

104TH CONGRESS
1ST SESSION

H. R. 2712

To promote balance between natural resources, economic development, and job retention in Northwest California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 1995

Mr. RIGGS (for himself, Mr. DOOLITTLE, Mr. POMBO, Mr. TAYLOR of North Carolina, and Mr. RADANOVICH) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote balance between natural resources, economic development, and job retention in Northwest 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Northwest California Forest Health and Economic Re-
6 covery Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—DESIGNATION OF WILDERNESS AREAS IN THE
KING RANGE NATIONAL CONSERVATION AREA TO BE
ADMINISTERED BY THE BUREAU OF LAND MANAGE-
MENT**

Sec. 101. Short title.
Sec. 102. Findings and purpose.
Sec. 103. Designation of wilderness.
Sec. 104. Map and legal description.
Sec. 105. Wilderness review.
Sec. 106. Administration of wilderness areas.
Sec. 107. Future acquisitions.
Sec. 108. Disposition under mining laws.
Sec. 109. Traditional cultural and religious purposes.

TITLE II—ACQUISITION OF HEADWATERS FOREST

Sec. 201. Short title.
Sec. 202. Findings and purpose.
Sec. 203. Definitions.
Sec. 204. Authorization of acquisition.
Sec. 205. Manner of acquisition.
Sec. 206. Property to be received by owners.
Sec. 207. Payments to local governments.
Sec. 208. Wilderness designation.
Sec. 209. National biological diversity reserve.
Sec. 210. Miscellaneous provisions.

TITLE III—ELKHORN RIDGE TIMBER SALE

Sec. 301. Substitution of timber for canceled timber sale.

TITLE IV—SMITH RIVER NATIONAL RECREATION AREA

Sec. 401. Availability of timber for harvest in prescribed timber management area.

**TITLE V—CONTRACT OUT DEMONSTRATION OF
RESOURCE MANAGEMENT ACTIVITIES**

Sec. 501. Demonstration program at Six Rivers National Forest.

TITLE VI—HOOPA VALLEY RESERVATION

Sec. 601. Short title.
Sec. 602. Land transfer to reservation.
Sec. 603. Survey.

**TITLE VII—ADAPTIVE MANAGEMENT OF TIMBER
RESOURCES FOR OLD GROWTH DEPENDENT SPECIES**

Sec. 701. Preparation, implementation, and evaluation of adaptive management.

**TITLE VIII—DEL NORTE COUNTY UNIFIED SCHOOL
DISTRICT LAND CONVEYANCE**

Sec. 801. Conveyance.
 Sec. 802. Property description.
 Sec. 803. Consideration.
 Sec. 804. Conditions of conveyance.
 Sec. 805. Breach of covenant.
 Sec. 806. Additional terms and conditions.

1 **TITLE I—DESIGNATION OF WIL-**
 2 **DERNESS AREAS IN THE KING**
 3 **RANGE NATIONAL CONSERVA-**
 4 **TION AREA TO BE ADMINIS-**
 5 **TERED BY THE BUREAU OF**
 6 **LAND MANAGEMENT**

7 **SEC. 101. SHORT TITLE.**

8 This title may be cited as the “King Range Wilder-
 9 ness Act of 1995”.

10 **SEC. 102. FINDINGS AND PURPOSE.**

11 The Congress finds and declares that—

12 (1) the public lands within the King Range Na-
 13 tional Conservation Area are a unique public re-
 14 source encompassing a spectacular meeting of land
 15 and sea;

16 (2) these rugged wildlands include 26 miles of
 17 untouched seashore, the longest stretch of pristine
 18 beach along California’s Pacific Coast;

19 (3) the extremely steep and rocky terrain, rising
 20 dramatically from sea level to 4,000 feet within a
 21 distance of only three miles, has historically formed
 22 a natural obstacle to transportation and settlement;

1 (4) these unique natural values have long been
2 recognized, culminating in the King Range being
3 designated the Nation’s first National Conservation
4 Area; and

5 (5) in 1991, after extensive public involvement
6 and support, the Bureau of Land Management rec-
7 ommended most of the area be included in the Na-
8 tional Wilderness Preservation System.

9 **SEC. 103. DESIGNATION OF WILDERNESS.**

10 To provide an enduring resource of wildlands for the
11 benefit of the American people and in furtherance of the
12 purposes of the Wilderness Act, certain public lands, in-
13 cluding the rocks and islands lying directly offshore from
14 these lands, located in the Arcata Resource Area of the
15 Bureau of Land Management, California comprising ap-
16 proximately 24,660 acres, as generally depicted on a map
17 entitled “King Range Wilderness—Proposed” and dated
18 June 7, 1995, and which shall be known as the King
19 Range Wilderness, are hereby designated as wilderness,
20 and therefore, as a component of the National Wilderness
21 Preservation System.

22 **SEC. 104. MAP AND LEGAL DESCRIPTION.**

23 As soon as practicable after enactment of this Act,
24 the Secretary of the Interior shall file a map and a legal
25 description for the area designated as wilderness by this

1 title with the Committee on Energy and Natural Re-
2 sources of the Senate and the Committee on Resources
3 of the House of Representatives. Such map and legal de-
4 scription shall have the same force and effect as if in-
5 cluded in this Act, except that correction of clerical and
6 cartographic errors in each such legal description and map
7 may be made. Such map and legal description shall be on
8 file and available for public inspection in the Offices of
9 the Director and California State Director, Bureau of
10 Land Management, Department of the Interior.

