

Public Law 97-243
97th Congress

An Act

To designate the Mount St. Helens National Volcanic Monument in the State of Washington, and for other purposes.

Aug. 26, 1982
[H.R. 6530]

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

ESTABLISHMENT OF NATIONAL VOLCANIC MONUMENT

SECTION 1. (a) In furtherance of the purposes of this Act, certain lands within and adjacent to the Gifford Pinchot National Forest in the State of Washington, which comprise approximately one hundred and ten thousand acres, as generally depicted on a map entitled "Mount St. Helens National Volcanic Monument, August 1982", are hereby designated as the Mount St. Helens National Volcanic Monument (hereafter in this Act referred to as the "Monument").

(b)(1) Not later than six months after the date of enactment of this Act, the Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") shall file a map and a legal description of the Monument established under subsection (a) with the Committee on Energy and Natural Resources of the United States Senate and the Committees on Agriculture and on Interior and Insular Affairs of the United States House of Representatives. Such map and description shall have the same force and effect as if included in this Act. Such map and description shall be on file and available for public inspection in the office of the Forest Supervisor, Gifford Pinchot National Forest and in the office of the Chief of the Forest Service, Department of Agriculture.

(2) The Secretary may correct clerical and typographical errors in the legal description referred to in paragraph (1), and the Secretary may, from time to time, make minor revisions of the boundary of the Monument. Such minor boundary revisions may be made by the Secretary only after publication of notice of the proposed revision in the Federal Register and after submission of notice thereof to the committees referred to in paragraph (1). Such notice shall be published and submitted at least 60 days before the revision is made. Notice of final action regarding such revision shall also be published in the Federal Register.

EXTENSION OF NATIONAL FOREST BOUNDARY

SEC. 2. (a) The exterior boundary of the Gifford Pinchot National Forest is hereby extended to include all lands and waters within the boundaries of the Monument. Lands and interests therein acquired pursuant to section 3 shall become national forest system lands.

(b) For the purposes of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-4 through 4601-11), the boundary of the Gifford Pinchot National

Mount St.
Helens National
Volcanic
Monument,
Wash.
Designation.
16 USC 431 note.

Map and
description;
filing with
congressional
committees.

Minor boundary
revisions.

Notice;
publication
in Federal
Register.

16 USC 4601-9.

Forest, as modified by this section, shall be treated as if it were the boundary of that forest on January 1, 1965.

ACQUISITION

SEC. 3. (a) The Secretary shall acquire all lands and interests in lands within the boundaries of the Monument by donation, exchange in accordance with this Act or other provisions of law, or purchase with donated or appropriated funds, except as provided in subsection (c) and except that the Secretary may acquire mineral and geothermal interests only by exchange. It is the sense of the Congress that in the case of mineral and geothermal interests such exchanges should be completed within one year after the date of enactment of this Act. Any lands owned by the State of Washington or any political subdivision thereof may be acquired only by exchange. Those mining claims in the Green River-Polar Star area shall not be acquired without the consent of the owner.

Mineral and geothermal interests, completion date.

(b) In recognition of the rapidly deteriorating nature of much of the timber in the Monument, any timber acquired pursuant to this section shall be valued for purposes of any acquisition under subsection (a) at an amount not less than the fair market value of such timber on July 1, 1982.

Timber, evaluation.

(c)(1) Notwithstanding any other provision of law, the Secretary shall exchange lands and interests in lands referred to in paragraphs (2) and (3) in accordance with the provisions of this subsection. With respect to the lands and interests in lands referred to in paragraphs (2) and (3), the Secretary may exercise the authorities of subsection (a) only to the extent necessary to acquire any lands or interests in lands which are not acquired pursuant to the provisions of this subsection.

Burlington Northern Incorporated.

