

103^D CONGRESS
1ST SESSION

H. R. 3083

To establish the Opal Creek Forest Preserve in the Detroit Ranger District
of the Willamette National Forest in the State of Oregon.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 1993

Mr. KOPETSKI introduced the following bill; which was referred jointly to the
Committees on Natural Resources and Agriculture

A BILL

To establish the Opal Creek Forest Preserve in the Detroit
Ranger District of the Willamette National Forest in
the State of Oregon.

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.**

4 This Act may be cited as the “Opal Creek Forest Pre-
5 serve Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Old-growth forests are unique ecosystems
9 that serve as critical wildlife habitat for hundreds of

1 vertebrate and invertebrate animals, plants, and
2 fungi.

3 (2) Old-growth forests provide clean and plenti-
4 ful water and support streams and rivers where wild
5 runs of anadromous and resident cold water fish are
6 wholly dependent on high quantity and quality water
7 for migration, spawning, rearing, and cover that can
8 only be maintained by protecting the watersheds of
9 these steams and rivers.

10 (3) Old-growth forests provide unique and out-
11 standing opportunities for educational study, sci-
12 entific research, and recreation.

13 (4) The establishment of a forest preserve to
14 protect areas of old-growth forests can contribute
15 significantly to the quality of life for the residents of
16 the State of Oregon through recreation, education,
17 and a protected water supply.

18 (5) The area containing what is known as the
19 Opal Creek forest is one of the largest remaining in-
20 tact low-elevation old-growth forest ecosystems in
21 the Western Oregon Cascades with trees up to 1,000
22 years of age.

23 (6) The Opal Creek forest area contains out-
24 standing geological and botanical features and is sig-

1 nificant to the aboriginal and early mining history of
2 Oregon.

3 (7) The Opal Creek forest area provides rec-
4 reational opportunities for over 12,000 visitors an-
5 nually and such recreational use is increasing at a
6 rate of over 50 percent a year.

7 (8) The Opal Creek forest area, which includes
8 4 lakes, 45 miles of free-flowing streams, and over
9 50 waterfalls, continues to be threatened by addi-
10 tional logging, an activity which will cause irrep-
11 arable harm to the outstanding ecological, scientific,
12 educational, and recreational values of the area.

13 (9) Preservation of the Opal Creek forest area
14 provides outstanding opportunities for scientists to
15 conduct nondestructive old-growth forest research
16 and for educators to provide scientifically credible
17 information to the public.

18 **SEC. 3. OPAL CREEK FOREST PRESERVE.**

19 (a) ESTABLISHMENT OF PRESERVE.—There is here-
20 by established the Opal Creek Forest Preserve (in this Act
21 referred to as the “Preserve”) for the purpose developing
22 and maintaining the research, educational, and rec-
23 reational values of the Preserve.

24 (b) DESCRIPTION OF PRESERVE.—The Preserve shall
25 consist of those Federal lands located in the Detroit Rang-

1 er District of the Willamette National Forest in the State
2 of Oregon that are generally depicted on the map dated
3 June 18, 1992, and entitled the “Opal Creek Preserve
4 Area”. The Preserve shall also include such additions to
5 the Preserve as may be added under section 5.

6 **SEC. 4. MANAGEMENT OF THE PRESERVE.**

7 (a) DEVELOPMENT OF COOPERATIVE MANAGEMENT
8 PLAN.—The Secretary of Agriculture shall develop, in
9 consultation with the nonprofit organization known as the
10 Friends of Opal Creek (or its successors in interest), a
11 cooperative management plan for the Preserve to address
12 suitable research, recreational, and educational uses for
13 each drainage and subdrainage within the Preserve. Devel-
14 opment of the management plan shall be consistent with
15 the standards and guidelines specified in subsections (b)
16 and (c).