11 **SEC. 105. WILDERNESS REVIEW.**

12 The Congress hereby finds and directs that all public
13 lands in the King Range National Conservation Area man-
14 aged by the Bureau of Land Management have been ade-
15 quately studied for wilderness designation pursuant to sec-
16 tions 202 and 603 of the Federal Land Policy and Man-
17 agement Act of 1976 (43 U.S.C. 1712, 1782). Those pub-
18 lic lands within the King Range National Conservation
19 Area managed by the Bureau of Land Management not
20 designated as wilderness by this title are no longer subject
21 to the requirements contained in section 603(c) of the
22 Federal Lands Policy and Management Act of 1976 (43
23 U.S.C. 1782(c)) but shall be managed for the full range
24 of nonwilderness multiple uses in accordance with land
25 management plans adopted pursuant to section 202 of

1 such Act (43 U.S.C. 1712). Such lands shall not be man-
2 aged for the purpose of protecting their suitability for wil-
3 derness designation or their wilderness character and shall
4 remain available for nonwilderness multiple uses, subject
5 to the requirements of other Federal laws.

6 **SEC. 106. ADMINISTRATION OF WILDERNESS AREAS.**

7 Subject to valid existing rights, the area designated
8 as wilderness by this title shall be administered in accord-
9 ance with the provisions of the Wilderness Act (16 U.S.C.
10 1131 et seq.) and pursuant to the rules and regulations
11 promulgated in implementation thereof.

12 **SEC. 107. FUTURE ACQUISITIONS.**

13 Any lands within the boundaries of the area des-
14 ignated as wilderness by this title that are acquired by
15 the United States after the date of the enactment of this
16 Act shall become part of the wilderness area located and
17 shall be managed in accordance with all the provisions of
18 this title and other laws applicable to such wilderness area.

19 **SEC. 108. DISPOSITION UNDER MINING LAWS.**

20 Except as otherwise provided in this title, and subject
21 to valid existing rights, all Federal lands designated as
22 wilderness by this title and all lands within areas des-
23 ignated as wilderness by this title which are acquired by
24 the United States after the date of the enactment of this
25 Act are hereby withdrawn from all forms of entry, appro-

1 priation, or disposal under the public lands laws, including
 2 the mining, mineral leasing, geothermal leasing, and mate-
 3 rial sales laws.

4 **SEC. 109. TRADITIONAL CULTURAL AND RELIGIOUS PUR-**
 5 **POSES.**

6 In recognition of the past use of portions of the area
 7 designated as wilderness by this title by Native Americans
 8 for traditional cultural and religious purposes, the Sec-
 9 retary shall assure access to the wilderness areas by Na-
 10 tive Americans for traditional cultural and religious pur-
 11 poses.

12 **TITLE II—ACQUISITION OF**
 13 **HEADWATERS FOREST**

14 **SEC. 201. SHORT TITLE.**

15 This title may be cited as the “Headwaters Forest
 16 Acquisition and Protection Act”.

17 **SEC. 202. FINDINGS AND PURPOSE.**

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

19 (1) The Headwaters Forest, consisting of ap-
 20 proximately 3,000 acres and located in Humboldt
 21 County, California, is the largest grove of old growth
 22 coastal redwoods remaining in private ownership.

23 (2) The owners of the Headwaters Forest and
 24 additional acres are willing to consent to the public
 25 acquisition of such acreage for just compensation

1 upon and subject to the terms and conditions of this
2 title.

3 (3) Public acquisition of the Headwaters For-
4 est, and an additional “buffer zone” not to exceed
5 1,700 acres, upon and subject to the terms and con-
6 ditions of this title, is likely to create employment
7 opportunities in Humboldt County, California and
8 neighboring areas, eliminate the necessity for contin-
9 ued costly and protracted litigation, contribute to
10 the preservation of biological diversity, and may en-
11 hance the survival of certain species by maintenance
12 of habitats.

13 (4) The Headwaters Forest is zoned for com-
14 mercial timber production under the laws of the
15 State of California and Humboldt County. This zon-
16 ing is consistent with the historical use of this and
17 surrounding property. The California Timber Pro-
18 duction Act of 1982 mandates that land under this
19 zoning shall be managed for maximum sustainable
20 production of forest products.

21 (5) The State of California has the most strin-
22 gent forestry practice regulations in the United
23 States. The Owners are entitled to lawful use of
24 their property under those regulations, and all their

1 timberlands are managed in accordance with the
2 same rules.

3 (6) Since February 1990, the Owners have re-
4 frained from harvesting the Headwaters Forest in
5 order to avoid further aggravating public con-
6 troversy.

7 (b) PURPOSE.—The purpose of this title is to provide
8 for the public acquisition of the Headwaters Forest, and
9 up to 1,700 additional acres, to provide for the protection
10 of Headwaters Forest by designating it as wilderness, and
11 to designate Headwaters Forest as a National Biological
12 Diversity Reserve.

13 **SEC. 203. DEFINITIONS.**

14 As used in this title—

15 (1) the term “Headwaters Forest” means the
16 area consisting of approximately 3,000 acres and lo-
17 cated in Humboldt County, California, containing
18 the largest grove of virgin old growth coastal red-
19 woods remaining in private ownership;

20 (2) the term “Headwaters Forest Addition”
21 means the lands acquired by the Secretary under
22 section 204(a);

23 (3) the term “Owners” means the Pacific Lum-
24 ber Company and Corporations owned and controlled
25 by the Pacific Lumber Company;

1 (4) the term “Acquisition Agreement” means
2 the agreement negotiated under section 205 between
3 the Secretary and the Owners; and

4 (5) the term “Secretary” means the Secretary
5 of the Interior.

6 **SEC. 204. AUTHORIZATION OF ACQUISITION.**

7 (a) IN GENERAL.—(1) Upon and subject to the terms
8 and conditions of this title, the Secretary shall acquire
9 from the Owners the lands comprising approximately
10 4,700 acres, as generally depicted on the map entitled
11 “Headwaters Forest—Proposed”.

12 (2) Upon the acquisition of the Headwaters Forest
13 Addition, the Secretary shall refrain from designating any
14 other timberland owned by the owners in Humboldt Coun-
15 ty, California, as critical habitat under the Endangered
16 Species Act of 1973 and shall give owners credit for the
17 habitat value of the Headwaters Forest Addition when is-
18 suing incidental take permits under that Act.

