

104TH CONGRESS
2D SESSION

H. R. 3873

To establish a National Forest Preserve consisting of certain Federal lands in the Sequoia National Forest in the State of California to protect and preserve remaining Giant Sequoia ecosystems and to provide increased recreational opportunities in connection with such ecosystems.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 1996

Mr. BROWN of California (for himself, Mr. YATES, Mr. DELLUMS, Mr. BEIL-ENSON, Ms. ESHOO, Ms. ROYBAL-ALLARD, Mr. ZIMMER, Mr. WILSON, Mr. WAXMAN, Mr. BECERRA, Ms. WOOLSEY, Mr. BERMAN, Ms. LOFGREN, Mr. FILNER, Mr. CLAY, Mr. HINCHEY, Ms. NORTON, Mr. OLVER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FALEOMAVAEGA, and Ms. SLAUGHTER) introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish a National Forest Preserve consisting of certain Federal lands in the Sequoia National Forest in the State of California to protect and preserve remaining Giant Sequoia ecosystems and to provide increased recreational opportunities in connection with such ecosystems.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Sequoia Ecosystem and Recreation Preserve Act of
4 1996”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Expansion of certain wilderness areas to include lands in Sequoia and
Inyo National Forests.
- Sec. 5. Establishment of Giant Sequoia National Forest Preserve.
- Sec. 6. Purposes of Preserve.
- Sec. 7. Preserve Scientific Advisory Team.
- Sec. 8. Management plan.
- Sec. 9. Designation of ancient forest reserves.
- Sec. 10. Preserve transportation and access.
- Sec. 11. Recreational facilities.
- Sec. 12. Effect of Preserve on activities previously conducted in area covered
by Preserve.
- Sec. 13. Effect of Preserve on other public or private interests.
- Sec. 14. Water rights.
- Sec. 15. Payments to local governments.
- Sec. 16. Community Assistance Task Force.
- Sec. 17. Preparation of budget proposal for Preserve.
- Sec. 18. Authorization of appropriations.

7 **SEC. 2. FINDINGS.**

8 The Congress finds the following:

9 (1) Giant Sequoia trees (*Sequoiadendron*
10 *giganteum*) are the largest of all living things and
11 the most majestic trees on earth. Without any help
12 or hindrance from humans, Giant Sequoia have lived
13 up to 3200 years and attained a height of 275 feet,
14 a diameter of 38 feet, a circumference of 120 feet,
15 and a weight of over 12,000,000 pounds. The largest
16 tree currently in the National Forest System is lo-

1 cated in the Sequoia National Forest, the Boole
2 Tree, a Giant Sequoia that stands 269 feet high and
3 has a diameter of 29 feet.

4 (2) Giant Sequoias are survivors of a genus of
5 trees which once covered most of the northern hemi-
6 sphere, but are now native to only a small portion
7 of the Sierra Nevada range in the State of Califor-
8 nia.

9 (3) The ancient forests of the Sequoia National
10 Forest are the homes of rare, threatened, and en-
11 dangered species of plants and wildlife.

12 (4) The ancient forests of the Sequoia National
13 Forest provide outstanding and unique recreational
14 opportunities for the people of the United States. Of
15 those units of the National Forest System located in
16 the Sierra Nevada range, the Sequoia National For-
17 est is located closest to Los Angeles and the bur-
18 geoning population in the Central Valley.

19 **SEC. 3. DEFINITIONS.**

20 For purposes of this Act:

21 (1) PRESERVE.—The term “Preserve” means
22 the Federal lands included in the Giant Sequoia Na-
23 tional Forest Preserve established in section 5.

24 (2) SECRETARY.—The term “the Secretary”
25 means the Secretary of Agriculture.

1 (3) GROVE.—The term “grove” means any
2 stand or group of Giant Sequoia in the Preserve
3 identified by Forest Service methods in effect on the
4 date of the enactment of this Act.

5 (4) MANAGEMENT PLAN.—The term “manage-
6 ment plan” means the management plan prepared
7 after the date of the enactment of this Act for man-
8 agement of the Preserve.

9 (5) ANCIENT FOREST RESERVES.—The term
10 “ancient forest reserves” means lands in the Pre-
11 serve designated under section 9 on which—

12 (A) motorized vehicles may be used only on
13 designated roads; and

14 (B) only the least possible amount of me-
15 chanical manipulation or intervention in natural
16 processes shall be allowed.

