

104TH CONGRESS
2D SESSION

H. R. 4032

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 1996

Mr. RIGGS 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 MANAGEMENT

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. Miscellaneous provisions.

TITLE III—SMITH RIVER NATIONAL RECREATION AREA

Sec. 301. Availability of timber for harvest in prescribed timber management area.

TITLE IV—CONTRACTING OUT AND ADAPTIVE MANAGEMENT DEMONSTRATION

Sec. 401. Demonstration program at Six Rivers National Forest.

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 1996”.

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

11 The Congress finds the following:

12 (1) The public lands within the King Range
13 National 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, ris-
20 ing dramatically from sea level to 4,000 feet within
21 a distance of only three miles, has historically
22 formed a natural obstacle to transportation and set-
23 tlement.

24 (4) These unique natural values have long been
25 recognized, culminating in the King Range being

1 designated the first National Conservation Area in
2 the United States.

3 (5) In 1991, after extensive public involvement
4 and support, the Bureau of Land Management rec-
5 ommended that approximately 24,660 acres of the
6 area be included in the National Wilderness Preser-
7 vation System and that the remainder continue to be
8 protected as a National Conservation Area.

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 lands
18 within the King Range National Conservation Area that
19 are managed by the Bureau of Land Management and are
20 not designated as wilderness by this title are no longer
21 subject to the requirements contained in section 603(c) of
22 the Federal Land Policy and Management Act of 1976
23 (43 U.S.C. 1782(c)) pertaining to the management of wil-
24 derness study areas in a manner that does not impair the
25 suitability of the areas for preservation as wilderness.

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

2 Subject to valid existing rights, the area designated
3 as wilderness by this title shall be administered in accord-
4 ance with the provisions of the Wilderness Act (16 U.S.C.
5 1131 et seq.) and pursuant to the rules and regulations
6 promulgated in implementation thereof.

7 **SEC. 107. FUTURE ACQUISITIONS.**

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

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

15 Except as otherwise provided in this title, and subject
16 to valid existing rights, all Federal lands designated as
17 wilderness by this title and all lands within areas des-
18 ignated as wilderness by this title which are acquired by
19 the United States after the date of the enactment of this
20 Act are hereby withdrawn from all forms of entry, appro-
21 priation, or disposal under the public lands laws, including
22 the mining, mineral leasing, geothermal leasing, and mate-
23 rial sales laws.

1 **SEC. 109. TRADITIONAL CULTURAL AND RELIGIOUS PUR-**
2 **POSES.**

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

9 **TITLE II—ACQUISITION OF**
10 **HEADWATERS FOREST**

11 **SEC. 201. SHORT TITLE.**

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

14 **SEC. 202. FINDINGS AND PURPOSE.**

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

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

20 (2) The Owners of the Headwaters Forest and
21 additional acres are willing to consent to the public
22 acquisition of such acreage for just compensation
23 upon and subject to the terms and conditions of this
24 title.

25 (3) Public acquisition of the Headwaters For-
26 est, and an additional area not to exceed 1,700

1 acres, upon and subject to the terms and conditions
2 of this title, is likely to create employment opportu-
3 nities in Humboldt County, California and neighbor-
4 ing areas, eliminate the necessity for continued cost-
5 ly and protracted litigation, contribute to the preser-
6 vation of biological diversity, and may enhance the
7 survival of certain species by maintenance of habi-
8 tats.

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

17 (5) The State of California has the most strin-
18 gent forestry practice regulations in the United
19 States. The Owners are entitled to lawful use of
20 their property under those regulations, and all their
21 timberlands are managed in accordance with the
22 same rules.

23 (6) Since February 1990, the Owners have re-
24 frained from harvesting the Headwaters Forest in

1 order to avoid further aggravating public con-
2 troversy.