(2)(A) If Burlington Northern Incorporated offers to the United States the following described lands and interests therein, except mineral and geothermal interests, the Secretary shall accept such lands and interests therein (for the purposes of this Act, the term "Burlington Northern Incorporated" shall include any subsidiary of that corporation):

Township 7 North, Range 6 East:	
Section 1: Lots 1, 2, and 3, south half northeast quarter, and north half southeast quarter	Acres 310.11
Township 8 North, Range 5 East:	
Section 21: All	640.00
Section 23: All	640.00
Section 25: All	640.00
Section 27: All	640.00
Section 29: All	640.00
Section 31: All fractional.....	623.52
Section 33: All	640.00
Section 35: All	640.00
Township 8 North, Range 6 East:	
Section 5: All fractional.....	480.44
Section 7: All fractional.....	637.58
Section 9: All	640.00
Section 15: West half.....	320.00
Section 17: All	640.00
Section 19: All fractional.....	631.76
Section 21: All	640.00
Section 27: West half.....	320.00
Section 29: All	640.00
Section 31: All fractional.....	630.44
Section 33: All	640.00

	Acres
Township 9 North, Range 5 East:	
Section 25: All	640.00
Township 9 North, Range 6 East:	
Section 5: Lot 1, southeast quarter northeast quarter, and southeast quarter	240.41
Section 9: All	640.00
Section 17: All	640.00
Section 21: All	640.00
Section 29: All	640.00
Section 31: All fractional.....	639.52
Section 33: All	640.00

(B) Upon acceptance of title by the United States to such lands and interests therein, the Secretary shall convey to Burlington Northern Incorporated all right, title, and interest of the United States to the following described national forest system lands and interests therein, except mineral and geothermal interests:

	Acres
Township 7 North, Range 6 East:	
Section 4: All fractional.....	680.88
Section 6: All fractional.....	670.04
Section 10: All	640.00
Section 22: All	640.00

(3)(A) If the Weyerhaeuser Company offers to the United States the following described lands and interests in lands, except mineral and geothermal interests, the Secretary shall accept such lands and interests therein:

Weyerhaeuser
Company.

	Acres
Township 9 North, Range 3 East:	
Section 1: South half.....	320.00
Township 7 North, Range 4 East:	
Section 25: Northwest quarter northwest quarter	40.00
Township 8 North, Range 4 East:	
Section 2: All fractional.....	494.28
Township 9 North, Range 4 East:	
Section 1: All fractional.....	658.52
Section 3: South half northeast quarter, and south half	400.00
Section 4: Lots 2 and 3, south half north half, and south half	560.30
Section 5: South half northeast quarter, and south half	400.00
Section 6: Lot 7, southeast quarter southwest quarter, and south half southeast quarter	155.38
Section 7: All fractional.....	623.44
Section 8: All	640.00
Section 9: All	640.00
Section 11: All	640.00
Section 13: All	640.00
Section 15: East half east half.....	160.00
Section 16: North half northwest quarter.....	80.00
Section 17: North half northeast quarter	80.00
Section 22: A portion of east half and east half west half.....	271.±
Section 23: All	640.00
Section 24: All	640.00
Section 25: All	640.00
Section 26: North half, southeast quarter, and a portion of the southwest quarter.....	572.±
Section 27: A portion of the northeast quarter	66.±
Section 35: A portion of the northeast quarter.....	105.±
Township 10 North, Range 4 East:	
Section 25: Southeast quarter	160.00
Township 9 North, Range 5 East:	
Section 5: All fractional.....	640.32
Section 6: All fractional.....	679.52
Section 7: Lots 1 and 2, northeast quarter, and east half northwest quarter	340.57
Section 8: North half.....	320.00
Section 17: All	640.00
Section 19: All fractional.....	694.72

Township 10 North, Range 5 East:	Acres
Section 5: A portion of the east half northeast quarter northwest quarter and east half	233.±
Section 17: Northeast quarter northeast quarter, and a portion of the northeast quarter and east half southeast quarter	145.±
Section 19: A portion of the south half southeast quarter	20.±
Section 20: A portion of the south half south half	60.±
Section 21: East half, east half northwest quarter, northwest quarter northwest quarter, northeast quarter southwest quarter, and a portion of the southwest quarter northwest quarter, northwest quarter southwest quarter	523.±
Section 29: All	640.00
Section 30: Northeast quarter, south half, and a portion of the east half northwest quarter	550.±
Section 31: All fractional	688.55
Section 32: All	640.00
Section 33: North half	320.00
Township 11 North, Range 5 East:	
Section 32: Lots 1 and 2	16.43