17 (6) NATURAL STATE.—The term “natural
18 state” means the conditions that are within the
19 range of variability in structure and composition
20 that occurred during the last few millennia and
21 which will promote ecosystem stability and resil-
22 iency.

23 (7) SCIENTIFIC ADVISORY TEAM.—The term
24 “Scientific Advisory Team” means the Scientific Ad-
25 visory Team established pursuant to section 7.

1 (8) **TASK FORCE.**—The term “Task Force”
2 means the Community Assistance Task Force estab-
3 lished under section 16.

4 **SEC. 4. EXPANSION OF CERTAIN WILDERNESS AREAS TO**
5 **INCLUDE LANDS IN SEQUOIA AND INYO NA-**
6 **TIONAL FORESTS.**

7 In furtherance of the purpose of the Wilderness Act
8 (16 U.S.C. 1131 et seq.), and the Federal Land Policy
9 and Management Act of 1976 (43 U.S.C. 1701 et seq.),
10 the following lands in the State of California, as generally
11 depicted on the maps referenced in this section, are hereby
12 designated as wilderness areas and shall be administered
13 as components of the National Wilderness Preservation
14 System:

15 (1) Certain lands in the Sequoia National For-
16 est and the Inyo National Forest, which comprise
17 approximately 7,909 acres, as generally depicted on
18 a map entitled “Golden Trout Wilderness Addi-
19 tions—Proposed”, and which are hereby incor-
20 porated in, and which shall be deemed to be part of,
21 the Golden Trout Wilderness designated by section
22 2(b) of Public Law 95–237 (92 Stat. 41).

23 (2) Certain lands in the Sequoia National For-
24 est, which comprise approximately 28,540 acres, as
25 generally depicted on a map entitled “Golden Trout

1 Wilderness Additions—Proposed 2”, and which are
2 hereby incorporated in, and which shall be deemed
3 to be part of, the Golden Trout Wilderness des-
4 ignated by section 2(b) of Public Law 95–237 (92
5 Stat. 41).

6 (3) Certain lands in the Sequoia National For-
7 est, which comprise approximately 12,071 acres, as
8 generally depicted on a map entitled “Domeland
9 Wilderness Additions—Proposed”, and which are
10 hereby incorporated in, and which shall be deemed
11 to be part of, the Domeland Wilderness originally
12 designated by section 3 of Public Law 88–577 (78
13 Stat. 891).

14 (4) Certain lands in the Sequoia National For-
15 est, which comprise approximately 39,398 acres, as
16 generally depicted on a map entitled “Bright Star
17 Wilderness—Proposed”, and which are hereby incor-
18 porated in, and which shall be deemed to be part of,
19 the Bright Star Wilderness designated by section
20 102(6) of Public Law 103–433 (108 Stat. 4473).

21 (5) Certain lands in the Sequoia National For-
22 est, which comprise approximately 56,630 acres, as
23 generally depicted on a map entitled “Golden Trout
24 Wilderness Additions—Proposed 3”, and which are
25 hereby incorporated in, and which shall be deemed

1 to be part of, the Golden Trout Wilderness des-
2 ignated by section 2(b) of Public Law 95–237 (92
3 Stat. 41).

4 **SEC. 5. ESTABLISHMENT OF GIANT SEQUOIA NATIONAL**
5 **FOREST PRESERVE.**

6 (a) **ESTABLISHMENT.**—There is hereby established
7 the Giant Sequoia National Forest Preserve, consisting of
8 certain federally owned lands within the Sequoia National
9 Forest in the State of California. The Preserve shall com-
10 prise approximately 340,835 acres as generally depicted
11 on the map entitled, “Giant Sequoia National Forest Pre-
12 serve, 1995”, dated _____ and numbered
13 _____. Federal lands included in the Preserve are
14 dedicated in perpetuity for the preservation and restora-
15 tion of natural processes and the promotion of recreational
16 activity, scientific study, and other similar purposes as
17 specified in this Act.

18 (b) **UNIT OF NATIONAL FOREST SYSTEM.**—The Sec-
19 retary, acting through the Forest Service, shall administer
20 the Preserve as a separate unit within the National Forest
21 System in accordance with the purposes and provisions of
22 this Act.