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

9 **SEC. 203. DEFINITIONS.**

10 As used in this title—

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

16 (2) the term “Headwaters Forest Addition”
17 means the lands acquired by the Secretary under
18 section 204(a);

19 (3) the term “Owners” means the Pacific Lum-
20 ber Company and Corporations owned and controlled
21 by the Pacific Lumber Company;

22 (4) the term “Acquisition Agreement” means
23 the agreement negotiated under section 205 between
24 the Secretary and the Owners; and

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

3 **SEC. 204. AUTHORIZATION OF ACQUISITION.**

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

9 (2) Upon the acquisition of the Headwaters Forest
10 Addition, the Secretary shall—

11 (A) refrain from designating any other
12 timberland owned by the Owners in Humboldt
13 County, California, as critical habitat under the
14 Endangered Species Act of 1973 (16 U.S.C.
15 1531 et seq.), unless payment is made to the
16 Owners to adequately compensate the Owners
17 for any additional restrictions resulting from
18 the designation on otherwise lawful use of the
19 Owner’s property; and

20 (2) give the Owners credit for the habitat
21 value of the Headwaters Forest Addition when
22 issuing incidental take permits under that Act.

23 (3) The designation of the Headwaters Forest Addi-
24 tion as wilderness under section 208 shall be taken into
25 account for the purposes of planning for Federal lands in

1 Humboldt County, California, under the Forest and
2 Rangeland Renewable Resources Planning Act of 1974
3 and the National Environmental Policy Act of 1969.

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

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

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

18 **SEC. 205. MANNER OF ACQUISITION.**

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

1 (1) the land containing harvestable timber and
2 the marketable timber harvesting rights referred to
3 in subsections (b) and (c) of section 206; and

4 (2) the other property referred to in section
5 206(d), but only to the extent the appraised fair
6 market value of the Headwaters Forest Addition ex-
7 ceeds the appraised fair market value of the land
8 containing harvestable timber and the marketable
9 timber harvesting rights referred to in subsections
10 (b) and (c) of section 206.

11 (b) EXPEDITED CONSIDERATION OF COURT CHAL-
12 LENGES.—Any court challenge to the execution and deliv-
13 ery of the Acquisition Agreement by the Secretary, the ap-
14 praisals and determinations made under this title, or the
15 performance of such Acquisition Agreement by the Sec-
16 retary in accordance with its terms shall be advanced on
17 the docket of the court in which the challenge is brought
18 and expedited to the greatest extent practical. The court
19 shall require the plaintiffs to post a bond providing for
20 compensation to the Owners for losses incurred if the
21 plaintiffs do not prevail. The court is also authorized to
22 award reasonable attorneys' fees to the prevailing party.

23 (c) DEADLINE FOR REACHING AGREEMENT.—(1)
24 The authority of the Secretary to acquire lands or inter-
25 ests in lands pursuant to this title shall expire with respect

1 to any portion of the Headwaters Forest Addition the ac-
2 quisition of which is not consummated within 36 months
3 following the date of the enactment of this Act, unless ex-
4 tended by Court order.

5 (2) If the exchange is not consummated before the
6 deadline specified in paragraph (1), nothing in this title
7 shall be construed as limiting any activity taken by the
8 Owners in the Headwaters Forest otherwise permitted
9 under Federal or State law.

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

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

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

22 (C) to grant a cause of action against all or any
23 of the Owners thereof or their designees for engag-
24 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 appraised fair market
20 value of such property or right shall be deemed to
21 be equal to the average of the appraisals.

22 (2) The “fair market values” of the Headwaters
23 Forest Addition, and of the land containing harvest-
24 able timber referred to in section 206(b) and the
25 marketable timber harvesting rights referred to in

1 section 206(c), shall, as set forth in the Uniform
2 Standards for Federal Land Acquisitions, be equal
3 to the amount of cash, or in terms reasonably equiv-
4 alent to cash, for which in all probability the prop-
5 erty or rights would be sold by a knowledgeable
6 owner who is willing but not obligated to sell to a
7 knowledgeable purchaser who is willing but not obli-
8 gated to buy. The fair market value of any property
9 referred to in section 206(d) shall be as mutually
10 determined by the Secretary and the Owners. If they
11 cannot agree, they shall utilize an appraisal process
12 similar to that described in paragraph (1).

