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APPROVED
DEC 22 1974

ACTION

THE WHITE HOUSE
WASHINGTON

Last Day: December 23

December 20, 1974

*Releas...
12/23*

*To ARCHIVES
12/24*

MEMORANDUM FOR THE PRESIDENT

FROM: KEN COLE *C*

SUBJECT: Enrolled Bill H.R. 8352 - Cascade Head Scenic-Research Area, Oregon

Attached for your consideration is H.R. 8352, sponsored by Representative Wyatt of Oregon, which establishes the Cascade Head Scenic Research Area in the State of Oregon. The area would be included in the Siuslaw National Forest and be administered by the Secretary of Agriculture.

OMB recommends approval and provides you with additional background information in its enrolled bill report (Tab A).

Bill Timmons and Phil Areeda both recommend approval.

RECOMMENDATION

That you sign H.R. 8352





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 12 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 8352 - Cascade Head
Scenic-Research Area, Oregon
Sponsor - Rep. Wyatt (R) Oregon

Last Day for Action

December 23, 1974 - Monday

Purpose

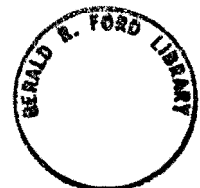
Establishes the Cascade Head Scenic-Research Area in the State of Oregon.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture	Approval
Department of the Army	No objection
Council on Environmental Quality	No objection
Department of the Interior	Defers to Agriculture

Discussion

The Cascade Head-Salmon River Area is an 8,900 acre tract located on the west slope of Oregon's Coast Range where the Salmon River meets the Pacific Ocean. The area's estuary, ocean headlands, and surrounding forest are rich in wildlife and are known for their scenic beauty. Slightly over half of the lands are in private ownership and are presently used for recreational and agricultural purposes, while most of the public lands lie within the Siuslaw National Forest and are used for forestry research.



H.R. 8352 would establish, subject to valid existing rights, the lands described above as the Cascade Head Scenic-Research Area for the use and enjoyment of the area's recreation, scenic, conservation, scientific, and other values. The entire area would be included in the Siuslaw National Forest and be administered by the Secretary of Agriculture. The Secretary would be required to develop a comprehensive management plan for the area including the management of subareas for specific purposes. The Secretary would be authorized to acquire lands by donation, purchase, or exchange -- however, an owner's consent would be required so long as use of the land remains substantially the same as on June 1, 1974, except in the estuary and associated wetlands subarea. Land and Water Conservation Fund monies could be used for such acquisition which is expected to total \$1,500,000 over a 5-year period. The entire area would be withdrawn from mineral leasing and entry. The enrolled bill would also establish an advisory council to advise the Secretary with respect to matters relating to management of the area.

In reporting on H.R. 8352, Agriculture opposed the legislative designation of a Scenic-Research Area, the detailed management requirements, the mineral withdrawal, and the advisory council. The Department supported the extension of the Siuslaw National Forest, but stated its preference to manage the area under existing authority.

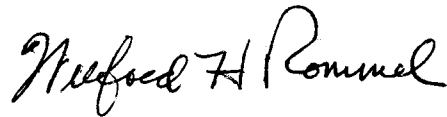
However, in reporting on the bill, the House Interior Committee expressed the belief that:

". . . the legislative designation of the area will afford a much firmer protection for this last unique area on the Oregon Coast"

In its views letter on the enrolled bill, Agriculture concludes that:

"Although the enactment differs substantially from our recommendation in the legislative and administration approach to accomplishing the protection and

use of this area, we are in agreement with the purposes of the enactment. These purposes have been fully developed through our management planning and public involvement and the legislative review of the area. Because of commonality of purpose and because the enactment will not cause major administrative problems or result in significant costs above those identified in our proposed substitute bill, we recommend the President approve the enactment."



Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE
WASHINGTON

Log 772

12/21.

Bill Tommas signed
off + returned 12/12

at 8:15 pm.

Joni Seely

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 772

Date: December 12, 1974

Time: 3:00 p.m.

FOR ACTION: Mike Duval *b.u.*
Bill Timmons
Phil Areeda *noobj.*

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: ~~Friday~~, ^{Wednesday} December ~~13~~¹⁹, 1974 Time: ~~4:00 p.m.~~^{2:00}

SUBJECT: Enrolled Bill H.R. 8352 - Cascade Head
Scenic-Research Area, Oregon

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 772

Date: December 12, 1974

Time: 3:00 p.m.