23 (c) **MAP AND LEGAL DESCRIPTION.**—Not later than
24 six months after the date of the enactment of this Act,
25 the Secretary shall file a map and a legal description of

1 the Preserve with the Committee on Resources and the
2 Committee on Agriculture of the House of Representatives
3 and with the Committee on Energy and Natural Resources
4 and the Committee on Agriculture, Forestry, and Nutri-
5 tion of the Senate. Such map and description shall have
6 the same force and effect as if included in this Act. The
7 Secretary may correct clerical and typographical errors in
8 the map and description.

9 (d) AVAILABILITY OF MAP.—The map and legal de-
10 scription prepared pursuant to subsection (c) shall be
11 made available for public inspection in the office of the
12 Forest Supervisor, Sequoia National Forest, in the office
13 of the Regional Forester, United States Forest Service,
14 Region 5, in the office of the Superintendent, Sequoia Na-
15 tional Park, in the office of the Director, National Park
16 Service, Department of the Interior and in the office of
17 the Chief of the Forest Service, Department of Agri-
18 culture.

19 **SEC. 6. PURPOSES OF PRESERVE.**

20 (a) IN GENERAL.—It is the purpose of this Act not
21 only to protect and maintain the groves of Giant Sequoias
22 in the Preserve, their supporting ecosystems, and associ-
23 ated forests, but also to preserve the natural state and
24 processes that have created and maintained these forests
25 for millennia.

1 (b) SPECIFIC PURPOSES.—Subject to subsection (c),
2 the Preserve is established for the purposes of—

3 (1) assuring the ecological integrity and rec-
4 reational resources of the Federal lands in the Pre-
5 serve;

6 (2) protecting the Giant Sequoia groves as well
7 as all contiguous Federal lands in the Preserve and
8 assuring the perpetuation and continuation of the
9 many ecosystems and the essential and natural proc-
10 esses in the Preserve;

11 (3) providing optimum habitat for all indige-
12 nous species found, as of the date of the enactment
13 of this Act, in the Preserve;

14 (4) promoting and coordinating research in the
15 Preserve to compile information about the Giant Se-
16 quoaia and other Sierra Nevada ecosystems;

17 (5) providing optimum water quality, air qual-
18 ity, soil quality, and scenic quality in the Preserve,
19 consistent with other Federal and State laws; and

20 (6) providing increased opportunities for recre-
21 ation, including hiking, horseback riding, camping,
22 use of off-highway vehicles, crosscountry skiing, and
23 nature studies, consistent with the purposes speci-
24 fied in the preceding paragraphs.

1 (c) PROHIBITIONS.—Regardless of the specific men-
2 tion of an authorized activity in this Act, the Secretary
3 shall not permit an activity to continue or to be initiated
4 in the Preserve if the Secretary determines that the activ-
5 ity will, over time, degrade the health or cause the ulti-
6 mate destruction of the Giant Sequoia ecosystem or other
7 ecosystems in the Preserve. No portion of the Preserve
8 shall be within the timber base or used in a calculation
9 or basis for a sustained yield of timber.

10 **SEC. 7. PRESERVE SCIENTIFIC ADVISORY TEAM.**

11 (a) ESTABLISHMENT.—The Secretary shall appoint a
12 Scientific Advisory Team for the Preserve consisting of at
13 least 9 physical and biological scientists from such fields
14 as Sequoia ecology, hydrology, wildlife biology, landscape
15 ecology, conservation biology, soil science, geology, and
16 wildfire behavior. Not more than 3 members of the Sci-
17 entific Advisory Team may be current or retired employees
18 of the Forest Service.

19 (b) ROLE IN PREPARATION OF PRESERVE MANAGE-
20 MENT PLAN.—The Scientific Advisory Team shall give ad-
21 vice and guidance to the Forest Service during preparation
22 of the management plan, assist with the study of data re-
23 garding the Preserve, review and make recommendations
24 on reports developed in connection with the Preserve, and
25 perform other duties as requested by the Secretary. The

1 Scientific Advisory Team shall target its efforts toward as-
2 suring that the management plan is consistent with the
3 overall purposes of this Act and with the best and most
4 current scientific knowledge and research.