13 (3) The authority of the Secretary to acquire
14 lands and interests in lands pursuant to this title is
15 expressly limited to the 4,700 acres comprising the
16 Headwaters Forest Addition, and, to reduce the cost
17 of acquisition, the Secretary may, in his sole discre-
18 tion—

19 (A) decline to purchase any portion of the
20 1,700 additional acres surrounding the Head-
21 waters Forest; and

22 (B) allow legal uses to be undertaken or
23 continued on such 1,700 acres,

24 if the Secretary determines that such failure to pur-
25 chase or use, as the case may be, will not result in

1 significant ecological damage to the Headwaters
2 Forest.

3 (4) The Acquisition Agreement shall give the
4 Secretary adequate assurances of reasonable and
5 perpetual access by the United States, its designated
6 representatives, and the public to the Headwaters
7 Forest through other lands of the Owners, upon rea-
8 sonable terms and conditions as detailed in the Ac-
9 quisition Agreement. Such reasonable access shall
10 not interfere with the established legal uses or busi-
11 ness operations of the Owners and others on lands
12 not acquired by the United States pursuant to this
13 title.

14 (5) The Acquisition Agreement shall allow for
15 the Owners' continued access to and commercial op-
16 eration of two gravel quarries in the 1,700 acres,
17 unless the Owners are adequately compensated for
18 forgoing such access and commercial operation.

19 (6) The Acquisition Agreement shall allow for
20 the orderly termination of operations on lands ac-
21 quired by the United States pursuant to this title
22 and for the removal by the Owners and others of
23 their equipment, facilities, and personal property
24 therefrom.

1 (7) The Acquisition Agreement shall give the
2 Owners assurances that the Headwaters Forest shall
3 be managed by the United States so as not to inter-
4 fere with the lawful conduct of business operations,
5 including timber harvesting on privately owned lands
6 adjacent to the Headwaters Forest.

7 (8) The Acquisition Agreement shall provide for
8 copies thereof to be supplied promptly to the Com-
9 mittee on Agriculture, the Committee on Appropria-
10 tions and the Committee on Resources of the House
11 of Representatives and the Committee on Agri-
12 culture, Nutrition, and Forestry, the Committee on
13 Appropriations, and the Committee on Energy and
14 Natural Resources of the Senate.

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

18 (A) for a closing date, which shall be the
19 date for consummation of the transactions pro-
20 vided for by this title and by the Acquisition
21 Agreement and which shall be at least 45 days
22 after the date on which the Secretary and the
23 Owners execute the Acquisition Agreement and
24 at least 45 days after the date on which the Ac-

1 quisition Agreement is submitted to the com-
2 mittees specified in paragraph (8); and

3 (B) for termination of the Secretary's obli-
4 gations under the Acquisition Agreement if leg-
5 islation disapproving the Acquisition Agreement
6 is enacted on or before the date on which the
7 transactions contemplated by the Acquisition
8 Agreement are consummated.

9 **SEC. 206. PROPERTY TO BE RECEIVED BY OWNERS.**

10 (a) IN GENERAL.—Effective upon and simultaneous
11 with the acquisition of the Headwaters Forest by the Sec-
12 retary pursuant to this title, there shall be vested in the
13 Owners the land containing harvestable timber, the mar-
14 ketable timber harvesting rights, and the other property
15 to which the Owners are entitled under the Acquisition
16 Agreement.

17 (b) AREA OF PRIORITY.—(1) In determining which
18 property and property rights to transfer to the Owners
19 under this title, the Secretary shall give priority to land
20 containing harvestable timber held by the Secretary lo-
21 cated in Humboldt County, California, and north of the
22 baseline of Township 3 South, but excluding any portion
23 of the King Range National Recreation Area.

24 (2) The rights described in subsection (c) of this sec-
25 tion and the other property described in subsection (d) of

1 this section shall only be transferred to the extent that
2 the value of the Headwaters Forest Addition exceeds the
3 value of land described in this subsection.