FOR ACTION: Mike Duval
Bill Timmons
Phil Areeda

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Friday, December 13, 1974

Time: ~~4:00~~ ^{2:00} p.m.

SUBJECT:

Enrolled Bill H.R. 8352 - Cascade Head
Scenic-Research Area, Oregon

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

OK Mike Duval



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 772

Date: December 12, 1974

Time: 3:00 p.m.

FOR ACTION: Mike Duval
Bill Timmons
Phil Areeda ✓

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Friday, December ¹⁸~~13~~, 1974 Time: ^{2:10}~~4:00~~ p.m.

SUBJECT: Enrolled Bill H.R. 8352 - Cascade Head
Scenic-Research Area, Oregon

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

*No objection
P Areeda*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

Honorable Roy L. Ash
Director, Office of
Management and Budget

December 9, 1974

Dear Mr. Ash:

This is in response to the request of your office for a report on the enrolled enactment H.R. 8352, "To establish the Cascade Head Scenic-Research Area in the State of Oregon, and for other purposes."

The Department of Agriculture recommends that the President approve the enactment.

The enactment would establish a 8,910 acre Cascade Head Scenic-Research Area to be administered by the Secretary of Agriculture. It would provide management direction for separate subareas within the area and subject to valid existing rights withdraw the entire area from mineral entry and leasing. The Secretary would be authorized to acquire lands and interests in lands; however, except in the estuary and associated wetlands subarea, acquisition could only be done with the consent of the owner so long as the owner uses the land for substantially the same purposes and in the same manner as the lands were used on June 1, 1974. Use of Land and Water Conservation Fund monies would be authorized and an advisory council would be established.

In our report of May 3, 1974, on H.R. 8352 we agreed that the National Forest boundary should be extended to include additional land within the National Forest and that the area should be managed to provide for the protection and use of its unique values. We recommended a substitute bill to include an additional 5,402 acres in the Siuslaw National Forest. We did not favor the legislative designation of a Scenic-Research Area, the detailed management direction contained in H.R. 8352, or the establishment of a separate advisory council for the area. We would have preferred to manage the area under existing authorities available to the Secretary.

The Congress did not adopt our recommended substitute bill, and instead retained the original provisions of H.R. 8352 with regard to legislative designation of the area, providing specific management direction, and direction to establish an advisory council. The Congress did adopt our proposed statement of purpose for the area which emphasizes use, protection, and study of the area. They also modified their proposed addition to the National Forest to more closely conform to our boundary recommendation.

Honorable Roy L. Ash

2

The Senate in their initial action on the House Act adopted restrictive language in subsection 3(c)(3) with regard to timber harvest activity in the upper timbered slope and headlands subareas. We reported to both Houses on September 13, 1974, our objection to this restriction as it would affect our research in the area. The restriction on timber harvest was subsequently modified to allow timber harvest activity conducted in connection with research activities.

Although the enactment differs substantially from our recommendation in the legislative and administration approach to accomplishing the protection and use of this area, we are in agreement with the purposes of the enactment. These purposes have been fully developed through our management planning and public involvement and the legislative review of the area. Because of commonality of purpose and because the enactment will not cause major administrative problems or result in significant costs above those identified in our proposed substitute bill, we recommend the President approve the enactment.

Sincerely,

A handwritten signature in cursive script that reads "J. Phil Campbell". The signature is written in dark ink and is positioned above the typed name.

J. Phil Campbell
Acting Secretary



DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

10 DEC 1974

Honorable Roy L. Ash
Director
Office of Management and Budget

Dear Mr. Ash:

This is in reply to your request for the views of the Department of the Army on enrolled enactment H. R. 8352, 93d Congress, "To establish the Cascade Head Scenic-Research Area in the State of Oregon, and for other purposes."

The Department of the Army has no objection to the approval of the enrolled enactment.

The Act would extend the boundaries of the Siuslaw National Forest to include the Cascade Head-Salmon River area in Oregon for public outdoor recreation use and enjoyment, and conservation and study of scenic, scientific, historic, and other values. The Cascade Head Scenic-Research Area would be administered by the Secretary of Agriculture for these purposes and in accordance with his existing authorities. The subject area would be withdrawn from mineral entry and leasing. The Secretary of Agriculture would be authorized to acquire lands and interest in lands subject to certain specified limitations. The Act would also authorize the use of Land and Water Conservation Fund moneys and would establish an advisory council for the area.

Sincerely,

A handwritten signature in cursive script that reads "Howard H. Callaway".