(B) Upon acceptance of title by the United States to such lands and interests therein, the Secretary shall convey to Weyerhaeuser Company all right, title, and interest of the United States to the following described national forest system lands and interests therein, except mineral and geothermal interests:

Township 10 North, Range 5 East:	Acres
Section 6: Mineral survey	193.96
Section 7: Mineral survey	12.65
Township 11 North, Range 5 East:	
Section 28: Mineral survey	24.89
Section 29: Portion of mineral survey 837	5.20
Township 8 North, Range 4 East:	
Section 29: All	640.00
Section 30: All fractional	604.07
Section 32: All fractional	702.99
Township 13 North, Range 3 East:	
Section 6: All fractional	652.25
Township 4 North, Range 3 East:	
Section 10: All	640.00
Section 16: All	640.00
Section 20: All	640.00

(4) Except as provided in paragraph (7), the instruments of conveyance respecting the lands and interests exchanged under this subsection may contain such reservations as may be agreed upon by the Secretary and the Weyerhaeuser Company or the Secretary and Burlington Northern Incorporated, as the case may be.

Exchanges, completion date.

(5) It is the sense of the Congress that the exchanges authorized pursuant to this subsection should be completed within ninety days after the date of the enactment of this Act. The Secretary shall use the authorities of subsection (a) if the exchanges authorized by this subsection are not completed within a reasonable time after the expiration of such ninety day period.

Values of lands or interests, reduction.

(6) The Secretary shall certify in writing that to his satisfaction, at the time of conveyance, there has been no reduction in the values of the lands or interests therein caused by a direct action on the part of the current landowner below that which formed the basis for the exchanges provided for in this section. If the Secretary finds that a reduction in the value of the lands or interests therein has occurred caused by direct action on the part of the current landowner, the Secretary shall not carry out the exchange for those lands or interests so affected under this subsection, and acquisition of those lands and interests shall be undertaken by the Secretary in accordance with the provisions of subsection (a).

(7) The provisions of this subsection (except for the provisions of paragraphs (5) and (6)) do not authorize the exercise by the Secretary of the power of eminent domain, and any exchange of the lands or interests in lands carried out under this subsection shall be pursuant to a voluntary agreement entered into between the Secretary and Burlington Northern Incorporated, or the Secretary and Weyerhaeuser Company, as the case may be, with the full consent of each of the parties to such agreement.

(d) Nothing in this Act shall affect any prior contractual obligation of Burlington Northern Incorporated or Weyerhaeuser Company regarding lands owned by them and included in an exchange pursuant to this Act nor shall such obligations be transferred pursuant to this legislation to the United States.

(e) Any terms, conditions, or obligations imposed by the Act of July 2, 1864 (13 Stat. 365), as amended, that apply to lands and interests in lands exchanged under this Act by Burlington Northern Incorporated shall apply in equivalent manner to lands and interests in lands obtained by Burlington Northern Incorporated under this Act.

(f) Notwithstanding any other provision of law, the Secretary shall only be required to prepare an environmental assessment of any exchange of mineral or geothermal interests authorized by this Act. In the course of preparing the assessment, the Secretary shall conduct at least one public hearing in the vicinity of the mineral or geothermal interests to be conveyed by the United States in such exchange. Any exchange of mineral or geothermal interests may be made by the Secretary only after providing the committees referred to in section 1 of this Act thirty days' notice of his intention to do so.

Environmental
assessment.

Hearing.

ADMINISTRATION

SEC. 4. (a) The Secretary acting through the Forest Service shall administer the Monument as a separate unit within the boundary of the Gifford Pinchot National Forest, in accordance with the appropriate laws pertaining to the national forest system, and in accordance with the provisions of this Act.

(b)(1) The Secretary shall manage the Monument to protect the geologic, ecologic, and cultural resources, in accordance with the provisions of this Act allowing geologic forces and ecological succession to continue substantially unimpeded.

(2) The Secretary may take action to control fire, insects, diseases, and other agents that might (A) endanger irreplaceable features within the Monument or (B) cause substantial damage to significant resources adjacent to the Monument.