5 (c) ROLE IN PREPARATION OF LAND CONDITION
6 SURVEYS AND REPORTS.—The Scientific Advisory Team
7 shall advise the Forest Service in compiling informational
8 reports, which shall include surveys of the condition of
9 lands within the Preserve and which will be used in pre-
10 paring the management plan. The Forest Service shall
11 complete the surveys within one year after the date of the
12 enactment of this Act. These surveys and reports shall ad-
13 dress the following issues:

14 (1) FIRE AND FUEL.—Compilation of existing
15 data and a report regarding historical and pre-
16 historical fire and surveys of current fuel loading
17 with identification of areas that exceed the natural
18 range of fuels build-up. The Scientific Advisory
19 Team shall review the surveys and make rec-
20 ommendations for restoration of these areas.

21 (2) ARTIFICIALLY PLANTED SEQUOIAS.—Com-
22 pilation of existing data and a report regarding
23 sources of Sequoia seedlings planted within and ad-
24 jacent to Sequoia groves. The Team shall review re-
25 ports and make recommendations as to the need for

1 remediation to protect the integrity of individual
2 grove genetics.

3 (3) PREVIOUSLY LOGGED AREAS.—Compilation
4 of information and a report on previously logged
5 areas focusing on species mix, age, and arrange-
6 ment. The Scientific Advisory Team shall make rec-
7 ommendations for management strategies which will
8 result in the eventual restoration of these lands to
9 a natural state. Certain areas where logging has oc-
10 curred in both recent and historical times may be
11 recommended to remain unrestored and designated
12 as historic sites, interpretive areas, or for scientific
13 purposes.

14 (d) INTERAGENCY COOPERATION AND COORDINA-
15 TION.—The Scientific Advisory Team shall cooperate with
16 other agencies that are engaged in managing Sequoia
17 ecosystems in order to facilitate interagency cooperation,
18 sharing of scientific information and data, and to maxi-
19 mize usefulness of past, present, and future research.

20 (e) TEAM FINDINGS.—The Scientific Advisory Team
21 shall not be required to reach consensus regarding its find-
22 ings on any issue, but the Scientific Advisory Team should
23 furnish comments, recommendations, and findings in a
24 format which will allow for a majority as well as dissenting
25 opinions.

1 (f) PUBLIC ACCESS TO INFORMATION.—All informa-
2 tion developed for and by the Scientific Advisory Team
3 and the Forest Service under this section, including min-
4 utes, summaries, memos, majority recommendations, and
5 dissenting opinions, shall be retained the office of the For-
6 est Supervisor, Sequoia National Forest, and shall be
7 readily available to the public.

8 (g) FUTURE ACTIVITIES OF TEAM.—After the final
9 management plan has been published and any administra-
10 tive appeals have completed the appeal process, the Sci-
11 entific Advisory Team shall remain available for peer re-
12 view of proposed projects, monitoring, and such other du-
13 ties that the Secretary may request.

14 (h) COMPENSATION.—Members of the Scientific Ad-
15 visory Team shall serve without compensation, except that
16 the Secretary may reimburse members of the Scientific
17 Advisory Team for their direct costs of participating in
18 the activities of the Scientific Advisory Team.

19 **SEC. 8. MANAGEMENT PLAN.**

20 (a) PREPARATION.—Not later than five years after
21 the date of the enactment of this Act, the Secretary shall
22 publish as a freestanding document a final management
23 plan for the Preserve that shall include at least the follow-
24 ing:

1 (1) The measures, standards, and guidelines
2 needed to protect, restore, and enhance the natural
3 and scientific values of the Preserve and recreational
4 resources of the Preserve.

5 (2) All other measures intended to carry out
6 the purposes and provisions of this Act, including
7 specific delineation of planned administrative activi-
8 ties to carry out this Act.

9 (3) Provisions and maps of areas designated as
10 ancient forest reserves, and the process by which ad-
11 ditional areas may be designated as ancient forest
12 reserves.

13 (4) Other specific measures required by this
14 Act.

15 (b) INTERIM MANAGEMENT.—Pending the comple-
16 tion of the management plan, the Secretary shall manage
17 the Preserve in a manner consistent with the purposes and
18 provisions of this Act. The Secretary shall buy out any
19 timber contracts in existence on the date of the enactment
20 of this Act that authorize harvesting in the Preserve. Be-
21 tween the date of the enactment of this Act and the date
22 the management plan is final, the Secretary shall approve
23 or initiate only those interim management activities that
24 are consistent with the purposes of this Act.