19 (3) The designation of the Headwaters Forest Addi-
20 tion as a National Biological Diversity Reserve under sec-
21 tion 209 shall be taken into account for the purposes of
22 planning for Federal lands in Humboldt County, Califor-
23 nia, under the Forest and Rangeland Renewable Re-
24 sources Planning Act of 1974 and the National Environ-
25 mental Policy Act of 1969.

1 (4) Nothing in this title is intended or shall be con-
2 strued to evidence any intention by the Congress to au-
3 thorize future acquisition of lands by the Secretary for the
4 purpose of providing additional buffer area for the Head-
5 waters Forest or Headwaters Forest Addition.

6 (b) CERTAIN CONSENTS.—Lands and interests in
7 lands within the Headwaters Forest Addition may not be
8 acquired by the Secretary pursuant to this title without
9 the consent of the Owners.

10 (c) DONATIONS.—Notwithstanding any other provi-
11 sion of law, the Secretary may accept and expend dona-
12 tions of funds, property, or services from the State of Cali-
13 fornia for the purpose of acquiring the Headwaters Forest
14 Addition under this title.

15 **SEC. 205. MANNER OF ACQUISITION.**

16 (a) IN GENERAL.—The Secretary shall forthwith
17 enter into negotiations with the Owners for a written
18 agreement providing for the acquisition of the Headwaters
19 Forest Addition at its appraised fair market value in ex-
20 change for—

21 (1) the land containing harvestable timber and
22 the marketable timber harvesting rights referred to
23 in sections 106(b) and (c); and

24 (2) the other property referred to in section
25 206(d), but only to the extent the appraised fair

1 market value of the Headwaters Forest exceeds the
2 appraised fair market value of the land containing
3 harvestable timber and the marketable timber har-
4 vesting rights referred to in sections 106(b) and (c).

5 (b) CONCLUSIVE EFFECT OF ACQUISITION AGREE-
6 MENT.—Subject only to the express terms of this title, nei-
7 ther the execution and delivery of the Acquisition Agree-
8 ment by the Secretary, nor the appraisals and determina-
9 tions made under this title, nor the performance of such
10 Acquisition Agreement by the Secretary in accordance
11 with its terms, shall be subject to review by any adminis-
12 trative or judicial body or authority.

13 (c) EFFECT OF FAILURE TO REACH AGREEMENT.—
14 (1) The authority of the Secretary to acquire lands or in-
15 terests in lands pursuant to this title shall expire with re-
16 spect to any portion of the Headwaters Forest Addition
17 the acquisition of which is not consummated within 18
18 months following the date of the enactment of this Act
19 pursuant to an agreement entered into under subsection
20 (a) by the Secretary and the Owners within 12 months
21 after the date of the enactment of this Act, unless the
22 Secretary and the Owners mutually agree to extend either
23 the 12-month or the 18-month deadline, or both. The
24 deadline for consummating the exchange may not be ex-

1 tended beyond 36 months after the date of the enactment
2 of this Act.

3 (2) If the exchange is not consummated before the
4 deadline specified in paragraph (1), any otherwise lawful
5 activity taken by the Owners in the Headwaters Forest
6 Addition which results in a taking otherwise prohibited by
7 section 9(a)(1)(B) of the Endangered Species Act of 1973
8 (16 U.S.C. 1538(a)(1)(B)) which is incidental to, and not
9 the purpose of, the carrying out of the activity, shall be
10 permitted.

11 (3) Until the Headwaters Forest Addition is acquired
12 pursuant to this title within the time specified in para-
13 graph (1) (including any extension under paragraph (1)),
14 the Owners and their designees shall be entitled to the
15 full and lawful use and enjoyment thereof and nothing in
16 this title shall be construed—

17 (A) to impose any limitation upon any other-
18 wise lawful use of such lands;

19 (B) as authority to defer the submission, re-
20 view, approval, or implementation of any timber har-
21 vest or similar plan with respect to any portion of
22 such lands; or

23 (C) to grant a cause of action against all or any
24 of the Owners thereof or their designees for engag-
25 ing in the lawful use of such lands.

1 (d) SPECIAL RULES.—The following rules shall apply
2 with respect to the negotiation, execution, delivery and
3 consummation of the Acquisition Agreement pursuant to
4 this title:

5 (1) The “appraised fair market values” of the
6 Headwaters Forest Addition and of the land con-
7 taining harvestable timber referred to in section
8 206(b) and the marketable timber harvesting rights
9 referred to in section 206(c) shall be determined as
10 of the date of the enactment of this Act by inde-
11 pendent appraisers, each of whom shall be qualified
12 and experienced in appraising timberland. The Sec-
13 retary and the Owners shall each appoint one such
14 appraiser within 30 days after the date of the enact-
15 ment of this Act and the two appraisers so selected
16 shall mutually select the third appraiser within 30
17 days thereafter. If the fair market values of any
18 property or right as determined by the three ap-
19 praisers are not the same, the lowest of the three
20 appraisals shall be disregarded and the appraised
21 fair market value of such property or right shall be
22 deemed to be equal to the average of the two re-
23 maining appraisals.

24 (2) The “fair market values” of the Headwaters
25 Forest Addition, and of the land containing harvest-

1 able timber referred to in section 206(b) and the
2 marketable timber harvesting rights referred to in
3 section 206(c), shall, as set forth in the Uniform
4 Standards for Federal Land Acquisitions, be equal
5 to the amount of cash, or in terms reasonably equiv-
6 alent to cash, for which in all probability the prop-
7 erty or rights would be sold by a knowledgeable
8 owner who is willing but not obligated to sell to a
9 knowledgeable purchaser who is willing but not obli-
10 gated to buy; except that no reduction shall be made
11 in the appraised fair market value of the Head-
12 waters Forest Addition to reflect the use thereof by
13 the Secretary to provide critical habitat mitigation
14 pursuant to sections 104(a)(2) and (3) and applica-
15 ble law. The fair market value of any property re-
16 ferred to in section 206(d) shall be as mutually de-
17 termined by the Secretary and the Owners. If they
18 cannot agree, they shall utilize an appraisal process
19 similar to that described in paragraph (1).