Howard H. Callaway
Secretary of the Army

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

DEC 10 1974


MEMORANDUM FOR W. H. ROMMEL
OFFICE OF MANAGEMENT AND BUDGET

ATTN: Mrs. Garziglia

SUBJECT: Enrolled Bill, H. R. 8352, "To establish the
Cascade Head Scenic-Research Area in the State
of Oregon, and for other purposes."

This is in response to your request of December 6, for
our views on the subject enrolled bill.

The Council has no objection to the approval and enactment
of this bill.


Gary Widman
General Counsel





United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

DEC 10 1974

Dear Mr. Ash:

This responds to your request for our views on enrolled bill H. R. 8352, "To establish the Cascade Head Scenic-Research Area in the State of Oregon and for other purposes."

We have no objection to the President's approving this enrolled bill, but would defer to the Secretary of Agriculture as to its merits.

H. R. 8352 would establish certain ocean headlands, rivers, streams, estuaries, forested areas, recreational and scientific research facilities in Oregon within and adjacent to the Siuslaw National Forest, as the Cascade Head Scenic-Research Area. Some of the acreage in the proposed area is already in Federal ownership, including 197 acres administered by the Bureau of Land Management of this Department. The proposed area, now 56% privately owned, would become a part of the Siuslaw National Forest, and be administered by the Secretary of Agriculture in accordance with the laws, rules and regulations applicable to the National Forests.

In our report on H. R. 8352, as introduced, we stated that we had no objection to the inclusion of the BLM administered lands within the National Forest but deferred to the Department of Agriculture as to the merits of the bill. We continue to have no objection to the inclusion of these lands in the National Forest and, accordingly, have no objection to the President's approving this enrolled bill.

Sincerely yours,

Assistant Secretary of the Interior

Honorable Roy L. Ash
Director, Office of
Management and Budget
Washington, D. C. 20503

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 12 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 8352 - Cascade Head
Scenic-Research Area, Oregon
Sponsor - Rep. Wyatt (R) Oregon

Last Day for Action

December 23, 1974 - Monday

Purpose

Establishes the Cascade Head Scenic-Research Area in the State of Oregon.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture	Approval
Department of the Army	No objection
Council on Environmental Quality	No objection
Department of the Interior	Defers to Agriculture

Discussion

The Cascade Head-Salmon River Area is an 8,900 acre tract located on the west slope of Oregon's Coast Range where the Salmon River meets the Pacific Ocean. The area's estuary, ocean headlands, and surrounding forest are rich in wildlife and are known for their scenic beauty. Slightly over half of the lands are in private ownership and are presently used for recreational and agricultural purposes, while most of the public lands lie within the Siuslaw National Forest and are used for forestry research.

H.R. 8352 would establish, subject to valid existing rights, the lands described above as the Cascade Head Scenic-Research Area for the use and enjoyment of the area's recreation, scenic, conservation, scientific, and other values. The entire area would be included in the Siuslaw National Forest and be administered by the Secretary of Agriculture. The Secretary would be required to develop a comprehensive management plan for the area including the management of subareas for specific purposes. The Secretary would be authorized to acquire lands by donation, purchase, or exchange -- however, an owner's consent would be required so long as use of the land remains substantially the same as on June 1, 1974, except in the estuary and associated wetlands subarea. Land and Water Conservation Fund monies could be used for such acquisition which is expected to total \$1,500,000 over a 5-year period. The entire area would be withdrawn from mineral leasing and entry. The enrolled bill would also establish an advisory council to advise the Secretary with respect to matters relating to management of the area.

In reporting on H.R. 8352, Agriculture opposed the legislative designation of a Scenic-Research Area, the detailed management requirements, the mineral withdrawal, and the advisory council. The Department supported the extension of the Siuslaw National Forest, but stated its preference to manage the area under existing authority.

However, in reporting on the bill, the House Interior Committee expressed the belief that:

". . . the legislative designation of the area will afford a much firmer protection for this last unique area on the Oregon Coast"

In its views letter on the enrolled bill, Agriculture concludes that:

"Although the enactment differs substantially from our recommendation in the legislative and administration approach to accomplishing the protection and

use of this area, we are in agreement with the purposes of the enactment. These purposes have been fully developed through our management planning and public involvement and the legislative review of the area. Because of commonality of purpose and because the enactment will not cause major administrative problems or result in significant costs above those identified in our proposed substitute bill, we recommend the President approve the enactment."