17 (b) STANDARDS.—The standards by which the Sec-
18 retary of Agriculture shall manage the Preserve are as fol-
19 lows:

20 (1) TIMBER HARVESTING.—The Secretary shall
21 prohibit timber harvesting in the Preserve, except to
22 the extent such harvesting is determined by the Sec-
23 retary to be necessary for the subsistence use of
24 dead and downed timber for firewood and other pur-
25 poses in research and educational facilities located

1 within the Preserve or is conducted pursuant to a
2 special use permit issued by the Secretary. The Sec-
3 retary shall immediately terminate further planning
4 regarding the Cedar and Elkhorn Creek timber
5 sales.

6 (2) NONMOTORIZED RECREATION.—The Sec-
7 retary shall permit nonmotorized recreation in the
8 area that does not conflict with or adversely affect
9 the old-growth forest ecosystem or research or edu-
10 cational activities conducted in the Preserve.

11 (3) ROAD CONSTRUCTION.—Except to the ex-
12 tent authorized pursuant to paragraph (5), the Sec-
13 retary shall prohibit the construction of new roads in
14 the area.

15 (4) SPECIAL USE PERMITS.—Special use per-
16 mits regarding the Preserve in existence on the date
17 of the enactment of this Act shall continue pursuant
18 to the terms of the permits, except that the Sec-
19 retary—

20 (A) shall convert the applicable parts of
21 the plan of operation of the Shiny Rock Mining
22 Company to special use permits for use by the
23 Friends of Opal Creek (or its successors in in-
24 terest);

1 (B) may issue special use permits after
2 such date to the Friends of Opal Creek (or its
3 successors in interest) for activities consistent
4 with the management plan developed under
5 subsection (a); and

6 (C) may issue special use permits after
7 such date in connection with exploration, min-
8 ing, and mining-related activities in the Bornite
9 Project Area, as depicted on the map described
10 in section 3(a).

11 (5) ROADS, STRUCTURES, AND UTILITIES.—
12 Roads, structures, and utilities (including power
13 lines, telephone lines, and water lines) shall be al-
14 lowed inside the Preserve to serve activities con-
15 ducted on land outside the Preserve pursuant to spe-
16 cial use permits issued before the date of the enact-
17 ment of this Act or pursuant to the exceptions con-
18 tained in paragraph (4).

19 (c) GUIDELINES.—The guidelines by which the Sec-
20 retary shall manage the Preserve are as follows:

21 (1) RESEARCH.—The Secretary shall promote
22 nondestructive research in the Preserve regarding
23 old-growth forests.

1 (2) EDUCATION.—The Secretary shall conduct
2 educational programs in the Preserve for the public
3 regarding old-growth forests.

4 (3) PRESERVATION OF HISTORIC ASSETS.—The
5 Secretary shall preserve historic assets in the Pre-
6 serve.

7 (d) WITHDRAWAL.—Subject to valid existing rights,
8 Federal lands in the Preserve are withdrawn from dispo-
9 sition under the public land laws and from location, entry,
10 and patent under the mining laws of the United States,
11 from the operation of the mineral leasing laws of the Unit-
12 ed States, and from operation of the Geothermal Steam
13 Act of 1970 (30 U.S.C. 1001 et seq.). The withdrawal pro-
14 vided by this subsection shall also apply to any Federal
15 lands added to the Preserve after the date of the enact-
16 ment of this Act, including lands in the Bornite Project
17 Area added to the Preserve pursuant to section 5(e), ex-
18 cept that the withdrawal shall apply to such lands only
19 after they have been added to the Preserve.

20 (e) SUPPORT FOR PRIVATE INHOLDINGS.—The Sec-
21 retary may support the management by a nonprofit orga-
22 nization of a private inholding in the special management
23 area that is held by the organization if the organization
24 agrees to manage the inholding in compliance with the
25 standards and guidelines specified in this section.

1 **SEC. 5. ACCESS TO AND ACQUISITION OF NON-FEDERAL**
2 **LAND.**

3 (a) INVENTORY OF NON-FEDERAL LANDS.—The
4 Secretary of Agriculture shall conduct an inventory of
5 non-Federal lands and interests in lands, including sev-
6 ered mineral estates, situated within the Preserve.

