

Public Law 102-453
102d Congress

An Act

Oct. 23, 1992
[H.R. 5605]

To authorize and direct land ownership consolidation in the Cedar River Watershed, Mt. Baker-Snoqualmie National Forest, Washington.

Cedar River
Watershed
Land Exchange
Act of 1992.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cedar River Watershed Land Exchange Act of 1992".

SEC. 2. CEDAR RIVER WATERSHED, WASHINGTON.

(a) **IN GENERAL.**—If the city of Seattle, Washington, agrees to convey lands to the United States in accordance with this section, the Secretary of Agriculture, in exchange for such lands, shall agree to convey to the City the Federal exchange lands.

(b) **EXCHANGE FOR CITY LANDS.**—

(1) **APPRAISAL OF FEDERAL LANDS.**—Not later than nine months after the date of enactment of this Act, the Federal exchange lands shall be appraised and the results of the appraisal transmitted to the Secretary and the City.

(2) **OFFER OF CITY LANDS AND APPRAISAL.**—

(A) **CANDIDATE CITY LANDS.**—Within 60 days after the receipt of the appraisal under paragraph (1), the City shall submit to the Secretary a list of candidate lands for conveyance to the United States under this section. Such candidate lands shall be selected by the City from the City lands.

(B) **ACCEPTABLE CITY LANDS.**—Not later than three months after receipt of the list of candidate lands under subparagraph (A), the Secretary shall determine, in the discretion of the Secretary, which of the candidate City lands to accept. Such lands acceptable to the Secretary shall be appraised within 90 days after such determination and the results of the appraisal transmitted to both the Secretary and the City. The Secretary shall accept lands included on such list unless the lands are not valuable for purposes of the National Forest System, including management as contiguous units with other National Forest System lands.

(3) **CONSUMMATION OF EXCHANGE OF INITIAL PARCELS.**—Not later than two years after the date of enactment of this Act, the Secretary shall transfer to the City parcels of the Federal exchange lands with a total value approximately equal to the value of the City lands the Secretary determines acceptable under paragraph (2). The Secretary may also accept money to equalize the value of the lands involved in the exchange, subject to subsection (f)(2).

(c) **EQUALIZATION FOR REMAINING FEDERAL EXCHANGE LANDS.**—If the value of the City lands conveyed and money accepted under

subsection (b) is not equal to the value of all of the Federal exchange lands, the following provisions shall apply:

(1) **WAIVER BY THE CITY.**—In the event the value of the City lands conveyed under subsection (b) is greater than the value of all of the Federal exchange lands, any cash equalization which might otherwise be owed to the City by the United States shall be waived.

(2) **IDENTIFICATION OF EQUALIZATION LANDS AND MONEY BY THE CITY.**—

(A) **IN GENERAL.**—In the event the value of the City lands conveyed and money accepted under subsection (b) is less than the value of all of the Federal exchange lands, the City shall, within five years after the date of initial consummation of the exchange under subsection (b), submit to the Secretary a list of lands, an amount of money, or a combination thereof which has in the aggregate a value equal to the difference in value between the City lands exchanged under subsection (b) and the value of all of the Federal exchange lands.

(B) **FOREST LANDS.**—Any lands included on the list pursuant to subparagraph (A) shall consist only of a tract or tracts of land within or adjacent to national forests in the State of Washington which have been—

(i) mutually identified by the Secretary and the City in advance of their inclusion on the list as acceptable to the Secretary for transfer to the United States;

(ii) appraised in accordance with this section within 90 days after their identification under clause (i); and

(iii) acquired by the City from a willing seller or sellers.

(3) **COMPLETION OF EXCHANGE.**—Not later than the end of the five-year period specified in paragraph (2)(A), the Secretary shall convey to the City the remaining Federal exchange lands in exchange for the conveyance by the City to the Secretary of lands and money acceptable to the Secretary for transfer to the United States pursuant to paragraph (2).

(d) **APPRAISALS.**—

(1) **FINDING.**—The Congress finds that use restrictions on the Cedar River Watershed imposed by Public Law 97-350 (96 Stat. 1661) coupled with the uncertainties surrounding the status of the lands as habitat for the northern spotted owl currently make appraisal of such lands difficult or unfeasible absent specific guidance from Congress.

(2) **APPRAISAL ASSUMPTIONS.**—(A) Except as otherwise provided by this subsection, lands to be exchanged pursuant to this section shall be appraised by an appraiser mutually acceptable to the City and the United States in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)).

