

Public Law 94-357
94th Congress

An Act

To designate the Alpine Lakes Wilderness, Mount Baker-Snoqualmie and Wenatchee National Forests, in the State of Washington.

July 12, 1976

[H.R. 7792]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Alpine Lakes Area Management Act of 1976".

Alpine Lakes
Area
Management Act
of 1976.
16 USC 1132
note.
16 USC 1132
note.

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that:

(1) The Cascade Mountains of the State of Washington between Stevens Pass and Snoqualmie Pass, commonly known as the Alpine Lakes region, comprise an environment of timbered valleys rising to rugged, snowcovered mountains, dotted with over seven hundred lakes, displaying unusual diversity of natural vegetation, and providing habitat for a variety of wildlife.

(2) This region is abundant in its multiple resources, including an abundant source of pure water, commercial forests, an outdoor laboratory for scientific research and educational activities, and opportunities for great diversity of recreational use and enjoyment during all seasons of the year, in particular for quality hunting, fishing, motorized recreation, skiing, picnicking, camping, rock collecting, nature study, backpacking, horseback riding, swimming, boating, mountain climbing, and many others, together with the opportunity for millions of persons traveling through the periphery of the area to enjoy its unique values.

(b) Purposes of this Act: In order to provide for public outdoor recreation and use and for economic utilization of commercial forest lands, geological features, lakes, streams and other resources in the Central Cascade Mountains of Washington State by present and future generations, there is hereby established, subject to valid existing rights an Alpine Lakes Area, including an Alpine Lakes Wilderness, an "Intended Wilderness" and a management unit, comprising approximately nine hundred and twenty thousand acres.

SEC. 3. (a) The Alpine Lakes Wilderness (hereinafter referred to as "the wilderness"), the "Intended Wilderness", and the peripheral area (hereinafter referred to as the "management unit"), shall comprise the areas so depicted on the map entitled "Alpine Lakes Area" and dated June 1976, which shall be on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture. The Secretary of Agriculture (hereinafter referred to as the "Secretary") shall, as soon as practicable after the enactment of this Act, publish in the Federal Register a detailed description and map showing the boundaries of the wilderness, "Intended Wilderness", and the management unit.

16 USC 1132
note.

Description and
map; publication
in Federal
Register.

(b) The Secretary shall administer the Federal lands in the management unit in accordance with the laws, rules, and regulations applicable to the national forests in such a manner as to provide for the management of all of the resources of the management unit.

Administration.

16 USC 1131
note.

Publication in
Federal Register.

(c) The Federal lands designated as the Alpine Lakes Wilderness shall be administered in accordance with the provisions of this Act and with the provisions of the Wilderness Act (78 Stat. 890), which ever is the more restrictive.

(d) Federal lands depicted on the map and legal description as "Intended Wilderness" shall become part of the Alpine Lakes Wilderness at such time as the adjacent non-Federal lands, interests or other property become wilderness according to the provisions of section 3(e) of this Act, at which times the Secretary shall file a map and legal description of such additions in the Federal Register.

(e) Non-Federal lands depicted on the map and legal description as "Wilderness" and "Intended Wilderness" shall become part of the Alpine Lakes Wilderness when acquired by the Federal Government in conformance with the acquisition program required by section 4 of this Act.

LAND ACQUISITION AND EXCHANGE

16 USC 1132
note.

SEC. 4. (a) Within the boundaries of the wilderness and "Intended Wilderness", the Secretary is authorized and directed to acquire with donated or appropriated funds, by gift, exchange, or otherwise, such non-Federal lands, interests, or any other property, in conformance with the provisions of section 4 of this Act: *Provided*, That any such lands, interests, or other property owned by or under the control of the State of Washington or any political subdivision thereof may be acquired only by donation or exchange. Nothing in this Act shall be construed to limit or diminish the existing authority of the Secretary to acquire lands and interests therein within the Alpine Lakes Area in accordance with established law. Notwithstanding any other provision of law, any Federal property located within the management unit may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act. The Secretary shall exercise caution in exchanging land so as not to impair substantially the programmed allowable timber harvest of the Mount Baker-Snoqualmie and Wenatchee National Forest. Amounts appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands and interest for the purposes of this Act.

(b) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within the wilderness and "Intended Wilderness", and convey to the owner of such property any national forest land within the State of Washington under the jurisdiction of the Secretary: *Provided*, That the Secretary may accept cash for or pay cash to the grantor in such an exchange in order to equalize minor differences in the values of the properties exchanged.

Publication in
Federal Register.

(c) (1) As non-Federal lands and interests in the wilderness and "Intended Wilderness" are acquired, and as they become protectable and administerable as wilderness, the lands shall become part of the Alpine Lakes Wilderness, and the Secretary shall publish from time to time a notice of such classification in the Federal Register. It is the intention of Congress that acquisition of the "Intended Wilderness" shall be completed no later than three years after the date of enactment of this Act. At any time after three years from the date of enactment

of this Act, an action may be instituted by an owner, all of whose lands within the boundaries of the "Intended Wilderness" have been managed in such a way so as not to become unsuitable or unmanageable as wilderness (except for disturbance affecting a minor land area and found by the Secretary to have resulted from strictly accidental and unintentional circumstances), against the United States in the district court for the district in which such lands are located, to require the Secretary to acquire immediately all of said owner's interest in such lands, interests and property and to pay in accordance with this section 4 just compensation for such lands, interest, and property the plaintiff may have which are not yet acquired pursuant to this section 4. By February 1 of each year, the Secretary shall report in writing to the Committees on Interior and Insular Affairs of the United States House of Representatives and the Senate, on the status of negotiations with private owners to effect exchanges and acquisition of non-Federal property.