1 (c) ADMINISTRATIVE APPEALS.—The management
2 plan and all of the notices of decision, decision notices,
3 and decision memos for the management plan and for
4 projects implementing the management plan shall be sub-
5 ject to administrative appeal as provided by law. The Chief
6 of the Forest Service shall review and make the final agen-
7 cy decision on any administrative appeal under this Act.

8 (d) PUBLIC SAFETY.—Nothing in this Act shall be
9 construed to prohibit the Secretary from undertaking or
10 permitting those activities in the Preserve that the Sec-
11 retary considers necessary to ensure public safety and pre-
12 vent loss of life and property.

13 **SEC. 9. DESIGNATION OF ANCIENT FOREST RESERVES.**

14 (a) DESIGNATION.—As part of the management plan,
15 the Secretary shall designate and map the ancient forest
16 reserves.

17 (b) SPECIFIED ANCIENT FOREST RESERVES.—
18 Lands designated as ancient forest reserves shall include
19 at least the following: The Freeman Creek watershed, the
20 McIntyre Complex Groves, the Moses Roadless Area, the
21 Slate Mountain Roadless Area, the Rincon Roadless Area,
22 Deer Meadow, and the Agnew and Kennedy Sequoia
23 Groves.

24 (c) SUBSEQUENT DESIGNATIONS.—Additional areas
25 may be designated as ancient forest reserves after the

1 completion of the management plan by amending the man-
2 agement plan. Such additions shall be based on public
3 input and scientific recommendations.

4 **SEC. 10. PRESERVE TRANSPORTATION AND ACCESS.**

5 (a) IN GENERAL.—The management plan shall in-
6 clude a comprehensive transportation plan for the Pre-
7 serve. In order to protect the natural features of the Pre-
8 serve, reduce conflicts among users of the Preserve, and
9 ensure visitor safety, the Secretary may regulate and con-
10 trol the times and means of access and use of the Pre-
11 serve.

12 (b) ROADS.—

13 (1) NEW CONSTRUCTION PROHIBITED.—Except
14 for short connecting sections to make loop roads or
15 to provide access to campgrounds or for other pur-
16 poses consistent with this Act, no new road con-
17 struction shall occur within the Preserve. No excep-
18 tions under the preceding sentence shall be made in
19 the case of ancient forest reserves and wilderness
20 areas within the Preserve.

21 (2) ROAD CATEGORIES.—The transportation
22 plan shall locate and map all roads in existence on
23 the date of the enactment of this Act, whether such
24 roads are permanent, temporary, or de facto, and all
25 compacted areas, such as landings, skid trails, and

1 turnouts. These roads and compacted areas shall be
2 inventoried and categorized into one of the following
3 categories:

4 (A) Existing roads and areas which should
5 form the permanent road system for the Pre-
6 serve and are consistent with the purposes of
7 this Act. This category may include projections
8 for future needs such as new campgrounds, in-
9 terpretive and study centers, and parking sites.

10 (B) Roads and areas which are degrading
11 water quality or ecosystems and which shall be
12 restored to natural conditions.

13 (C) Existing roads and areas which may be
14 converted for use as motorized vehicle recre-
15 ation roads without undue resource damage.

16 (D) Existing roads and landings which
17 could be used for off-highway vehicles, including
18 the construction of short connecting sections to
19 provide loop trails.

20 (E) Existing roads, and areas which could
21 be used in conjunction with the official trail
22 system for recreation, including snowmobile,
23 cross-country skiing, recreational stock, hiking,
24 and interpretive trails and areas suitable for

1 use by the disabled, including the use of motor-
2 ized wheelchairs.

3 (c) TRAILS.—

4 (1) IDENTIFICATION OF TRAILS.—The trans-
5 portation plan shall include a trail plan for the Pre-
6 serve that inventories and maps all trails on the
7 1956 USGS maps, the 1966 Sequoia National For-
8 est Recreation Map, historical trails, and trails indi-
9 cated by public input whether or not they have been
10 assigned a Forest Service trail number. These trails
11 shall become the official trail network for the Pre-
12 serve.

13 (2) TRAIL LIMITATIONS.—In the trail plan, the
14 Secretary shall determine which trails will be limited
15 to nonmotorized, nonmechanized recreation, such as
16 by horseback and hiking, and which trails will allow
17 mechanized recreation of various types, such as by
18 mountain bike and all-terrain vehicles. The Sec-
19 retary shall base such determinations on sensitivity
20 of the site, potential for user conflicts, and public
21 input. There shall be no use of motor vehicles on
22 trails in ancient forest reserves. The trail plan shall
23 include provisions to ensure adequate and appro-
24 priate recreational trail opportunities for disabled in-
25 dividuals.