(signed) Wilfred H. Roumel

Assistant Director for
Legislative Reference

Enclosures

ESTABLISHING THE CASCADE HEAD SCENIC-RESEARCH AREA IN THE STATE OF OREGON, AND FOR OTHER PURPOSES

AUGUST 13, 1974.—Ordered to be printed

Mr. HASKELL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 8352]

The Committee on Interior and Insular Affairs, to which was referred the Act (H.R. 8352) to establish the Cascade Head Scenic-Research Area in the State of Oregon, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following language:

That in order to provide present and future generations with the use and enjoyment of certain ocean headlands, rivers, streams, estuaries, and forested areas, to insure the protection and encourage the study of significant areas for research and scientific purposes, and to promote a more sensitive relationship between man and his adjacent environment, there is hereby established, subject to valid existing rights, the Cascade Head Scenic-Research Area (hereinafter referred to as "the Area") in the Siuslaw National Forest in the State of Oregon.

SEC. 2. The administration, protection, development, and regulation of use of the Area shall be by the Secretary of Agriculture (hereinafter referred to as the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best contribute to attainment of the purposes of this Act.

SEC. 3. (a) The boundaries of the Area, and the boundaries of the subareas included therein, shall be those shown on the map entitled "Proposed Cascade Head Scenic-Research Area", dated June 1974, which is on file and available for public inspection in the office of the Chief, Forest Service, United States Department of Agriculture: *Provided*, That, from time to time, the Secretary may, after public hearing or other appropriate means for public participation, make adjustments in the boundaries of subareas to reflect changing natural conditions or to provide for more effective management of the Area and each of the subareas in accordance with the purposes and provisions of this Act.

(b) As soon as practicable after the enactment of this Act, the Secretary shall, with provisions for appropriate public participation in the planning process, develop a comprehensive management plan for the Area. Said plan shall prescribe specific management objectives and management controls necessary for the protection, management, and development of the Area and each of the subareas established pursuant to subsection (c) hereof.

(c) Within the Area, the following subareas shall be established and shall be managed in accord with the following primary management objectives which shall be supplemental to the general management objectives applicable to the entire Area:

(1) Estuary and Associated Wetlands Subarea: An area managed to protect and perpetuate the fish and wildlife, scenic, and research-education values, while allowing dispersed recreation use, such as sport fishing, non-motorized pleasure boating, waterfowl hunting, and other uses which the Secretary determines are compatible with the protection and perpetuation of the unique natural values of the subarea. After appropriate study, breaching of existing dikes may be permitted within the subarea.

(2) Lower Slope-Dispersed Residential Subarea: An area managed to maintain the scenic, soil and watershed, and fish and wildlife values, while allowing dispersed residential occupancy, selective recreation use, and agricultural use.

(3) Upper Timbered Slope and Headlands Subareas: Areas managed to protect the scenic, soil and watershed, and fish and wildlife values while allowing selective recreation and extensive research-educational activities. Timber harvesting activity may occur in these subareas only when the Secretary determines that the preservation of the timber resource is imminently threatened by fire, old age, infestation or similar natural occurrences.

(4) Coastline and Sand Dune-Spit Subareas: Areas managed to protect and maintain the scenic and wildlife values while allowing selective recreation and extensive research-educational activities.

SEC. 4. (a) The boundaries of the Siuslaw National Forest are hereby extended to include all of the lands lying within the Area as described in accordance with section 3 of this Act which are not within the national forest boundaries on the date of enactment of this Act.

(b) Notwithstanding any other provision of law, any Federal property located on the lands added to the Siuslaw National Forest by this section may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary. Any lands so transferred shall become part of the Siuslaw National Forest.

SEC. 5. (a) Subject to the provisions of subsection (b) of this subsection, the Secretary is authorized to acquire lands, waters, or interests therein within the Area by donation, purchase, exchange, or otherwise.

(b) Within all subareas of the Area except the estuary and associated wetlands subarea, the Secretary may not require any land or interest in land without the consent of the owner or owners so long as the owner or owners use such land for substantially the same purposes and in the same manner as it was used and maintained on June 1, 1974: *Provided, however,* That the Secretary may acquire any land or interest in land without the consent of the owner or owners when such land is in imminent danger of being used for different purposes or in a different manner from the use or uses existing on June 1, 1974. The Secretary shall publish, within one hundred and eighty days of the enactment of this Act, guidelines which shall be used by him to determine what constitutes a substantial change in land use or maintenance for the non-federally-owned lands within the Area. Within the estuary and associated wetlands subarea the Secretary may acquire any land or interest in land without the consent of the owner or owners at any time, after public hearing.

