
20 **derness.**

21 **(b) MAP AND DESCRIPTION.—As soon as**
22 **practicable after the inclusion of any lands in**
23 **the Headwaters Forest Wilderness, the Sec-**
24 **retary shall file a map and a legal description**
25 **of the area so included with the Committee on**

1 **Natural Resources of the House of Represent-**
2 **atives and with the Committee on Energy and**
3 **Natural Resources of the Senate. The Sec-**
4 **retary may correct clerical and typographical**
5 **errors in such legal description and such map.**
6 **Each such map and legal description shall be**
7 **on file and available for public inspection in**
8 **the offices of the Forest Supervisor, Six Riv-**
9 **ers National Forest, and in the offices of the**
10 **Chief of the Forest Service, Department of Ag-**
11 **riculture.**

12 **(c) BUFFER ZONES NOT INTENDED.—Con-**
13 **gress does not intend that designation of any**
14 **area as wilderness under this section lead to**
15 **the creation of protective perimeters or buff-**
16 **er zones around the wilderness area. The fact**
17 **that nonwilderness activities or uses can be**
18 **seen or heard from areas within the wilder-**
19 **ness area shall not, of itself, preclude such ac-**
20 **tivities or uses up to the boundary of the wil-**
21 **derness area.**

22 **(d) STATE AUTHORITY OVER FISH AND WILD-**
23 **LIFE.—As provided in section 4(d)(7) of the**
24 **Wilderness Act (16 U.S.C. 1133(d)(7)), nothing**
25 **in this Act shall be construed as affecting the**

1 **jurisdiction or responsibilities of the State of**
2 **California with respect to wildlife and fish in**
3 **any areas designated by this Act as wilder-**
4 **ness.**

5 **SEC. 5. ADMINISTRATION.**

6 **(a) MANAGEMENT PLAN.—Within 1 year**
7 **after acquiring all or part of the lands identi-**
8 **fied to be acquired in section 3, the Secretary**
9 **shall develop a comprehensive management**
10 **plan for the acquired lands detailing meas-**
11 **ures for the preservation of the existing old**
12 **growth redwood ecosystems. The manage-**
13 **ment plan shall include each of the following**
14 **with respect to the lands so aquired:**

15 **(1) Prohibition of the sale of timber**
16 **from lands within the old growth red-**
17 **wood groves as depicted generally on the**
18 **map referred to in section 3(b)(1). Timber**
19 **sales in other areas within the Six Rivers**
20 **National Forest Addition shall be allowed**
21 **consistent with the purposes of this Act**
22 **and other applicable Federal laws and**
23 **regulations.**

24 **(2) Measures to restore lands affected**
25 **by previous timber harvests to mitigate**

1 watershed degradation and impairment
2 of habitat for the marbled murrelet,
3 northern spotted owl, native salmon
4 stocks, and other old-growth forest de-
5 pendent species.

6 The management plan shall be reviewed and
7 revised each time the land and resource man-
8 agement plan for the Six Rivers National For-
9 est is revised or more frequently as necessary
10 to meet the purposes of this Act.

11 (b) APPLICABLE LAWS AND POLICIES.—The
12 Secretary shall administer the lands acquired
13 under section 3 in accordance with the man-
14 agement plan developed under subsection (a),
15 this Act, and with the other laws, rules, and
16 regulations applicable to the Six Rivers Na-
17 tional Forest. In addition, subject to valid ex-
18 isting rights, any lands acquired and des-
19 igned as wilderness under section 4(a) shall
20 also be administered in accordance with the
21 provisions of the Wilderness Act (16 U.S.C.
22 1131-1136) governing areas designated under
23 that Act as wilderness, except that any ref-
24 erence in such provisions to the effective date
25 of the Wilderness Act (or any similar ref-

1 erence) shall be deemed to be a reference to
2 the date of the acquisition of the lands under
3 section 3.

4 (c) USE OF UNEMPLOYED PERSONS.—To the
5 maximum extent practicable, all work to im-
6 plement the restoration measures included in
7 the management plan under subsection (a)(2)
8 shall be performed by forest and timber work-
9 ers, commercial fishermen, or other persons,
10 who are otherwise unemployed and whose
11 livelihood depends on fishery and timber re-
12 sources.

13 (d) STATE AGREEMENTS.—To facilitate man-
14 agement, the Secretary, acting through the
15 Chief of the Forest Service, may enter into
16 agreements with the State of California for
17 the management of lands owned by the State
18 or purchased with State assistance.

