

103D CONGRESS  
1ST SESSION

# H. R. 2866

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

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## 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. FALEOMAVAEGA, 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

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## 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  
5 Act”.

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

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

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

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

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

1           (4) The remaining unprotected stands of old  
2           growth forests and old growth redwoods are under  
3           immediate threat of being harvested without regard  
4           to their ecological importance and without following  
5           Federal timber harvest guidelines.

6           (5) Significant amounts of old growth redwoods  
7           in the proposed National Forest additions are being  
8           cut at a pace that is based on paying high interest  
9           rates on poor quality bonds and not at a pace that  
10          is based on sound forest management practices.

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

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

21          (a) EXTENSION OF BOUNDARIES.—The exterior  
22          boundaries of the Six Rivers National Forest in the State  
23          of California are hereby extended to include the area com-  
24          prising approximately 44,000 acres, as generally depicted  
25          on the map entitled “Six Rivers National Forest Addition

1 proposed”, dated June 1993. Such area shall hereinafter  
2 in this Act be referred to as the Six Rivers National Forest  
3 Addition. The map shall be on file and available for public  
4 inspection in the offices of the Forest Supervisor, Six Riv-  
5 ers National Forest, and in the offices of the Chief of the  
6 Forest Service, Department of Agriculture.

7 (b) ACQUISITION OF LAND.—(1) The Secretary shall  
8 acquire lands or interests in land within the exterior  
9 boundaries of the Six Rivers National Forest Addition by  
10 donation, by purchase with donated or appropriated funds,  
11 or by exchange for other lands owned by any department,  
12 agency, or instrumentality of the United States. When any  
13 tract of land is only partly within such boundaries, the  
14 Secretary may acquire all or any portion of the land out-  
15 side of such boundaries in order to minimize the payment  
16 of severance costs. Land so acquired outside of the bound-  
17 aries may be exchanged by the Secretary for non-Federal  
18 lands within the boundaries, and any land so acquired and  
19 not utilized for exchange shall be reported to the General  
20 Services Administration for disposal under the Federal  
21 Property and Administrative Services Act of 1949 (63  
22 Stat. 377). Lands, and interests in lands, within the  
23 boundaries of the Headwaters Forest which are owned by  
24 the State of California or any political subdivision thereof,  
25 may be acquired only by donation or exchange.

1           (2) The Secretary is authorized to accept from the  
2 State of California funds to cover the cost of acquiring  
3 lands within the Headwaters Forest, and notwithstanding  
4 any other provision of law, the Secretary may retain and  
5 expend such funds for purposes of such acquisition. Such  
6 funds shall be available for such purposes without further  
7 appropriation and without fiscal year limitation.

8           (c) LAND ACQUISITION PLAN.—The Secretary shall  
9 develop and implement, within 6 months after the enact-  
10 ment of this Act, a land acquisition plan which contains  
11 specific provisions addressing how and when lands will be  
12 acquired under subsection (b). The plan shall give priority  
13 first to the acquisition of lands within the boundaries of  
14 the Headwaters Forest Wilderness identified on the map  
15 referred to in section 3(a). The Secretary shall submit cop-  
16 ies of such plan to the Committee on Natural Resources,  
17 the Committee on Agriculture, and the Committee on Ap-  
18 propriations of the United States House of Representa-  
19 tives and to the Committee on Energy and Commerce, the  
20 Committee on Agriculture, Nutrition, and Forestry and  
21 the Committee on Appropriations of the United States  
22 Senate.

23           (d) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are hereby authorized to be appropriated such sums as  
25 may be necessary to carry out the purposes of this Act.

1 **SEC. 4. WILDERNESS AREAS.**

2 (a) DESIGNATION.—In furtherance of the purposes of  
3 the Wilderness Act (16 U.S.C. 1131–1136), lands in the  
4 State of California acquired under section 3 of this Act  
5 which are within the areas generally depicted on the map  
6 referred to in section 3 as the “Headwaters Forest Wilder-  
7 ness (Proposed)” shall be designated as wilderness and  
8 therefore as a component of the National Wilderness Pres-  
9 ervation System, effective upon acquisition under section  
10 3. Such lands shall be known as the Headwaters Forest  
11 Wilderness.

12 (b) MAP AND DESCRIPTION.—As soon as practicable  
13 after the inclusion of any lands in the Headwaters Forest  
14 Wilderness, the Secretary shall file a map and a boundary  
15 description of the area so included with the Committee on  
16 Natural Resources of the House of Representatives and  
17 with the Committee on Energy and Natural Resources of  
18 the United States Senate. The Secretary may correct cleri-  
19 cal and typographical errors in such boundary description  
20 and such map. Each such map and boundary description  
21 shall be on file and available for public inspection in the  
22 Office of the Chief of the Forest Service, United States  
23 Department of Agriculture.

24 (c) BUFFER ZONES NOT INTENDED.—The Congress  
25 does not intend that designation of any area as wilderness  
26 under this section lead to the creation of protective perim-

1 eters or buffer zones around the wilderness area. The fact  
2 that nonwilderness activities or uses can be seen or heard  
3 from areas within a wilderness shall not, of itself, preclude  
4 such activities or uses up to the boundary of the wilder-  
5 ness area.