(c) At least thirty days prior to any substantial change in the use or maintenance of any non-federally-owned land within the Area, the owner or owners of such land shall provide notice of such proposed change to the Secretary or his designee, in accordance with such guidelines as the Secretary may establish.

SEC. 6. Notwithstanding the provisions of clause 7(a)(1) of the Act of September 3, 1964 (78 Stat. 903), as amended, moneys appropriated from the Land and Water Conservation Fund shall be available for the acquisition of any lands, waters, or interests therein within the area added to the Siuslaw National Forest by this Act.

SEC. 7. The lands within the Area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

SEC. 8. (a) The Secretary, pursuant to the Federal Advisory Committee Act (86 Stat. 770), shall establish an advisory council for the Area, and shall consult on a periodic and regular basis with such council with respect to matters relating to management of the Area. The members of the advisory council, who shall not exceed eleven in number, shall serve for the individual staggered terms of three years each and shall be appointed by the Secretary as follows—

(1) a member to represent each county in which a portion of the Area is located, each such appointee to be designated by the respective governing body of the county involved;

(2) a member appointed to represent the State of Oregon, who shall be designated by the Governor of Oregon; and

(3) not to exceed eight members appointed by the Secretary from among persons who, individually or through association with national or local organizations, have an interest in the administration of the area.

(b) The Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.

(c) The members shall not receive any compensation for their services as members of the advisory council, but they shall be reimbursed for travel expenses and shall be allowed, as appropriate, per diem or actual subsistence expenses.

(d) In addition to his consultation with the advisory council, the Secretary shall seek the views of other private groups, individuals, and the public, and shall seek the views and assistance of, and cooperate with, all other Federal, State, and local agencies with responsibilities for zoning, planning, migratory fish, waterfowl, and marine animals, water, and natural resources, and all nonprofit agencies and organizations which may contribute information or expertise about the resources, and the management, of the Area, in order that the knowledge, expertise and views of all agencies and groups may contribute affirmatively to the most sensitive present and future use of the Area and its various subareas for the benefit of the public.

SEC. 9. The Secretary shall cooperate with the State of Oregon and political subdivisions thereof in the administration of the Area and in the administration and protection of lands within and adjacent to the Area owned or controlled by the State or political subdivisions thereof. Nothing in this Act shall deprive the State of Oregon or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the Area consistent with the provisions of this Act, or of its right to tax persons, corporations, franchises or other non-Federal property, in or on the lands or waters within the Area.

I. PURPOSE

H.R. 8352, as ordered reported, would establish the approximately 8,910-acre Cascade Head Scenic-Research Area in and adjacent to the Siuslaw National Forest in portions of Lincoln and Tillamook Counties, State of Oregon.

II. BACKGROUND

A. Description of the area

The Cascade Head Scenic-Research Area is located on the west slope of the Coast Range of Oregon in the area known as Cascade Head which fronts on the Pacific Ocean. The topography ranges from tidal marshland to the typical rugged features of the Coast Range.

The geographical focal point of the area is the Salmon River estuary. The estuary is in virtually pristine condition and is bordered by a beautiful sand spit on the west and the prominent Cascade Head uplands on the north. The upland area on three sides is timbered. With the exception of the streambed, all the flats are exposed at

low tide. The highest point in the Area is the 1,600-foot summit of Cascade Head; the lowest elevation is sea level at the mouth of the Salmon River.

Population within the Area is light, although clusters of development do exist. At the present time about 300 persons are living within the Area on a permanent basis, and perhaps as many as 450 persons reside there during the summer.

The Area is within easy access of more densely populated areas. The Pacific Coast Highway runs north and south along and through the eastern portion of the Area. Oregon State Highway No. 18 which joins the Pacific Coast Highway at Otis Junction, provides access from the east. A county road and forest service roads allow access to the heart of the Area. Approximately one and a half million people live within three hours driving time and an additional thirteen million people could drive to the Area within twelve hours.