19 SEC. 6. PAYMENTS TO LOCAL GOVERNMENT.

20 (a) PILT.—Solely for purposes of pay-
21 ments made pursuant to chapter 69 of title 31
22 of the United States Code, all lands added to
23 the Six Rivers National Forest by this Act
24 shall be deemed to have been acquired for the

1 **purposes specified in section 6904(a) of such**
2 **title.**

3 **(b) 10-YEAR PAYMENT.—**

4 **(1) ANNUAL PAYMENTS.—Subject to an-**
5 **annual appropriations and the provisions of**
6 **subsection (c), for a period of 10 years**
7 **after acquisition by the United States of**
8 **lands under section 3, the Secretary, with**
9 **respect to the acquired lands, shall make**
10 **annual payments to Humboldt County in**
11 **the State of California in an amount**
12 **equal to the State of California Timber**
13 **Yield Tax revenues under the California**
14 **Revenue and Taxation Code (sec. 38101 et**
15 **seq.) in effect as of the date of enactment**
16 **of this Act that would have been paid**
17 **with respect to the lands if the lands had**
18 **not been acquired by the United States,**
19 **as determined by the Secretary under**
20 **this subsection.**

21 **(2) AMOUNT OF PAYMENT.—The Sec-**
22 **retary shall determine the amounts to be**
23 **paid under paragraph (1) based on an as-**
24 **essment of a variety of factors, includ-**
25 **ing—**

1 **(A) timber actually sold in the**
2 **subject year from comparable com-**
3 **mercial forest lands of similar soil**
4 **type, slope and such determination of**
5 **appropriate timber harvest levels;**

6 **(B) comparable timber size, class,**
7 **age, and quality;**

8 **(C) market conditions;**

9 **(D) all applicable Federal, State,**
10 **and local laws and regulations; and**

11 **(E) the goal of sustainable, even-**
12 **flow harvest or renewable timber re-**
13 **sources.**

14 **(c) CALIFORNIA TIMBER YIELD TAX.—The**
15 **amount of State of California Timber Yield**
16 **Tax payments paid to Humboldt County in**
17 **any year under the laws of California for tim-**
18 **ber sold from lands acquired under section 3**
19 **shall be deducted from the sums to be paid to**
20 **Humboldt County in that year under sub-**
21 **section (b).**

22 **(d) 25-PERCENT FUND.—Amounts paid**
23 **under subsection (b) with respect to any land**
24 **in any year shall be reduced by any amounts**
25 **paid under the Act of May 23, 1908 (16 U.S.C.**

1 **500), which are attributable to sales from the**
2 **same lands in that year.**

3 **SEC. 7. FOREST STUDY.**

4 **(a) STUDY REQUIRED.—The Secretary shall**
5 **study the lands within the area comprising**
6 **approximately 13,620 acres and generally de-**
7 **picted as “Study Area” on the map referred to**
8 **in section 3(b)(1). The study shall analyze the**
9 **area’s potential to be added to the Six Rivers**
10 **National Forest Addition and shall identify**
11 **the natural resources of the area. Such re-**
12 **sources include the location of old growth for-**
13 **ests, old growth redwood stands, threatened**
14 **and endangered species habitat and popu-**
15 **lations, including the northern spotted owl**
16 **and marbled murrelet, commercial timber**
17 **volume, recreational opportunities, wildlife**
18 **and fish. The Secretary shall also study the**
19 **watershed management of the area and the**
20 **cost of acquiring the land.**

21 **(b) RESULTS OF STUDY.—Not later than one**
22 **year after the date of the enactment of this**
23 **Act, the Secretary shall submit to the Commit-**
24 **tees on Natural Resources and Agriculture of**
25 **the House of Representatives and the Com-**

1 **mittees on Energy and Natural Resources and**
2 **Agriculture, Nutrition, and Forestry of the**
3 **Senate a report containing the findings and**
4 **results of the study conducted under sub-**
5 **section (a).**

6 **SEC. 8. NO ADVERSE EFFECT ON LANDS UNTIL ACQUIRED.**

7 **(a) IN GENERAL.—Until the lands in the Six**
8 **River National Forest Addition are acquired**
9 **under this Act, the owners of the lands and**
10 **their designees shall be entitled to the full**
11 **and lawful use and enjoyment of the lands.**
12 **Nothing in this Act may be—**

13 **(1) construed to impose any limita-**
14 **tions upon any otherwise lawful use of**
15 **the lands by the owners of the lands or**
16 **their designees;**

17 **(2) construed as authority to defer**
18 **the submission, review, approval, or im-**
19 **plementation of any timber harvest or**
20 **similar plan with respect to any portion**
21 **of the lands; or**

22 **(3) construed to grant a cause of ac-**
23 **tion against the owner of the lands or**
24 **their designees.**

1 **(b) VOLUNTARY DEFERMENT OF USE.—The**
2 **owners of lands described in section 3 or their**
3 **designees may agree of their own accord to**
4 **defer some or all lawful enjoyment and use of**
5 **the land for a certain period of time.**

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