20 (3) The authority of the Secretary to acquire
21 lands and interests in lands pursuant to this title is
22 expressly limited to the 4,700 acres comprising the
23 Headwaters Forest Addition, and, to reduce the cost
24 of acquisition, the Secretary may, in his sole discre-
25 tion—

1 (A) decline to purchase any portion of the
2 1,700 additional acres surrounding the Head-
3 waters Forest; and

4 (B) allow legal uses to be undertaken or
5 continued on such 1,700 acres,
6 if the Secretary determines that such failure to pur-
7 chase or use, as the case may be, will not result in
8 significant ecological damage to the Headwaters
9 Forest.

10 (4) The Acquisition Agreement shall give the
11 Secretary adequate assurances of reasonable and
12 perpetual access by the United States and its des-
13 ignated representatives to the Headwaters Forest
14 through other lands of the Owners, upon reasonable
15 terms and conditions as detailed in the Acquisition
16 Agreement. Such reasonable access shall not inter-
17 fere with the established legal uses or business oper-
18 ations of the Owners and others on lands not ac-
19 quired by the United States pursuant to this title.

20 (5) The Acquisition Agreement shall allow for
21 the Owners' continued access to and commercial op-
22 eration of two gravel quarries in the 1,700 acres,
23 unless the Owners are adequately compensated for
24 foregoing such access and commercial operation.

1 (6) The Acquisition Agreement shall allow for
2 the orderly termination of operations on lands ac-
3 quired by the United States pursuant to this title
4 and for the removal by the Owners and others of
5 their equipment, facilities, and personal property
6 therefrom.

7 (7) The Acquisition Agreement shall give the
8 Owners assurances that the Headwaters Forest shall
9 be managed by the United States so as not to inter-
10 fere with the lawful conduct of business operations,
11 including timber harvesting on privately owned lands
12 adjacent to the Headwaters Forest.

13 (8) The Acquisition Agreement shall provide for
14 copies thereof to be supplied promptly to the Com-
15 mittee on Agriculture, the Committee on Appropria-
16 tions and the Committee on Resources of the House
17 of Representatives and the Committee on Agri-
18 culture, Nutrition and Forestry, the Committee on
19 Appropriations, and the Committee on Energy and
20 Natural Resources of the Senate.

21 (9) If the Acquisition Agreement provides for
22 the transfer to the Owners of property described in
23 section 206(d), such Agreement shall provide—

24 (A) for a closing date, which shall be the
25 date for consummation of the transactions pro-

vided for by this title and by the Acquisition Agreement and which shall be at least 45 days after the date on which the Secretary and the Owners execute the Acquisition Agreement and at least 45 days after the date on which the Acquisition Agreement is submitted to the committees specified in paragraph (8); and

(B) for termination of the Secretary's obligations under the Acquisition Agreement if legislation disapproving the Acquisition Agreement is enacted on or before the date on which the transactions contemplated by the Acquisition Agreement are consummated.

SEC. 206. PROPERTY TO BE RECEIVED BY OWNERS.

(a) IN GENERAL.—Effective upon and simultaneous with the acquisition of the Headwaters Forest by the Secretary pursuant to this title, there shall be vested in the Owners the land containing harvestable timber, the marketable timber harvesting rights, and the other property to which the Owners are entitled under the Acquisition Agreement.

(b) AREA OF PRIORITY.—(1) In determining which property and property rights to transfer to the Owners under this title, the Secretary shall give priority to land containing harvestable timber held by the Secretary lo-

1 cated in Humboldt County, California, and north of the
2 baseline of Township 3 South.

3 (2) The rights described in subsection (c) of this sec-
4 tion and the other property described in subsection (d) of
5 this section shall only be transferred to the extent that
6 the value of the Headwaters Forest Addition exceeds the
7 value of land described in this subsection.

8 (c) MARKETABLE TIMBER HARVESTING RIGHTS.—

9 (1) There shall be transferred to the Owners such timber
10 harvesting rights on lands administered by the Bureau of
11 Land Management in California as the Secretary deter-
12 mines, within 60 days following the date of the enactment
13 of this Act, to be appropriate. In making the determina-
14 tion required by the preceding sentence, the Secretary
15 shall reserve appropriate areas for logging by persons
16 other than the Owners.

17 (2) In no event shall the Secretary designate for
18 transfer any land under subsection (b) of this section or
19 rights under this subsection unless the Secretary deter-
20 mines after reasonable inquiry that the harvesting of the
21 timber represented by such rights will be neither denied
22 nor delayed by reason of any law or rule of law, or any
23 judicial or administrative interpretation thereof, of the
24 United States, the State of California or any subdivision

1 thereof with respect to habitat, endangered species, or
2 similar matters and so certifies in writing to the Owners.

3 (3) Any timber harvesting rights transferred to the
4 Owners pursuant to this subsection shall be in such form
5 as the Owners may reasonably request to permit the Own-
6 ers to sell or otherwise transfer such rights upon their re-
7 ceipt.

8 (d) OTHER PROPERTY.—(1) To the extent the
9 amount of the appraised fair market value of the Head-
10 waters Forest Addition exceeds the amount of the ap-
11 praised fair market value of the land containing harvest-
12 able timber and the marketable timber harvesting rights
13 referred to in subsections (b) and (c), as are actually re-
14 ceived by the Owners, there shall be transferred to the
15 Owners such other property (excluding unliquidated
16 claims or obligations of any party) of the United States
17 determined by the Secretary and the Owners to be both
18 suitable for inclusion in the exchange and to have a fair
19 market value at least equal to the amount of such excess.