1 (3) RELOCATION AND EXPANSION OF TRAILS.—
2 Trails may be relocated where currently obliterated
3 by roads or logging damage or where necessary for
4 resource protection. Additional trails may be added
5 to the trail network through the conversion of exist-
6 ing roads to such purpose. The establishment of new
7 trails should be considered throughout the Preserve
8 consistent with the purposes of this Act.

9 (d) EMERGENCY AND SCIENTIFIC ACCESS.—Nothing
10 in this section shall be construed to prohibit the use of
11 motorized vehicles or aircraft for emergency and other es-
12 sential administrative services, including those services
13 provided by State and local governments, or for authorized
14 scientific research when the use of motorized vehicles or
15 aircraft is a necessary part of such research.

16 **SEC. 11. RECREATIONAL FACILITIES.**

17 (a) EXISTING CAMPGROUNDS.—All campgrounds in
18 the Preserve on the date of the enactment of this Act,
19 including campgrounds within grove boundaries or ancient
20 forest reserves, may remain in place subject to evaluation
21 by the Secretary.

22 (b) EXPANSION.—The Secretary shall provide new
23 camping opportunities in the Preserve in the form of both
24 developed and primitive sites. The Secretary shall identify
25 the potential locations of new campgrounds in the trans-

1 portation plan prepared under section 10. Such camp-
2 grounds shall be constructed outside of ancient forest re-
3 serves in locations where they will cause the least resource
4 damage.

5 (c) PRIMITIVE CAMPING.—Primitive camping shall be
6 allowed throughout the Preserve, except that the Secretary
7 may control the use of certain areas based on usage and
8 resource conditions.

9 (d) STOCK CAMPGROUNDS.—In addition to overnight
10 camping facilities for stock use in existence on the date
11 of the enactment of this Act, additional horse and other
12 recreational stockcamping opportunities shall be devel-
13 oped, including potable and stock water supplies and hold-
14 ing corrals throughout the Preserve. All new construction
15 shall be outside of groves and ancient forest reserves and
16 shall be in areas which will cause the least resource dam-
17 age and in areas which shall have access to the Preserve
18 trail network. Potential sites shall be considered in the
19 transportation plan.

20 (e) OTHER RECREATIONAL FACILITIES.—The man-
21 agement plan shall address sites for further study for rec-
22 reational facilities, such as interpretive facilities, disabled
23 accessible areas, trailheads, picnic and day-use facilities,
24 parking areas, scenic lookouts, and campgrounds. These

1 potential areas shall be identified and coordinated with the
2 transportation plan.

3 **SEC. 12. EFFECT OF PRESERVE ON ACTIVITIES PRE-**
4 **VIOUSLY CONDUCTED IN AREA COVERED BY**
5 **PRESERVE.**

6 (a) HUNTING AND FISHING.—Regulations regarding
7 hunting and fishing in the Preserve shall continue to be
8 under the jurisdiction of the California Department of
9 Fish and Game. If hunting and fishing activities adversely
10 affect the Preserve, the Secretary shall submit rec-
11 ommendations to the California Department of Fish and
12 Game regarding changes in such regulations.

13 (b) FIREWOOD COLLECTION.—The Secretary shall
14 manage firewood collection based on need and resource
15 protection, except that the Secretary shall prohibit fire-
16 wood collection in areas where such collection harms the
17 resources of the Preserve.

18 (c) MINERAL AND GEOTHERMAL LEASING.—No pat-
19 ent may be issued under the mining or geothermal laws
20 of the United States after the date of the enactment of
21 this Act on Federal lands in the Preserve, even if the loca-
22 tion and claim was made before such date. Federal lands
23 in the Preserve are hereby withdrawn from all forms of
24 locations, entry, and patent under the United States min-
25 ing laws, and from the operation of the mineral leasing

1 laws of the United States, including all laws pertaining
2 to geothermal leasing.

3 (d) GRAZING.—Nothing in this Act shall be construed
4 to prohibit or regulate recreational or commercial grazing.
5 Grazing in the Preserve shall continue to be regulated by
6 the Forest Service.