4 (c) MARKETABLE TIMBER HARVESTING RIGHTS.—

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

13 (2) In no event shall the Secretary designate for
14 transfer any land under subsection (b) of this section or
15 rights under this subsection unless the Secretary deter-
16 mines after reasonable inquiry that the harvesting of the
17 timber represented by such rights will be neither denied
18 nor delayed by reason of any law or rule of law, or any
19 judicial or administrative interpretation thereof, of the
20 United States, the State of California or any subdivision
21 thereof with respect to habitat, endangered species, or
22 similar matters and so certifies in writing to the Owners.
23 In addition, the Secretary shall take steps to assure the
24 Owners have right of access to the land.

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

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

17 (2) To facilitate consummation of the exchanges con-
18 templated by this title, the Secretary shall, within 60 days
19 after the date of the enactment of this Act, provide to the
20 Owners a list of the properties from which the Secretary
21 will select any properties ultimately to be transferred to
22 the Owners pursuant to this subsection. Such properties
23 shall in no event be limited to properties under the admin-
24 istrative jurisdiction of the Secretary on the date of the
25 enactment of this Act.

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

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

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

24 (a) PAYMENT IN LIEU OF TAXES.—Solely for pur-
25 poses of payments made pursuant to chapter 69 of title

1 31 of the United States Code, all lands comprising Head-
2 waters Forest Addition to which the Secretary takes own-
3 ership pursuant to this title shall be deemed to have been
4 acquired for the purposes specified in section 6904(a) of
5 such title 31.

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

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

24 (A) timber actually sold in the subject year
25 from comparable commercial forest lands of similar

1 soil type, slope and such determination of appro-
2 priate timber harvest levels,

3 (B) comparable timber size class, age, and qual-
4 ity,

5 (C) market conditions,

6 (D) all applicable Federal, State, and local laws
7 and regulations, and

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

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

16 **SEC. 208. WILDERNESS DESIGNATION.**

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

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

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

24 (d) STATE AUTHORITY OVER FISH AND WILD-
25 LIFE.—As provided in section 4(d)(7) of the Wilderness

1 Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be
2 construed as affecting the jurisdiction or responsibilities
3 of the State of California with respect to wildlife and fish
4 in any areas designated by this Act as wilderness.

5 **SEC. 209. MISCELLANEOUS PROVISIONS.**

6 (a) DONATED PROPERTY.—The Secretary is author-
7 ized to accept donations of property for use pursuant to
8 section 205 in acquiring the Headwaters Forest Addition.
9 Notwithstanding any other provision of law, the Secretary
10 may convey such property to the Owners and such prop-
11 erty shall be available for such purposes without further
12 appropriation and without fiscal year limitation.

13 (b) BUFFER ZONES.—(1) The Congress does not in-
14 tend that designation of any area as wilderness under sec-
15 tion 208 lead to the creation of protective perimeters or
16 buffer zones around the wilderness area. The fact that
17 nonwilderness activities or uses can be seen or heard from
18 areas within a wilderness shall not, of itself, preclude such
19 activities or uses up to the boundary of the wilderness
20 area.

21 (2) Nothing in this title shall lead to or result in the
22 creation of protective perimeters or buffer zones in pri-
23 vately owned timberlands around or adjacent to the Head-
24 waters Forest Addition which are not acquired pursuant
25 to this title.

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

5 **TITLE III—SMITH RIVER**
6 **NATIONAL RECREATION AREA**

7 **SEC. 301. AVAILABILITY OF TIMBER FOR HARVEST IN PRE-**
8 **SCRIBED TIMBER MANAGEMENT AREA.**

9 (a) ANNUAL SALE AMOUNTS.—In the case of the
10 Smith River National Recreation Area established by sec-
11 tion 4 of the Smith River National Recreation Area Act
12 (16 U.S.C. 460bbb-2), the amount of timber offered for
13 sale each year from the prescribed timber management
14 area identified in section 5(b)(2)(G) of such Act (16
15 U.S.C. 460bbb-3(b)(2)(G)) shall be between 2,000,000
16 and 5,000,000 board feet.