20 (2) To facilitate consummation of the exchanges con-
21 templated by this title, the Secretary shall, within 60 days
22 after the date of the enactment of this Act, provide to the
23 Owners a list of the properties from which the Secretary
24 will select any properties ultimately to be transferred to
25 the Owners pursuant to this subsection. Such properties

1 shall in no event be limited to properties under the admin-
2 istrative jurisdiction of the Secretary on the date of the
3 enactment of this Act.

4 (3) In selecting properties actually to be transferred
5 to the Owners pursuant to this subsection, the Secretary
6 shall give priority to those properties designated by the
7 Owners within 60 days following the receipt by the Owners
8 of the list of properties compiled by the Secretary pursu-
9 ant to this subsection.

10 (e) SPECIAL RULE FOR FEDERAL TRANSFERS.—For
11 purposes of making an exchange under this title, property
12 under the jurisdiction of any other department, agency,
13 or instrumentality of the United States may be trans-
14 ferred, subject to any advance approval of the transfer
15 otherwise required by law, to the administrative jurisdic-
16 tion of the Secretary if the Secretary identifies the prop-
17 erty as suitable for use in making such exchange. To facili-
18 tate approval of a transfer of property under this sub-
19 section, the Secretary shall promptly submit to the Com-
20 mittees referred to in section 205(d)(8) proposed legisla-
21 tion providing for the approvals otherwise required in con-
22 nection with any such proposed transfer. The transfer of
23 any property under this subsection shall be made without
24 compensation to the transferring department, agency, or
25 instrumentality.

1 **SEC. 207. PAYMENTS TO LOCAL GOVERNMENTS.**

2 (a) PAYMENT IN LIEU OF TAXES.—Solely for pur-
3 poses of payments made pursuant to chapter 69 of title
4 31 of the United States Code, all lands comprising Head-
5 waters Forest Addition to which the Secretary takes own-
6 ership pursuant to this title shall be deemed to have been
7 acquired for the purposes specified in section 6904(a) of
8 such title 31.

9 (b) 10-YEAR PAYMENT.—(1) Subject to annual ap-
10 propriations and the provisions of subsection (c), for a pe-
11 riod of 10 years after acquisition by the United States of
12 lands acquired by the Secretary pursuant to this title, the
13 Secretary, with respect to such acquired lands, shall make
14 annual payments to Humboldt County in the State of
15 California in an amount equal to the State of California
16 Timber Yield Tax revenues payable under the California
17 Revenue and Taxation Code (sec. 38101 et seq.) in effect
18 as of the date of enactment of this Act that would have
19 been paid with respect to such lands if the lands had not
20 been acquired by the United States, as determined by the
21 Secretary pursuant to this subsection.

22 (2) The Secretary, in consultation with the Humboldt
23 County, California, assessor, shall determine the amounts
24 to be paid pursuant to paragraph (1) of this subsection
25 based on consideration of a variety of factors including,
26 but not limited to—

1 (A) timber actually sold in the subject year
2 from comparable commercial forest lands of similar
3 soil type, slope and such determination of appro-
4 priate timber harvest levels,

5 (B) comparable timber size class, age, and qual-
6 ity,

7 (C) market conditions,

8 (D) all applicable Federal, State, and local laws
9 and regulations, and

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

12 (c) CALIFORNIA TIMBER YIELD TAX.—The amount
13 of State of California Timber Yield Tax payments paid
14 to Humboldt County in any year pursuant to the laws of
15 California for timber sold from lands acquired under this
16 title shall be deducted from the sums to be paid to Hum-
17 boldt County in that year under subsection (b).

18 **SEC. 208. WILDERNESS DESIGNATION.**

19 (a) DESIGNATION.—In furtherance of the purposes of
20 the Wilderness Act (16 U.S.C. 1131–1136), effective upon
21 acquisition under section 204, lands in the State of Cali-
22 fornia which are within the areas generally depicted on
23 the map referred to in section 204(a)(1) as the “Head-
24 waters Forest Wilderness—Proposed” are designated as
25 wilderness and therefore as a component of the National

1 Wilderness Preservation System. Such lands shall be
2 known as the Headwaters Forest Wilderness.

3 (b) MAP AND DESCRIPTION.—As soon as practicable
4 after the inclusion of any lands in the Headwaters Forest
5 Wilderness, the Secretary shall file a map and a legal de-
6 scription of the area so included with the Committee on
7 Resources of the House of Representatives and with the
8 Committee on Energy and Natural Resources of the Sen-
9 ate. The Secretary may correct clerical and typographical
10 errors in such legal description and such map. Such map
11 and legal description shall be on file and available for pub-
12 lic inspection in the offices of the California State Director
13 of the Bureau of Land Management, and in the offices
14 of the Ukiah District Manager of the Bureau of Land
15 Management.

16 (c) ADMINISTRATION.—Subject to valid existing
17 rights, the Secretary, acting through the Director of the
18 Bureau of Land Management, shall administer the lands
19 designated as wilderness under subsection (a) in accord-
20 ance with the provisions of the Wilderness Act governing
21 areas designated by that Act as wilderness, except that
22 any reference in such provisions to the effective date of
23 the Wilderness Act (or any similar reference) shall be
24 deemed to be a reference to the date of acquisition of such
25 lands under section 204 of this Act.

1 (d) STATE AUTHORITY OVER FISH AND WILD-
2 LIFE.—As provided in section 4(d)(7) of the Wilderness
3 Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be
4 construed as affecting the jurisdiction or responsibilities
5 of the State of California with respect to wildlife and fish
6 in any areas designated by this Act as wilderness.

7 **SEC. 209. NATIONAL BIOLOGICAL DIVERSITY RESERVE.**

8 Effective upon acquisition under section 204 or the
9 enactment of an Act of Congress authorizing the establish-
10 ment of national biological diversity reserves, whichever is
11 later, lands in the State of California which are within
12 the areas generally depicted on the map referred to in sec-
13 tion 204(a)(1) as the “Headwaters Forest Wilderness—
14 Proposed” are designated as a National Biological Diver-
15 sity Reserve under Federal law and shall be administered
16 accordingly.