(3) Nothing in this Act shall prohibit the Secretary from undertaking or permitting those measures within the Monument reasonably necessary to ensure public safety and prevent loss of life and property.

(c) The Secretary shall permit the full use of the Monument for scientific study and research, except that the Secretary may impose such restrictions as may be necessary to protect public health and safety and to prevent undue modification of the natural conditions of the Monument.

Scientific
study and
research.

(d) In order to protect the significant features of the Monument, reduce user conflicts, and ensure visitor safety, the Secretary is authorized to control times and means of access and use of the Monument or parts thereof: *Provided*, That nothing in this section

shall be construed as to prohibit the use of motorized vehicles, aircraft or motorboats for emergency and other essential administrative services, including those provided by State and local governments, or when necessary, for authorized scientific research.

Recreational and interpretive facilities.

(e)(1) The Secretary shall provide for recreational use of the Monument and shall provide recreational and interpretive facilities (including trails and campgrounds) for the use of the public which are compatible with the provisions of this Act, and may assist adjacent affected local governmental agencies in the development of related interpretive programs.

(2) Except for roads needed for recreational and interpretive purposes as may be recommended by the comprehensive management plan submitted in accordance with the provisions of subsection (i), roads or other developed facilities within the Monument should be located generally in areas which were developed prior to the 1980 eruption.

(f) Subject to valid existing rights, all Federal lands within the Monument are hereby withdrawn from all forms of entry or appropriation or disposal under the public land laws, and from location, entry, and patent under the United States mining laws, and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto. Any mining activity carried out pursuant to valid existing rights shall be conducted in accordance with applicable Federal and State law.

Timber harvesting, exceptions.

(g) Timber harvesting shall not be permitted on Federal lands within the Monument except (1) for timber salvage contracts awarded by the Forest Service before the date of enactment of this Act, and (2) to the minimum extent necessary to control fire, insects, diseases and other agents that would endanger irreplaceable features within the Monument, cause substantial damage to significant resources adjacent to the Monument, or endanger public safety. National forest system roads within the Monument may be used to the extent necessary for such timber harvesting activities. If the Secretary intends to carry out timber harvesting activities under clause (2), the Secretary shall advise the Committee on Energy and Natural Resources of the Senate and the Committees on Agriculture and Interior and Insular Affairs of the House of Representatives of the action the Secretary intends to take at least 30 days in advance of initiating action to contract for such sales, except that in emergency situations the Secretary shall submit a report to such Committees, describing the action taken within 30 days thereafter.

Notification or report to congressional committees.

Hunting and fishing zones, designation.

(h) The Secretary shall permit hunting and fishing on lands and waters within the Monument in accordance with applicable Federal and State law, except that the Secretary may designate zones within the Monument where, and establish periods when, no hunting or fishing shall be permitted for reasons of public health and safety, the protection of resources, scientific research activities, or public use and enjoyment. Except in emergencies, any regulations issued by the Secretary under this subsection shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities. Nothing in this subsection shall be construed as affecting the jurisdiction or responsibilities of the State of Washington with respect to wildlife and fish within the Monument.

Management plan, submittal to congressional committees.

(i) Within three years after the date of enactment of this Act, the Secretary shall submit to the committees referred to in section 1(b), a detailed and comprehensive management plan for the Monument.

The initial Monument management plan may be expressed as an amendment to the October 1981 Mount St. Helens Land Management Plan. Subsequent Monument plans shall be integrated with and periodically revised as a component of the Gifford Pinchot land management planning process. The plan shall include but not be limited to:

- (1) measures for the preservation of the natural geologic and ecologic processes and integrity of the resources;
- (2) indications of types, locations, and general intensities of development and access routes associated with the public understanding, use, and enjoyment of the area, including anticipated timetables and costs;
- (3) identification of, and implementation plans for, visitor carrying capacities of the area; and
- (4) indications of any potential modifications of the external boundaries of the area, and the reasons therefor.

MANAGEMENT OF ADJACENT FEDERAL LANDS

SEC. 6. Nothing in this Act shall be construed as authorizing or directing the establishment of protective perimeters or buffer zones around the Monument for the purpose of precluding activities outside the Monument boundary which would otherwise be permitted under applicable law. Nothing in this Act shall be construed as limiting the existing authority of the Secretary to take actions on Federal lands adjacent to the Monument necessary to protect public health and safety in emergencies involving volcanic activity.