7 **SEC. 13. EFFECT OF PRESERVE ON OTHER PUBLIC OR PRI-**
8 **VATE INTERESTS.**

9 (a) STATE AND LOCAL LANDS.—Nothing in this Act
10 shall be construed to affect State-owned, county-owned, or
11 municipally-owned land located partially or wholly within
12 the boundaries of the Preserve.

13 (b) PRIVATELY OWNED LANDS.—Nothing in this Act
14 shall be construed to affect the use or ownership of private
15 land located partially or wholly within the boundaries of
16 the Preserve on the date of enactment of this Act. Any
17 action of the Secretary to buy or trade for privately held
18 lands for inclusion in the Preserve shall require the vol-
19 untary agreement of the private seller.

20 (c) SPECIAL-USE PERMITS.—Nothing in this Act
21 shall be construed to affect Forest Service special-use per-
22 mits or leases in effect at the time of the enactment of
23 this Act.

24 (d) LEASED PRIVATE HOMES AND CAMPS.—All
25 homes and camps with valid leases in the Preserve on the

1 date of the enactment of this Act, and which are otherwise
2 in compliance with the terms of the leases, shall continue
3 and may be renewed. Existing special use permits and
4 leases for homes and camps within the boundaries of the
5 Preserve are hereby deemed to be consistent with the pur-
6 poses of this Act. Nothing in this Act shall be construed
7 to affect the renewal of such permits and leases.

8 **SEC. 14. WATER RIGHTS.**

9 (a) RESERVATION OF RIGHT.—The Congress hereby
10 reserves a quantity of water sufficient to fulfill the pur-
11 poses of this Act. The priority date of such reserved water
12 rights shall be the date of enactment of this Act.

13 (b) PROTECTION OF RIGHT.—The Secretary and all
14 other officers of the United States shall take all steps nec-
15 essary to protect the rights reserved by this section, in-
16 cluding the filing by the Secretary of a claim for the quan-
17 tification of such rights in any present or future appro-
18 priate stream adjudication in the courts of the State of
19 California in which the United States is or may be joined
20 and which is conducted in accordance with section 208 of
21 the Act of July 10, 1952 (66 Stat. 560, 43 U.S.C. 666;
22 commonly referred to as the “McCarran Amendment”).

23 (c) PRESERVATION OF PRIOR RIGHTS.—Nothing in
24 this Act shall be construed as a relinquishment or reduc-
25 tion of any water rights reserved or appropriated by the

1 United States in the State of California on or before the
2 date of enactment of this Act.

3 (d) **RULE OF CONSTRUCTION.**—The Federal water
4 rights reserved by this Act are specific to the Preserve.
5 Nothing in this Act related to the reserved Federal water
6 rights shall be construed as establishing a precedent with
7 regard to any future designation, nor shall it constitute
8 an interpretation of any other Act or any designation
9 made pursuant thereto.

10 **SEC. 15. PAYMENTS TO LOCAL GOVERNMENTS.**

11 (a) **SECTION SUPERSEDES OTHER PAYMENT PROVI-**
12 **SIONS.**—Payments under this section shall be made in lieu
13 of payments under the Act of May 23, 1908 (16 U.S.C.
14 500) and chapter 69 of title 31 of the United States Code
15 in connection with Federal lands included in the Preserve.

16 (b) **PAYMENTS REQUIRED.**—The Secretary shall
17 make payments under this section each fiscal year to the
18 local government of each political subdivision whose
19 boundaries include Federal lands in the Preserve if such
20 local government would have received real property tax
21 revenues had such lands been privately rather than pub-
22 licly held. In the case of the fiscal year of the enactment
23 of this Act, the Secretary shall pro rate the payment that
24 would otherwise be made under this section.

1 (c) AMOUNT OF PAYMENT.—The amount of the pay-
2 ment to be made to a local government under this section
3 shall be equal to the amount of the real property tax which
4 would be due to the local government with respect to Fed-
5 eral lands in the Preserve in the fiscal year concerned had
6 such lands been privately rather than publicly held and
7 used for timber production in the State of California. For
8 purposes of this section, the amount of the required pay-
9 ment be referred to as the “tax-equivalency amount”.