17 **SEC. 210. MISCELLANEOUS PROVISIONS.**

18 (a) DONATED PROPERTY.—The Secretary is author-
19 ized to accept donations of property for use pursuant to
20 section 205 in acquiring the Headwaters Forest Addition.
21 Notwithstanding any other provision of law, the Secretary
22 may convey such property to the Owners and such prop-
23 erty shall be available for such purposes without further
24 appropriation and without fiscal year limitation.

1 (b) BUFFER ZONES.—(1) The Congress does not in-
 2 tend that designation of any area as wilderness under sec-
 3 tion 208 lead to the creation of protective perimeters or
 4 buffer zones around the wilderness area. The fact that
 5 nonwilderness activities or uses can be seen or heard from
 6 areas within a wilderness shall not, of itself, preclude such
 7 activities or uses up to the boundary of the wilderness
 8 area.

9 (2) Nothing in this title shall lead to or result in the
 10 creation of protective perimeters or buffer zones in pri-
 11 vately owned timberlands around or adjacent to the Head-
 12 waters Forest Addition which are not acquired pursuant
 13 to this title.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There
 15 are authorized to be appropriated such sums as may be
 16 necessary to defray the costs of the United States in par-
 17 ticipating in the transactions authorized by this title.

18 **TITLE III—ELKHORN RIDGE** 19 **TIMBER SALE**

20 **SEC. 301. SUBSTITUTION OF TIMBER FOR CANCELED TIM-** 21 **BER SALE.**

22 (a) IN GENERAL.—Notwithstanding the provisions of
 23 the Act of July 31, 1947 (30 U.S.C. 601 et seq.), and
 24 the requirements of section 5402.0–6 of title 43, Code of
 25 Federal Regulations, the Secretary of the Interior, acting

1 through the Bureau of Land Management, is authorized
 2 to substitute, without competition, a contract for timber
 3 identified for harvest located on public lands administered
 4 by the Bureau of Land Management in the State of Cali-
 5 fornia of comparable value for the following terminated
 6 timber contract: Elkhorn Ridge Timber Sale, Contract No.
 7 CA-050-TS-88-01.

8 (b) DISCLAIMER.—Nothing in this section shall be
 9 construed as changing any law or policy of the Federal
 10 Government beyond the timber sale substitution specified
 11 in this section.

12 **TITLE IV—SMITH RIVER**

13 **NATIONAL RECREATION AREA**

14 **SEC. 401. AVAILABILITY OF TIMBER FOR HARVEST IN PRE-**

15 **SCRIBED TIMBER MANAGEMENT AREA.**

16 (a) ANNUAL SALE AMOUNTS.—In the case of the
 17 Smith River National Recreation Area established by sec-
 18 tion 4 of the Smith River National Recreation Area Act
 19 (16 U.S.C. 460bbb-2), the amount of timber offered for
 20 sale each year from the prescribed timber management
 21 area identified in section 5(b)(2)(G) of such Act (16
 22 U.S.C. 460bbb-3(b)(2)(G)) shall be between 2,000,000
 23 and 5,000,000 board feet.

24 (b) PROTECTION OF SPECIES HABITAT.—Adminis-
 25 tration of the other seven management areas of the Smith

1 River National Recreation Area, as identified in section
 2 5(b)(2) of such Act (16 U.S.C. 460bbb–3(b)(2)), in a
 3 manner consistent with the land and resource manage-
 4 ment plan for the Six Rivers National Forest shall be
 5 deemed to be sufficient protection of species habitat for
 6 the purposes of the Forest and Rangeland Renewable Re-
 7 sources Planning Act of 1974 (16 U.S.C. 1600 et seq.)
 8 and the Endangered Species Act of 1973 (16 U.S.C. 1531
 9 et seq.).

10 **TITLE V—CONTRACT OUT DEM-**
 11 **ONSTRATION OF RESOURCE**
 12 **MANAGEMENT ACTIVITIES.**

13 **SEC. 501. DEMONSTRATION PROGRAM AT SIX RIVERS NA-**
 14 **TIONAL FOREST.**

15 (a) DEMONSTRATION PROGRAM REQUIRED.—During
 16 the five-year period beginning on the date of the enact-
 17 ment of this Act, the Secretary of Agriculture shall con-
 18 duct a demonstration program to contract out to the pri-
 19 vate sector certain resource management activities at the
 20 Six Rivers National Forest in the State of California. In
 21 contracting out such activities, the Secretary shall endeavor,
 22 to the greatest extent practicable, to utilize private sec-
 23 tor skills in communities adversely affected by reductions
 24 in the timber sale program for the National Forest Sys-
 25 tem.

1 (b) TYPES OF ACTIVITIES CONTRACTED OUT.—Ex-
2 cept as provided in subsection (c), the types of resource
3 management activities that may be contracted out under
4 the demonstration program include the following:

5 (1) Preparation of analyses required under Op-
6 tion 9 of the Final Supplemental Environmental Im-
7 pact Statement on Management of Habitat for Late
8 Successional and Old Growth Forests Related Spe-
9 cies within the Range of the Northern Spotted Owl.

10 (2) Preparation of environmental assessments
11 required in connection with timber sales in the Six
12 Rivers National Forest.

13 (3) Performance of resource field work.

14 (4) Performance of forest plan implementation
15 monitoring.

16 (c) RETAINED ACTIVITIES.—The Secretary shall con-
17 tinue to use employees of the Forest Service to conduct
18 forest planning and set resource management outputs for
19 the Six Rivers National Forest, including timber sale lev-
20 els.

21 (d) FUNDING.—Using not less than 50 percent of the
22 funds appropriated for administration of the Six Rivers
23 National Forest, the Secretary shall enter into contracts
24 for the performance of the activities described in sub-
25 section (b).

1 (e) ANNUAL REPORT.—During each year of the dem-
 2 onstration program, the Secretary shall submit to Con-
 3 gress an annual report and evaluation of the demonstra-
 4 tion program.