(B) Federal exchange lands shall be appraised for the purposes of this section in a manner that reflects the deed restrictions imposed on the lands by subsection (e) and other applicable laws, rules, and regulations. Both Federal exchange lands and City lands located within Critical Habitat Units for the northern spotted owl (as identified by the United States

Fish and Wildlife Service, January 1992) shall be appraised as if subject to the deed restrictions under subsection (e).

(3) COSTS.—All costs of the appraisals shall be borne by the City.

(4) REQUIREMENT LIMITATION.—After an appraisal of lands for the purposes of this Act is accepted by both the Secretary and the City, such lands may not be appraised again for the purposes of this Act during the seven year period beginning on the date of enactment of this Act.

(e) DEED RESTRICTIONS.—The patent or other instrument of conveyance issued to the City for the Federal exchange lands conveyed under this section shall be restricted to provide the following prohibitions:

(1) The disposal of the lands or harvest of late-successional or old-growth timber, except for any timber sale or salvage sale approved before October 1, 1992, shall be prohibited.

(2) The disposal of land or harvest of timber and the construction of roads, structures, or other developed facilities on any such lands within the area identified as Critical Habitat Unit WA-33 (as identified by the United States Fish and Wildlife Service, January 1992), shall be prohibited except for routine maintenance of existings roads, trails, and drainage structures, and except as necessary to meet minimum requirements for the administration of the area to protect water quality or public health and safety, to maintain existing roads and trails, to help protect biological diversity or threatened or endangered species, or to regenerate old-growth forest ecosystems in second growth areas.

(f) OTHER GENERAL PROVISIONS CONCERNING EXCHANGE.—

(1) LANDS WITH SENSITIVE ENVIRONMENTAL VALUES.—The Secretary may not reject lands suggested for conveyance by the City under this section solely on the basis that such lands contain sensitive environmental values (including but not limited to old-growth forest or threatened or endangered species habitat).

(2) LIMITATION ON AMOUNT OF MONETARY PAYMENT.—In carrying out the exchange of lands under this section, the amount of money paid to the United States under this section may not exceed 25 percent of the total value of the Federal exchange lands.

(3) SISK ACT.—Any money received by the United States pursuant to this section shall be considered money received and deposited pursuant to the Act of December 4, 1967, as amended (Public Law 90-171, 16 U.S.C. 484a, commonly known as the "Sisk Act").

(4) SPECIAL RULE.—Determinations made by the Secretary in carrying out this section shall not be considered as decision-making.

(g) INCLUSION OF LANDS IN APPROPRIATE SYSTEM OR UNIT.—Lands acquired by the United States pursuant to this section shall be added to and become a part of the National Forest System or, as appropriate, such other system or area within which such lands are located and shall be administered as part of such System, unit, or area as provided by section 206(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(c)). If any such lands lie outside the exterior boundaries of a national forest,

the Secretary is hereby authorized and directed to modify the exterior boundaries of such forest to include such lands.

(h) **INTERIM MANAGEMENT.**—In order to protect the quality of drinking water and other values in the Cedar River Watershed during the period before the land exchange authorized and required by this section is completed, the Secretary of Agriculture shall manage the National Forest System lands within the hydrographic boundaries of the watershed to—

(1) prohibit public access to the watershed, except to—

(A) allow access only for the discharge of official duties related to the management of the Mt. Baker-Snoqualmie National Forest by Federal employees, holders of Forest Service contracts, and agents of the Forest Service; and

(B) allow access by officials of the City of Seattle and others authorized by the City; and

(2) maintain or improve existing characteristics of the watershed, including prohibiting the harvest of late-successional or old-growth timber, except for any timber sale or salvage sale approved before October 1, 1992.

(i) **DEFINITIONS.**—For the purposes of this section:

(1) **CITY.**—The term “City” means the city of Seattle, Washington.

(2) **CITY LANDS.**—The term “City lands” means approximately 17,587 acres of lands eligible to be conveyed by the City under this section, as generally described in “Cedar River Land Exchange: City of Seattle Water Department Offered Lands”, dated September 1, 1992.

(3) **EQUALIZATION LANDS.**—The term “equalization lands” means any lands conveyed to the United States under subsection (c)(2) for the purpose of equalizing the difference in value between the City lands accepted by the Secretary under subsection (b) and the Federal exchange lands.

(4) **FEDERAL EXCHANGE LANDS.**—The term “Federal exchange lands” means the approximately 16,963 acres of lands owned by the United States located in the Cedar River Watershed in King County, Washington, as generally depicted on a map entitled “Cedar River Exchange-Forest Service Selected Lands” September 1, 1992.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

Approved October 23, 1992.

LEGISLATIVE HISTORY—H.R. 5605:

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Sept. 29, considered and passed House.

Oct. 8, considered and passed Senate.