7 (b) LAND CONSOLIDATION PROGRAM.—Using the in-
8 ventory required by subsection (a), the Secretary of Agri-
9 culture shall pursue a land consolidation program to ac-
10 quire (through purchase or the exchange of Federal lands
11 or interests in lands under the jurisdiction of the Sec-
12 retary) lands and interests in lands identified in the inven-
13 tory that would be suitable for inclusion in the Preserve.
14 In pursuing such land consolidation program, the Sec-
15 retary may not acquire lands or interests in lands by con-
16 demnation proceedings for inclusion in the Preserve.

17 (c) PURCHASE OF CERTAIN PARCELS REQUIRED.—
18 The Secretary shall endeavor to purchase at fair market
19 value (and not by condemnation proceedings) the following
20 parcels of real property for inclusion in the Preserve:

21 (1) 60 acres on Stoney Ridge owned by the
22 Friends of Opal Creek (or its successors in interest)
23 (Mineral Survey Number 887 Black Prince, Prin-
24 cess, and King #4 patented mining claims).

25 (2) 80 acres in Gold Creek owned by the Times
26 Mirror Corporation (Mineral Survey Number 905

1 Eureka #6, #7, #8, and #13 patented mining
2 claims).

3 (d) REPORT ON ADDITIONAL ACQUISITION.—The
4 Secretary shall submit an annual report on the status of
5 the land consolidation program required by subsection (b)
6 to the Committee on Agriculture and the Committee on
7 Interior and Insular Affairs of the House of Representa-
8 tives and the Committee on Energy and Natural Re-
9 sources and the Committee on Agriculture, Nutrition, and
10 Forestry of the Senate. As part of the first such report,
11 the Secretary shall evaluate the practicality of acquiring
12 for the Preserve 640 acres in the Cedar Creek area owned
13 by the Rosboro Lumber Company.

14 (e) ADDITION OF BORNITE PROJECT AREA.—

15 (1) ADDITION UNDER CERTAIN CIR-
16 CUMSTANCES.—Lands that are located within the
17 Bornite Project Area and excluded from the Pre-
18 serve as depicted on the map described in section
19 3(b) shall be added to the Preserve upon the occur-
20 rence of either of the following events:

21 (A) The determination by the Director of
22 the Bureau of Land Management, including the
23 conclusion of all appeals, if any, resulting from
24 the determination, that the mining claims on
25 the lands are no longer valid.

1 (B) The completion of all exploration, min-
2 ing, and reclamation activities, including the re-
3 lease of all reclamation bonds, on the mining
4 claims on the lands.

5 (2) MINING CLAIMS.—Mining claims on lands
6 located in the Bornite Project Area may be patented
7 in accordance with applicable Federal law for mining
8 purposes only. Upon the cessation of exploration,
9 mining, and reclamation activities on the lands as
10 provided in paragraph (1)(B), the patented lands
11 shall be reconveyed to the Federal Government or,
12 at the option of the patentee, be conveyed to the
13 Friends of Opal Creek (or its successors in interest).

14 (f) ACCESS TO INHOLDINGS.—The use of access
15 roads to inholdings within the Preserve that are in use
16 as of the date of the enactment of this Act shall be allowed
17 to continue. These access roads may be maintained in sub-
18 stantially the same condition as the roads were in on such
19 date, but shall not be enhanced or subject to materially
20 intensified use except to serve the Bornite Project Area
21 in accordance with special use permits issued under sec-
22 tion 4(b)(4)(C).

23 **SEC. 6. GRANDFATHER CLAUSE.**

24 Nothing in this Act shall affect the operation of any
25 timber sale contract entered into, or interfere with any ac-

1 tivity for which a special use permit has been issued (and
2 not revoked), before the date of the enactment of this Act,
3 subject to the terms of the contract or permit. In addition,
4 nothing in this Act shall interfere with any activity for
5 which a special use permit is issued under section 4(b)(4)
6 pursuant to an environmental assessment or final environ-
7 mental impact statement and record of decision issued be-
8 fore such date.

○