5 **TITLE VI—HOOPA VALLEY** 6 **RESERVATION**

7 **SEC. 601. SHORT TITLE.**

8 This title may be cited as the “Hoopa Valley Reserva-
 9 tion South Boundary Correction Act”.

10 **SEC. 602. LAND TRANSFER TO RESERVATION.**

11 (a) IN GENERAL.—All right, title, and interest of the
 12 United States in and to the lands described in subsection
 13 (b) shall hereafter be held in trust by the United States
 14 for the benefit of the Hoopa Valley Tribe and shall be part
 15 of the Hoopa Valley Reservation.

16 (b) LANDS DESCRIBED.—The lands referred to in
 17 subsection (a) are those portions of Townships 7 North
 18 and 8 North, Ranges 5 East and 6 East, Humboldt Merid-
 19 ian, California, within a boundary beginning at a point
 20 on the current south boundary of the Hoopa Valley Indian
 21 Reservation, marked and identified as “Post H.V.R. No.
 22 8” on the Plat of the Hoopa Valley Indian Reservation
 23 prepared from a field survey conducted by C.T. Bissel, Au-
 24 gustus T. Smith and C.A. Robinson, Deputy Surveyors,
 25 approved by the Surveyor General, H. Pratt, March 18,

1 1892, and extending from said point on a bearing of north
2 72 degrees 30 minutes east, until intersecting with a line
3 beginning at a point marked as “Post H.V.R. No. 3” on
4 said survey and extending on a bearing of south 15 de-
5 grees 59 minutes east, comprising 2,641 acres more or
6 less.

7 **SEC. 603. SURVEY.**

8 The Secretary of the Interior, acting through the Bu-
9 reau of Land Management, shall survey and monument
10 that portion of the boundary of the Hoopa Valley Reserva-
11 tion established by the addition of lands made by section
12 602.

13 **TITLE VII—ADAPTIVE MANAGE-**
14 **MENT OF TIMBER RE-**
15 **SOURCES FOR OLD GROWTH**
16 **DEPENDENT SPECIES**

17 **SEC. 701. PREPARATION, IMPLEMENTATION, AND EVALUA-**
18 **TION OF ADAPTIVE MANAGEMENT.**

19 (a) PREPARATION OF ADAPTIVE MANAGEMENT RE-
20 SEARCH PLAN.—Not later than one year after the date
21 of the enactment of this Act, the Secretary of Agriculture
22 shall submit to Congress a research plan, including sup-
23 porting environmental documents, that provides for the
24 implementation and evaluation of controlled silvicultural
25 treatments in late successional and old growth timber

1 stands in the units of the National Forest System speci-
2 fied in subsection (b) for the purpose of testing the effect
3 of selected partial-cut harvesting of late successional and
4 old growth timber on old growth dependent species, such
5 as the northern spotted owl.

6 (b) APPLICATION OF RESEARCH PLAN.—Beginning
7 with the second field season beginning after the date of
8 the enactment of this Act, the Secretary shall implement
9 the research plan in the following units of the National
10 Forest System:

11 (1) The Hayfork Adaptive Management Area in
12 the Shasta–Trinity National Forest and the Six Riv-
13 ers National Forest, California.

14 (2) The Lower Trinity and Mad River Ranger
15 Districts in the Six Rivers National Forest.

16 (c) USE OF RESEARCH SERVICE.—The Secretary
17 shall prepare and implement the research plan, including
18 supporting environmental documents, using the Pacific
19 Southwest Research Branch of the Forest Service.

20 (d) WORKFORCE NECESSARY TO IMPLEMENT RE-
21 SEARCH PLAN.—Administrative and resource manage-
22 ment activities historically provided in the units of the Na-
23 tional Forest System specified in subsection (b) by the Na-
24 tional Forest Systems Branch, including the planning,
25 preparation, and monitoring of this subtitle, shall be con-

1 ducted by private contractors. The Secretary shall select
 2 private contractors on the basis of the skills necessary to
 3 perform the anticipated task, with special consideration
 4 given to local contractors that reside in communities ad-
 5 versely affected by reductions in the timber sale program
 6 for the National Forest System. The Secretary shall use
 7 at least 75 percent of the funds calculated under sub-
 8 section (e) for payments to private contractors for plan-
 9 ning, implementation, and monitoring of the research
 10 plan.

11 (e) FUNDING.—

12 (1) TRANSFERS OF FUNDS.—Funds necessary
 13 to carry out this subtitle shall be transferred from
 14 the National Forest Systems Funding to National
 15 Forest Research on an annual basis.

16 (2) CALCULATION OF AMOUNTS.—The amount
 17 of funding that the National Forest Research re-
 18 ceives for purposes of this subtitle shall be calculated
 19 as follows:

20 (A) The total acres within the Lower Trin-
 21 ity Ranger and Mad River Ranger Districts
 22 plus the acres within the Hayfork Adaptive
 23 Management Area within the Mad River Dis-
 24 trict divided by the total acres of the Six Rivers
 25 National Forest times the total budget for the

1 preceding fiscal year including trust funds for
2 the Six Rivers National Forest; plus

3 (B) The total acres within the Hayfork
4 Adaptive Management Area divided by the total
5 acres on the Shasta-Trinity National forest
6 times the total budget of the preceding year in-
7 cluding trust funds for the Shasta-Trinity Na-
8 tional Forests.

9 (3) EXCLUSION OF FIRE SUPPRESSION
10 COSTS.—When calculating the budget for the pre-
11 ceding year for the Six Rivers and Shasta Trinity
12 National Forests, fire suppression cost shall not be
13 considered.

14 (f) SCHEDULED SILVICULTURAL TREATMENTS.—Sil-
15 vicultural treatments under the research plan shall be con-
16 ducted during the nine consecutive years beginning with
17 the implementation of the research plan. Silvicultural
18 treatments shall be performed on not less than 50 percent
19 of the late successional and old growth timber stands lo-
20 cated in the areas specified in subsection (b). The total
21 number of acres being treated in the first five years shall
22 not vary more than 20 percent from $\frac{1}{9}$ of the total treat-
23 ment acres described in the research plan.