The Area is rich in wildlife and fish. Black-tailed deer and black bear are the most prominent of the big game animals. The Area serves as an important nesting, resting, and feeding area for migrating waterfowl. It enjoys an annual average of 26,400 waterfowl use days. Among the uncommon waterfowl, shorebirds, and other estuary birds found in the Area are lesser scaup, bufflehead duck, ring-necked duck, horned grebe, common egret, brown pelican, harlequin duck and snowy plover. California sea lion, in a colony estimated as high as 400 animals, and the lone bald eagle and Pacific giant salamander which, although not plentiful, have been observed in the area, are perhaps the most interesting of the non-game animals and birds. A total of 37 species of fish have been identified in the Area. Particularly critical phases of salmon and steelhead life histories occur in the estuary. Similarly, herring, the major feed for salmon, need the estuary for successful spawning. The Area also contains sea perch, flounder, ling, cod, clams, and crabs. The Area enjoyed 5,000 angler days in 1970 and has a predicted angler-day use for the year 1980 of 12,000 angler days.

The 3,584 acres of national forest lands within the Area are part of the Cascade Head Experimental Forest which was established in May of 1934 for studies in silviculture, forest protection, ecology, forest utilization and related subjects in the Sitka spruce—western hemlock timber type. Since 1934 two other administrative subareas have been classified under the Secretary of Agriculture's authority: the 686-acre Neskowin Crest Research Natural Area established in 1941 and the 250-acre Cascade Head Scenic Area designated in 1966. The Research Natural Area is protected from all activities of man and is used as a "bench-mark" or "control-area". The Scenic Area is designated to afford protection to that part of Cascade Head that fronts on the Pacific Ocean.

Approximately 5,920 acres, or 66 percent of the Area, is considered to be commercial forest land. Stands of Sitka spruce dominate. Douglas-fir stands are found north of the Salmon River on both sides of the Pacific Coast Highway. Small parcels of western hemlock are scattered throughout the spruce. There is also an abundance of old cut over and burned areas now covered with stands of red alder.

The Forest Service, in its draft environmental impact statement on the legislation, summarized commercial timber activities as follows:

Currently, the private commercial forest land in the Area contributes little to the area's economy. Most of this land has been cut over. However, if intensively managed on a 100-year harvest rotation, this private land could contribute approximately 1.4 million board feet annually to the area's allowable harvest. Timber on the Cascade Head Experimental Forest is not included in the Siuslaw National Forest's calculation of allowable harvest. Removal depends on the nature of experimental programs. In past years, timber harvest has been high. At the present time, it is limited to a salvage or maintenance program.

B. Need for, and brief description of, the legislation

Despite the present lack of major timbering activity in the Experimental Forest and the administrative protection provided to its subareas, the public has expressed a belief that the scenic, recreational, and research values of the national forest lands within the Area should be given permanent statutory protection. However, the real focus of public concern has been on the future management of the estuary, associated wetlands, and immediately adjacent forest lands—areas which are predominantly outside of the national forest boundary and are presently used for recreational and agricultural purposes.

H.R. 8352, as ordered reported, would extend the Siuslaw National Forest boundary to encompass these adjacent areas, to designate the consolidated area as the Cascade Head Scenic-Research Area, and to provide statutory guidelines to protect the scenic, recreational, and research values of the Area.

The following table shows the distribution of current land ownership in the proposed Area:

Owner	Acres	Percent
National forest.....	3,584	40
Public domain.....	132	1
State of Oregon.....	248	3
YWCA.....	703	8
Nature conservancy.....	312	4
Timber companies.....	1,341	15
Other private owners.....	2,589	29
Total.....	8,909	100

In short, the extension of the national forest boundaries will add 5,325 acres (of which 4,945 acres are in private ownership) to the Siuslaw National Forest. Forty percent of the land to be included within the Cascade Head Scenic-Research Area is now national forest land, four percent is other public—Federal and State—land, and 56 percent is privately owned.

H.R. 8352, as ordered reported, would specify management directions for six separate subareas within the Area. These subareas evolved from a Forest Service Study of the Area and are described in detail in the environmental impact statement. The subareas to be established would be managed according to the following primary management objectives:

(1) Estuary and Associated Wetlands Subarea.—This area is to be managed to protect and perpetuate fish and wildlife, scenic, and re-

search—education values, while, at the same time, allowing dispersed recreational and other uses compatible with the above criteria. For example, sport fishing, nonmotorized pleasure boating, and waterfowl hunting are possible uses for the consideration of the Secretary of the Interior.

(2) Lower Slope-Dispersed Residential Subarea.—This area is to be managed to maintain scenic, soil and watershed, and fish and wildlife values while allowing dispersed residential occupancy and recreational and agricultural uses.