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

12 **SEC. 5. ADMINISTRATION.**

13 (a) MANAGEMENT PLAN.—The Secretary shall de-  
14 velop, within 1 year after the enactment of this Act, a  
15 comprehensive management plan detailing measures for  
16 the preservation of the existing old growth redwood  
17 ecosystems in the Six Rivers National Forest Addition, in-  
18 cluding but not limited to each of the following:

19 (1) Prohibition of sale of timber from lands  
20 within the old growth redwood groves as depicted  
21 generally on the map referred to in section 3(a).  
22 Timber sales in other areas shall be allowed consist-  
23 ent with the purposes of this Act and other applica-  
24 ble Federal laws and regulations.

1           (2) Measures to restore lands affected by pre-  
2           vious timber harvests to mitigate watershed degrada-  
3           tion and impairment of habitat for the marbled  
4           murrelet, spotted owl, native salmon stocks, and  
5           other old-growth forest dependent species (“Restora-  
6           tion Measures”).

7           The Management Plan shall be reviewed and revised every  
8           time the Six Rivers National Forest Land and Resource  
9           Management plan is revised or more frequently as nec-  
10          essary to meet the purposes of this Act.

11          (b) APPLICABLE LAWS AND POLICIES.—(1) The Sec-  
12          retary, acting through the Chief of the Forest Service,  
13          shall administer the lands acquired under section 3(b) in  
14          accordance with the Management Plan, this Act, and with  
15          the other laws, rules, and regulations applicable to such  
16          national forest. In addition, subject to valid existing  
17          rights, any lands acquired and designated as wilderness  
18          under section 4(a) shall also be administered in accord-  
19          ance with the provisions of the Wilderness Act governing  
20          areas designated by that Act as wilderness, except that  
21          any reference in such provisions to the effective date of  
22          the Wilderness Act (or any similar reference) shall be  
23          deemed to be a reference to the date of acquisition of such  
24          lands under section 3 of this Act.



1           (2) To the maximum extent practicable, all work to  
2 implement the management plan's Restoration Measures  
3 shall be performed by unemployed forest and timber work-  
4 ers, unemployed commercial fishermen, or other unem-  
5 ployed persons whose livelihood depends on fishery and  
6 timber resources.

7           (3) In order to facilitate management, the Secretary,  
8 acting through the Chief of the Forest Service may enter  
9 into agreements with the State of California for the man-  
10 agement of lands owned by the State or purchased with  
11 State assistance.

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

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

18           (b) 10-YEAR PAYMENT.—(1) Subject to annual ap-  
19 propriations and the provisions of subsection (c), for a pe-  
20 riod of 10 years after acquisition by the United States of  
21 lands added to the Six Rivers National Forest by this Act,  
22 the Secretary, with respect to such acquired lands, shall  
23 make annual payments to Humboldt County in the State  
24 of California in an amount equal to the State of California  
25 Timber Yield Tax revenues payable under the California

1 Revenue and Taxation Code (sec. 38101 et seq.) in effect  
2 as of the date of enactment of this Act that would have  
3 been paid with respect to such lands if the lands had not  
4 been acquired by the United States, as determined by the  
5 Secretary pursuant to this subsection.

6 (2) The Secretary shall determine the amounts to be  
7 paid pursuant to paragraph (1) of this subsection based  
8 on an assessment of a variety of factors including, but not  
9 limited to—

10 (A) timber actually sold in the subject year  
11 from comparable commercial forest lands of similar  
12 soil type, slope and such determination of appro-  
13 priate timber harvest levels,

14 (B) comparable timber size class, age, and qual-  
15 ity,

16 (C) market conditions,

17 (D) all applicable Federal, State, and local laws  
18 and regulations, and

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

21 (c) CALIFORNIA TIMBER YIELD TAX.—The amount  
22 of State of California Timber Yield Tax payments paid  
23 to Humboldt County in any year pursuant to the laws of  
24 California for timber sold from lands acquired under this

1 Act shall be deducted from the sums to be paid to Hum-  
2 boldt County in that year under subsection (b).

3 (d) 25-PERCENT FUND.—Amounts paid under sub-  
4 section (b) with respect to any land in any year shall be  
5 reduced by any amounts paid under the Act of May 23,  
6 1908 (16 U.S.C. 500) which are attributable to sales from  
7 the same lands in that year.

8 **SEC. 7. FOREST STUDY.**

9 The Secretary shall study the lands within the area  
10 comprising approximately 13,620 acres and generally de-  
11 picted as “Study Area” on the map referred to in section  
12 3(a). The study shall analyze the area’s potential to be  
13 added to the Headwaters Forest and shall identify the nat-  
14 ural resources of the area including the location of old  
15 growth forests, old growth redwood stands, threatened and  
16 endangered species habitat and populations including the  
17 northern spotted owl and marbled murrelet, commercial  
18 timber volume, recreational opportunities, wildlife and  
19 fish, watershed management, and the cost of acquiring the  
20 land. Within one year of the date of enactment of this  
21 Act, the Secretary shall submit a report with the findings  
22 of the study to the Committees on Natural Resources, and  
23 Agriculture of the United States House of Representatives  
24 and the Committees on Energy and Natural Resources,

1 and Agriculture, Nutrition, and Forestry of the United  
2 States Senate.

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