24 (g) USE OF RECEIPTS.—

1 (1) IN GENERAL.—The Secretary shall use re-
2 ceipts generated from the sale of forest products re-
3 sulting from silvicultural treatments under the re-
4 search plan to implement vegetative management ac-
5 tivities, fuels treatment activities, and watershed im-
6 provement projects both inside and outside late suc-
7 cessional and old growth stands but within the Trin-
8 ity River and Mad River Watersheds.

9 (2) MONITORING ACTIVITIES.—Receipts in ex-
10 cess of 50 cents per thousand board feet generated
11 from the sale of forest products under the research
12 plan shall be deposited in the special fund estab-
13 lished under section 3 of the Act of June 9, 1930
14 (16 U.S.C. 576b) (commonly known as the
15 Knutson–Vanderberg Act). Monitoring activities
16 under subsection (h) shall qualify for funding under
17 such section, except that the amount expended on
18 monitoring of projects associated with this section
19 shall not exceed the receipts deposited.

20 (h) MONITORING ACTIVITIES.—The Secretary shall
21 commence monitoring of the effects of research activities
22 under the research program immediately after implemen-
23 tation of the research plan. Monitoring activities shall con-
24 tinue for a period of not less than 15 years. Monitoring
25 shall include the analysis of short-term impacts to old

1 growth dependent species, including movement and activ-
2 ity patterns and long-term demographic pattern changes
3 associated with implementation of the silvicultural activi-
4 ties.

5 **TITLE VIII—DEL NORTE COUNTY**
6 **UNIFIED SCHOOL DISTRICT**
7 **LAND CONVEYANCE**

8 **SEC. 801. CONVEYANCE.**

9 As soon as practicable after the date of the enactment
10 of this Act, the Secretary of Agriculture shall convey to
11 the Del Norte County Unified School District of Del Norte
12 County, California, all right, title, and interest of the
13 United States in and to the property described in section
14 802.

15 **SEC. 802. PROPERTY DESCRIPTION.**

16 The property referred to in section 801 is that por-
17 tion of Township 17 North, Range 2 East, Humboldt Me-
18 ridian in Del Norte County, California, which is further
19 described as follows:

20 Beginning at Angle Point No. 3 of Tract 41 as
21 resurveyed by the Bureau of Land Management
22 under survey Group No. 1013, approved August 13,
23 1990, and shown on the official plat thereof; thence
24 on the line between Angle Points No. 3 and No. 4
25 of Tract 41, North 89 degrees, 24 minutes, 20 sec-

1 onds East, a distance of 345.44 feet to Angle Point
 2 No. 4 of Tract 41; thence on the line between Angle
 3 Points No. 4 and No. 5 of Tract 41, South 00 de-
 4 grees, 01 minutes, 20 seconds East, a distance of
 5 517.15 feet; thence West, a distance of 135.79 feet;
 6 thence North 88 degrees, 23 minutes, 01 seconds
 7 West, a distance of 61.00 feet; thence North 39 de-
 8 grees, 58 minutes, 18 seconds West, a distance of
 9 231.37 feet to the East line of Section 21, Township
 10 17 North, Range 2 East; thence along the East line
 11 of Section 21, North 00 degrees, 02 minutes, 20 sec-
 12 onds West, a distance of 334.53 feet to the point of
 13 beginning.

14 **SEC. 803. CONSIDERATION.**

15 The conveyance provided for in section 801 shall be
 16 without consideration except as required by this title.

17 **SEC. 804. CONDITIONS OF CONVEYANCE.**

18 The conveyance provided for in section 801 shall be
 19 subject to the following conditions:

- 20 (1) The Del Norte County Unified School Dis-
 21 trict shall covenant that the property conveyed pur-
 22 suant to section 801 will be used primarily for edu-
 23 cational or recreational purposes, or both, for a min-
 24 imum of 25 years after the date of the conveyance.

1 (2) Del Norte County shall be provided, for no
2 consideration, an easement for County Road No.
3 318 which crosses the Northeast corner of the prop-
4 erty conveyed.

5 (3) The Pacific Power and Light Company shall
6 be provided, for no consideration, an easement for
7 utility equipment as necessary to maintain the level
8 of service provided by the utility equipment on the
9 property as of the date of the conveyance.

10 (4) The United States shall be provided, for no
11 consideration, an easement to provide access to the
12 United States property that is south of the property
13 conveyed.

14 **SEC. 805. BREACH OF COVENANT.**

15 (a) CONSEQUENCES.—If the covenant required by
16 paragraph (1) of section 804 is breached, the Del Norte
17 County Unified School District shall—

18 (1) pay monetary damages to the United States
19 in an amount equal to the fair market value of the
20 property conveyed pursuant to section 801 as of the
21 time that the covenant was breached; or

22 (2) forfeit to the United States all right, title,
23 and interest in and to the property conveyed pursu-
24 ant to section 801.

1 (b) SCHOOL DISTRICT OPTION.—If the covenant re-
 2 quired by paragraph (1) of section 804 is breached, the
 3 Del Norte County Unified School District shall have the
 4 option of paying monetary damages as described in sub-
 5 section (a)(1) of this section or forfeiting the property as
 6 described in subsection (a)(2) of this section.

7 (c) DETERMINATION OF FAIR MARKET VALUE.—For
 8 the purposes of subsection (a)(1) of this section, the fair
 9 market value of the property conveyed pursuant to section
 10 801 as of the time that the covenant was breached shall
 11 be determined by the Secretary of Agriculture.

12 **SEC. 806. ADDITIONAL TERMS AND CONDITIONS.**

13 The conveyance provided for in section 801 shall be
 14 subject to such additional terms and conditions as the Sec-
 15 retary of Agriculture and the Del Norte County Unified
 16 School District agree are necessary to protect the interests
 17 of the United States.

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