17 (b) EFFECT OF INSUFFICIENT AVAILABLE TIM-
18 BER.—In any year in which the Supervisor of the Six Riv-
19 ers National Forest determines that insufficient timber is
20 available in the prescribed timber management area to
21 maintain sustained yield levels to meet the target specified
22 in subsection (a), the Supervisor may offer additional tim-
23 ber for sale from other areas of the Smith River National
24 Recreation Area so as to meet the target, except that any

1 such sale must be otherwise consistent with the Smith
2 River National Recreation Area Act.

3 (c) PROTECTION OF SPECIES HABITAT.—Adminis-
4 tration of the other seven management areas of the Smith
5 River National Recreation Area, as identified in section
6 5(b)(2) of the Smith River National Recreation Area Act
7 (16 U.S.C. 460bbb–3(b)(2)), in a manner consistent with
8 the land and resource management plan for the Six Rivers
9 National Forest shall be deemed to be sufficient protection
10 of species habitat for the purposes of the Forest and
11 Rangeland Renewable Resources Planning Act of 1974
12 (16 U.S.C. 1600 et seq.) and the Endangered Species Act
13 of 1973 (16 U.S.C. 1531 et seq.).

14 **TITLE IV—CONTRACTING OUT**
15 **AND ADAPTIVE MANAGEMENT**
16 **DEMONSTRATION**

17 **SEC. 401. DEMONSTRATION PROGRAM AT SIX RIVERS NA-**
18 **TIONAL FOREST.**

19 (a) DEMONSTRATION PROGRAM REQUIRED.—During
20 the 5-year period beginning on the date of the enactment
21 of this Act, the Secretary of Agriculture, using funds spec-
22 ified in subsection (d), shall conduct a demonstration pro-
23 gram at the Six Rivers National Forest in the State of
24 California regarding the contracting out to the private sec-

1 tor of certain resource management activities and other
2 activities described in subsection (b).

3 (b) ELEMENTS OF DEMONSTRATION PROGRAM.—

4 The demonstration program conducted by the Secretary
5 shall contain the following elements:

6 (1) Contracting out to the private sector certain
7 resource management activities, both separately and
8 on a turnkey basis, including preparation of analyses
9 required under Option 9 of the Final Supplemental
10 Environmental Impact Statement on Management of
11 Habitat for Late Successional and Old Growth For-
12 ests Related Species within the Range of the North-
13 ern Spotted Owl, preparation of environmental and
14 watershed assessments in connection with timber
15 sales in the Six Rivers National Forest, performance
16 of resource field work, and performance of forest
17 plan implementation monitoring. In contracting out
18 such activities, to the greatest extent practicable, the
19 Secretary shall endeavor to utilize private sector
20 skills in communities adversely affected by reduc-
21 tions in the timber sale program for the National
22 Forest System.

23 (2) Development and implementation of a re-
24 search plan in the Six Rivers National Forest in the
25 area identified as the Adaptive Management Area

1 under Option 9 of the Final Supplemental Environ-
2 mental Impact Statement on Management of Habi-
3 tat for Late Successional and Old Growth Forests
4 Related Species within the Range of the Northern
5 Spotted Owl, including supporting environmental
6 documents and monitoring, that provides for the im-
7 plementation and evaluation of controlled silvicult-
8 tural treatments in late successional and old growth
9 timber stands in the Six Rivers National Forest for
10 the purpose of testing the effect of partial-cut har-
11 vesting of late successional and old growth timber on
12 old growth dependent species. To facilitate imple-
13 mentation of the plan, administrators of the Six Riv-
14 ers National Forest may work cooperatively with
15 other units of the National Forest System.

16 (c) ANNUAL REPORT.—During each year of the dem-
17 onstration program, the Secretary shall submit to Con-
18 gress an annual report and evaluation of the demonstra-
19 tion program.

20 (d) SOURCE OF FUNDS.—Twenty-five percent of the
21 funds generated from the sale of forest products in the
22 Six Rivers National Forest, after payment of any amounts
23 due to local governments, shall be deposited in the special
24 fund established under section 3 of the Act of June 9,
25 1930 (16 U.S.C. 576b; commonly known as the Knutson-

1 Vandenberg Act). Activities under subsections (b) and (c)
2 of this section shall qualify for funding under such section
3 3 of the Act of June 9, 1930.

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