SCIENTIFIC ADVISORY BOARD

SEC. 7. (a) There is hereby established the Mount St. Helens Scientific Advisory Board (hereinafter referred to as the "Board"). The Secretary shall consult with and seek the advice and recommendations of the Board with respect to—

- (1) the measures needed to protect and manage the natural and scientific values of the Monument; and
- (2) the administration of the Monument with respect to policies, programs, and activities which are specifically intended to retain the natural ecologic and geologic processes and integrity of the Monument.

The Board may make recommendations to the Secretary in regard to new research opportunities which may exist within the Monument designed to gain scientific information for future interpretation and enjoyment by visitors to the Monument. No recommendation by the Board shall be binding upon the Secretary.

(b) The Board shall be composed of nine members, who shall be individuals with recognized professional standing in appropriate scientific disciplines, as follows:

- (1) three members appointed by the Secretary (one of whom shall be a professional employee of the Forest Service);
- (2) two members appointed by the Secretary of the Interior (one of whom shall be a professional employee of the United States Geological Survey);
- (3) two members appointed by the Governor of the State of Washington from among professional employees of the State of Washington; and

Mount St.
Helens Scientific
Advisory
Board.
Establishment.

New research
opportunities,
recommendations.

Membership.

Terms of office.

(4) two members appointed by the Chairman of the National Science Foundation.

(c) Each member shall be appointed to serve for a term of three years, except that one of the initial appointees of each appointing official shall serve an initial term of four years, one of the initial appointees of each appointing official shall serve an initial term of two years, and one of the initial appointees of the Secretary shall serve an initial term of one year.

(d) The members of the Board shall be appointed within ninety days of the date of enactment of this Act. The members of the Board shall, at their first meeting, elect a chairman.

(e) The Secretary, or a designee, shall from time to time, but at least annually, meet and consult with the Board on matters relating to the protection of the Monument and potential and ongoing research programs within the Monument.

(f) Members of the Board shall serve without compensation as such, but the Secretary is authorized to pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Board and its members in carrying out their responsibilities under this Act.

(g) Any vacancy in the Board shall be filled in the same manner in which the original appointment was made.

Termination.

(h) The Board shall terminate ten years from the date of its first meeting.

EXPENDITURE OF CERTAIN REVENUES FROM GIFFORD PINCHOT NATIONAL FOREST BY SKAMANIA COUNTY, WASHINGTON

SEC. 8. (a) Notwithstanding the provisions of the last paragraph under the heading "Forest Service" of the Act of May 23, 1908 (16 U.S.C. 500), and of section 13 of the Act of March 1, 1911 (16 U.S.C. 500), of the amount which is paid under such provisions to the State of Washington with respect to Gifford Pinchot National Forest, to be expended for the benefit of Skamania County—

(1) not less than fifty percent shall be expended for the benefit of the public schools of Skamania County, as Skamania County may specify, and

(2) the remainder shall be expended for the benefit of public roads and other public purposes of Skamania County, as Skamania County may specify.

(b) Subsection (a) shall not apply to any amount paid by the Secretary of the Treasury under the provisions of law referred to in subsection (a) at the end of any fiscal year ending before the date of the enactment of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There is hereby authorized to be appropriated to carry out the provisions of this Act, not to exceed \$12,000,000 for the fiscal year beginning October 1, 1982, and such sums as may be necessary for each fiscal year thereafter.

Approved August 26, 1982.

LEGISLATIVE HISTORY—H.R. 6530 (S. 2133):

HOUSE REPORTS: No. 97-636, Pt. I (Comm. on Interior and Insular Affairs), Pt. II (Comm. on Agriculture) and No. 97-748 (Comm. of Conference).

SENATE REPORTS: No. 97-481 accompanying S. 2133 (Comm. on Energy and Natural Resources) and No. 97-523 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 128 (1982):

July 19, considered and passed House.

July 21, considered and passed Senate, amended.

Aug. 13, Senate agreed to conference report.

Aug. 17, House agreed to conference report.