10 (d) DETERMINATION OF TAX-EQUIVALENCY
11 AMOUNT.—For each fiscal year, the Secretary, after con-
12 sultation with the Comptroller General, shall determine a
13 proposed tax-equivalency amount for all Federal lands in
14 the Preserve. Upon determining the proposed tax-equa-
15 lency amount for any political subdivision, the Secretary
16 shall notify the local government concerned. If the local
17 government notifies the Secretary that the local govern-
18 ment accepts the Secretary’s estimate, the Secretary shall
19 promptly make such payment to the local government.

20 (e) DISPUTES.—If a local government objects to the
21 Secretary’s estimate of the tax-equivalency amount pro-
22 posed to be paid by the Secretary under this section for
23 any fiscal year, the local government shall notify the Sec-
24 retary in writing of the amount which the local govern-
25 ment estimates to be the correct tax-equivalency amount.

1 Upon receipt of such notice, the Secretary shall appoint
2 an arbiter. The local government shall also appoint an ar-
3 biter. The two arbiters shall jointly appoint a third arbiter.
4 The three arbiters shall comprise an arbitration panel
5 which shall determine the tax-equivalency amount to be
6 paid under this section to the local government. The deter-
7 mination of the arbitration panel shall be binding on the
8 Secretary and the local government and shall not be sub-
9 ject to judicial review, except as provided in sections 10
10 and 11 of title 9, United States Code.

11 (f) COSTS OF ARBITRATION.—The costs of any arbi-
12 tration under subsection (e) shall be paid by the Secretary,
13 except that if the tax-equivalency amount determined by
14 the arbitration panel is closer to the amount specified by
15 the Secretary than to the amount estimated by the local
16 government, the costs of the arbitration shall be deducted
17 from the tax-equivalency amount paid to the local govern-
18 ment.

19 (g) ACCOUNTING.—As a condition for receiving the
20 tax-equivalency amount, the local government shall agree
21 to provide an annual accounting to the Secretary of all
22 purposes for which the tax-equivalency amount is used and
23 the amount used for each purpose.

1 **SEC. 16. COMMUNITY ASSISTANCE TASK FORCE.**

2 (a) ESTABLISHMENT.—The Secretary shall establish
3 a Community Assistance Task Force to oversee the provi-
4 sion of assistance to communities and workers in political
5 subdivisions whose boundaries include Federal lands in the
6 Preserve or contain facilities that milled timber from lands
7 included in the Preserve during any portion of the five-
8 year period ending on the date of the enactment of this
9 Act.

10 (b) COMMUNITY REQUESTS FOR ASSISTANCE.—Any
11 community described in subsection (a) that is adversely
12 affected by loss of Federal timber sales as a result of this
13 Act may request assistance from the Task Force. The
14 Task Force shall verify the stated need for the assistance
15 and the purposes for which the assistance will be used.

16 (c) TYPES OF COMMUNITY ASSISTANCE.—The Task
17 Force shall provide assistance (including technical assist-
18 ance) for the establishment of local community task forces,
19 retraining programs for workers, diversification of local
20 economies, and job counseling and job placement services.
21 Such assistance may be in the form of loans and grants.
22 The Secretary may authorize the use of facilities, equip-
23 ment, and personnel of the Department of Agriculture to
24 provide such assistance.

25 (d) WORKER REQUESTS FOR ASSISTANCE.—Any
26 worker displaced from a job in the timber industry because

1 of the loss of Federal timber sales as a result of this Act
2 may request assistance from the Task Force to assist the
3 worker in securing other employment.

4 (e) DEVELOPMENT OF EMPLOYMENT OPPORTUNI-
5 TIES.—The Task Force shall encourage and develop em-
6 ployment opportunities in the political subdivisions de-
7 scribed in subsection (a) in forest ecosystem restoration,
8 recreation, and other forms of employment compatible
9 with the purposes and provisions of this Act.

10 (f) TERMINATION.—The Task Force shall terminate
11 five years after the date of its establishment by the Sec-
12 retary.

13 **SEC. 17. PREPARATION OF BUDGET PROPOSAL FOR PRE-**
14 **SERVE.**

15 In preparing the budget proposal for the Preserve for
16 each fiscal year, the Secretary shall not target any of the
17 budget to any commodity production in the Preserve. The
18 amount of the budget request shall be proportionate to
19 the funds which the Sequoia National Forest received be-
20 fore the enactment of this Act.

21 **SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated such sums
23 as may be necessary to carry out this Act.

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