Report to
congressional
committees.

(2) The United States will pay just compensation to the owner of any lands and interests acquired by and pursuant to this Act. Such compensation shall be paid either: (A) by the Secretary of the Treasury from money appropriated pursuant to this Act from the Land and Water Conservation Fund, or from any other funds available for such use, upon certification to him by the Secretary, of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 8 per centum per annum from the date of the acquisition of the property or the date of filing an action according to the provisions of section 4(c)(1) of this Act, whichever is earlier, to the date of payment therefor; or (B) by the Secretary, if the owner of the land concurs, with any federally owned property available to him for purposes of exchange pursuant to subsection 4(b); or (C) by the Secretary using any combination of such money or federally owned property.

Payments.

(3) Just compensation shall be the fair market value of the lands and interests acquired by and pursuant to this Act, and shall be determined as of the date of acquisition: *Provided, however*, That the fair market value of those lands acquired from owners who, from the time of enactment of this Act to the time of acquisition of any such lands, have managed all lands within the "Intended Wilderness" under their ownership so as not to make such lands unsuitable or unmanageable as wilderness (except for disturbance affecting a minor land area and found by the Secretary to have resulted from strictly accidental and unintentional circumstances), shall be the sum of (A) the value of such lands and interests at the date of acquisition, plus (B) any loss of value of timber from casualty, deterioration, disease, or other natural causes from January 1, 1976, to the date of acquisition, with all existing and lost or damaged timber valued at the highest of (i) its market value on the date of acquisition, (ii) its market value on January 1, 1976, or (iii) the mean average market value between those dates: *And provided further*, That nothing in this Act shall be deemed or construed to deny to owners of non-Federal lands, or to change their rights to access to such lands or to manage the same for any otherwise lawful purpose prior to acquisition thereof by the Secretary. For the purposes of this section, the owner of property is defined as the holder of fee title unless said property is subject to an agreement of sale entered into prior to April 1, 1976.

WILDERNESS MANAGEMENT PLAN

Enchantment
Area, study.
16 USC 1132
note.

SEC. 5. In conjunction with the preparation of a wilderness management plan for the wilderness designated by this Act, the Secretary shall prepare a special study of the Enchantment Area of the Alpine Lakes Wilderness, taking into consideration its especially fragile nature, its ease of accessibility, its unusual attractiveness, and its resultant heavy recreational usage. The study shall explore the feasibility and benefits of establishing special provisions for managing the Enchantment Area to protect its fragile beauty, while still maintaining the availability of the entire area for projected recreational demand.

MULTIPLE USE PLAN

16 USC 1132
note.

SEC. 6. (a) Within two years of the enactment of this Act, the Secretary shall, in accordance with the provisions of this Act and other applicable acts governing the administration of the National Forest system and with full public involvement required by this and other pertinent law, prepare, complete and begin to implement in accordance with the provision of subsection (b) a single multiple-use plan for the Federal lands in the management unit.

16 USC 528 note.

(b) The management of the renewable resources will be in accordance with the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528-531), with other applicable laws and regulations of the United States, and will be such to obtain multiple use and sustained yield of the several products and services obtained therefrom.

Publication in
Federal Register.
Transmittal to
President and
Congress.

(c) The Secretary shall publish a notice of such plan in the Federal Register and shall transmit it to the President and to the United States House of Representatives and to the Senate. The completed plan will take effect and will be implemented no earlier than ninety calendar days and no later than one hundred and fifty calendar days from the date of such transmittal.

(d) The resources of the management unit shall be managed in accordance with the provisions of the multiple-use plan until such time as the plan may be revised according to the provisions of this section.

(e) The Secretary shall review the multiple-use plan from time to time and, with full public involvement, shall make any changes he deems necessary to carry out the purposes of this Act.

(f) The Secretary shall permit and encourage the use of renewable resources within the management unit, and nothing in this Act shall be construed to prohibit the conduct of normal national forest programs during the formulation of, nor to prohibit inclusion of such programs in the multiple-use plan required by this section.

AUTHORITIES OF THE STATE OF WASHINGTON

Hunting and
fishing.
16 USC 1132
note.

SEC. 7. (a) The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction in accordance with applicable Federal and State laws. Except in emergencies, any regulations pursuant to this subsection shall be issued only after consultation with the fish and game departments of the State of Washington. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of these agencies.

(b) Nothing in this Act shall deprive the State of Washington or any political subdivisions thereof of its right to exercise civil and criminal jurisdiction within the area or of its right to tax persons, corporations, franchises, or other non-Federal property, in or on lands and waters within the area.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There is hereby authorized to be appropriated for the acquisition of lands and interests to carry out the purposes of this Act, not more than \$20,000,000 in fiscal year 1977, \$17,000,000 in fiscal year 1978, and \$20,000,000 in fiscal year 1979, such sums to remain available until appropriated without fiscal year limitation. To prepare the multiple-use plan required by section 6 of this Act, there is authorized to be appropriated not more than \$500,000. Appropriation requests by the President to implement the multiple-use plan shall express in qualitative and quantitative terms the most rapid and judicious manner and methods to achieve the purposes of this Act. Amounts appropriated to carry out this Act shall be expended in accordance with the Budget Reform and Impoundment Control Act of 1974 (88 Stat. 297).

16 USC 1132
note.

31 USC 1301
note.

Approved July 12, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-1154 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94-1002 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 122 (1976):

June 8, considered and passed House.

June 29, considered and passed Senate.