(3) and (4) Upper Timbered Slope and Headlands Subareas.—These areas are to be managed to protect the scenic, soil and watershed, and fish and wildlife values while allowing selective recreation and extensive research-educational activities. Timber harvesting activities could occur in these subareas only when the Secretary of Agriculture determines that the preservation of the timber resource is imminently threatened by fire, old age, infestation or similar natural occurrence.

(5) and (6) Coastline and Sand Dune-Spit Subareas.—These areas are to be managed to maintain and protect the scenic and wildlife values while allowing selective recreation and extensive research-educational activities.

H.R. 8352, as ordered reported, would withdraw the entire Area from mineral entry and leasing.

To help achieve these broad and specific objectives the Secretary of Agriculture would be authorized to acquire lands and interests in lands, though this authority is specifically limited. Acquisition, except in the estuary and associated wetlands subarea, could only be done with the consent of the owner so long as the owner uses the land for substantially the same purposes, and in the same manner, as the lands were used on June 1, 1974. On the other hand, when such lands are in imminent danger of being used for different purposes or in a different manner from the uses existing on June 1, 1974, the Secretary could acquire the lands or interests in the lands without the consent of the owner. This authorization is to protect the Area from substantial changes in use that would irreparably damage the natural qualities of the Area. A further protection for both the Area and the land owners within the Area is that at least thirty days prior to any substantial change in the use of non-federally owned lands, the owner or owners of such lands would have to provide notice of such proposed change in use to the Secretary. This would be done in accordance with such guidelines as the Secretary may establish. This provision allows the Secretary to determine whether a proposed change in use is incompatible with proper management of the Area in advance of the change and to take the appropriate steps which could include acquisition of the lands when necessary. Clearly, the private land owners would benefit from such a provision by their knowing in advance whether any land use change they might propose is compatible with the management of the Area in accordance with H.R. 8352. Monies from the Land and Water Conservation Fund would be available for the acquisition of any lands, waters, or interests therein within the Area.

An advisory council would be established for the Area. The Act specifies that the total membership must not exceed eleven and that the members are to be appointed as follow :

(1) A member to represent each county in which a portion of the Area is located, who is to be designated by the governing body of the county involved;

(2) A member appointed to represent the State of Oregon, who is to be designated by the Governor; and

(3) Not to exceed eight members appointed by the Secretary of Agriculture from among persons who, individually or through association with national or local organizations, have an interest in the administration of the Area.

In addition to consulting with the advisory council, the Secretary of Agriculture would be required to seek the views of other private groups, individuals and the public, plus the assistance of appropriate State, Federal and local agencies with responsibilities for zoning, planning, migratory fish, waterfowl, and marine animals, water and natural resources.

The final provisions of H.R. 8352, as ordered reported, would direct the Secretary of Agriculture to cooperate with the State of Oregon and its political subdivisions in administering the Area. The provisions also reserve to the State of Oregon and its political subdivisions the right to exercise civil and criminal jurisdiction in the Area consistent with provisions of the Act, and the right to tax persons, corporations, franchises or other non-federal property in the Area.

III. COMMITTEE AMENDMENT

The Committee amendment to H.R. 8352 includes a number of technical changes. The only substantive changes are as follows: refer to recreation activities in the subareas designated in section 3(c)(2), (3), and (4) as "selective" rather than "extensive"; tighten the language concerning timber harvesting in section 3(c)(3) so as to limit the purpose for which it may be allowed to preservation of the timber resource in the face of eminent threats from natural occurrences; and provide that the advisory council be appointed pursuant to the Federal Advisory Committee Act (86 Stat. 770).

IV. LEGISLATIVE HISTORY

H.R. 8352 was introduced by Representative Wendell Wyatt in the House of Representatives on June 4, 1973. The bill, as amended, was ordered reported from the Subcommittee on Public Lands on June 5, 1974, and from the Committee on Interior and Insular Affairs on June 26, 1974. The report (Report No. 93-1247) was filed on July 31, 1974. On August 5, 1974 the bill was passed by the House of Representatives under suspension of the rules.

Senator Packwood introduced the companion bill—S. 1943—in the Senate on June 4, 1973. The Subcommittee on Public Lands held a hearing on the measure on June 24, 1974.

On July 15, 1974, the Chairman of the Subcommittee, Senator Haskell, presented S. 1943 to the Full Committee in open markup session. First, the Committee agreed to substitute H.R. 8352, as ordered reported from the House Interior Committee, for S. 1943. (The differences between H.R. 8352 and S. 1943, as introduced, are discussed in the House Report (Report No. 93-1247).) Second, the Committee adopted

a number of changes to H.R. 8352 (see discussion under "III. Committee Amendment" in this report). Finally, by unanimous voice vote, the Committee ordered reported H.R. 8352, as amended. At the request of Senator Hatfield, the Committee agreed that the order to report would become effective immediately upon passage of H.R. 8352 in the House of Representatives. As previously noted, this occurred on August 5, 1974.

V. COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, by unanimous voice vote in open markup on July 15, 1974, recommended that H.R. 8352, as amended by the Committee, be enacted.

VI. TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to subsection (b) of section 133 of the Legislative Reorganization Act of 1946, as amended, the following is a tabulation of votes of the Committee on Interior and Insular Affairs during consideration of H.R. 8352.

1. During the Committee's consideration of H.R. 8352, several voice votes were taken on amendments. The votes were cast in open markup session and, because the votes were previously announced by the Committee in accord with the provisions of section 133(b), it is not necessary that they be tabulated in the committee report.

2. H.R. 8352, as amended, was ordered reported favorably to the Senate on a unanimous voice vote.

VII. COST

In accordance with subsection (a) of section 252 of the Legislative Reorganization Act of 1970, the Committee notes that the cost of H.R. 8352, as ordered reported, would be as follows:

A land acquisition plan has not been developed for the Area; however, the Department of Agriculture estimates a possible five year land acquisition program of \$1.5 million which would be funded through the Land and Water Conservation Fund. The estimated increased annual cost for administration of the Area as part of the Siuslaw National Forest is \$80,000.

VIII. EXECUTIVE COMMUNICATIONS

The reports of and communications from Federal agencies relevant to H.R. 8352, as ordered reported, are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 2, 1974.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on S. 1943, a bill "To establish the Cascade Head Scenic-Research Area in the State of Oregon, and for other purposes."

S. 1943 would establish certain ocean headlands, rivers, streams, estuaries, forested areas, recreational and research-scientific facilities in Oregon within and adjacent to the Siuslaw National Forest as the Cascade Head Scenic-Research Area. The proposed area would become part of the Siuslaw National Forest and would be administered by the Secretary of Agriculture in accordance with the laws, rules and regulations applicable to national forests.

Some of the acreage in the proposed area is already in Federal ownership, including 197 acres administered by the Bureau of Land Management. We have no objection to this acreage being transferred into an enlarged Siuslaw National Forest. However, since the Department of Agriculture would administer the proposed area, we defer to the views of that agency as to whether S. 1943 should be enacted.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL P. REED,
Assistant Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 8, 1974.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs

DEAR MR. CHAIRMAN: As you requested here is our report on S. 1943, a bill "To establish the Cascade Head Scenic-Research Area in the State of Oregon, and for other purposes."

The Department of Agriculture agrees that additional lands in the Cascade Head-Salmon River area should be included within the National Forest boundary and that the area should be managed to provide for the protection and use of its unique values. The type of land management desired for the area can be achieved under existing authorities, provided the National Forest boundary is extended to include all of the Cascade Head Area and use of Land and Water Conservation Fund monies is authorized. We support legislation to extend the National Forest boundary; however, we recommend enactment of our proposed substitute bill in lieu of S. 1943.

S. 1943 would establish the Cascade Head Scenic-Research Area for public outdoor recreation use and enjoyment and conservation and study of scenic, scientific, historic, and other values. It would provide that the entire area be included in the Siuslaw National Forest and be administered by the Secretary of Agriculture. It would specify management direction for separate subareas within the area and withdraw the entire area from mineral entry and leasing. The Secretary would be authorized to acquire lands and interests in lands; however, except in the estuary and associated wetlands subarea, acquisition could only be done with the consent of the owner so long as the owner uses the land for substantially the same purposes and in the same manner as the lands were used on June 1, 1973. Use of Land and Water

Conservation Fund monies would be authorized and an advisory council would be established.

The Cascade Head-Salmon River area is known for the spectacular beauty of its estuary, coastal beaches, headlands, and the surrounding forested lands. The area which would be affected by S. 1943 involves approximately 8,200 acres consisting of a mixture of public and private lands. Approximately one-half of the area is outside the existing National Forest boundary. Approximately 90 percent of the lands within the National Forest boundary are National Forest lands. Portions of these National Forest lands are presently administered under regulations of the Secretary of Agriculture as a Research Natural Area, a Scenic Area, and an Experimental Forest. Major public concern has been concentrated on the future management of the estuary, associated wetlands, and immediately adjacent forest lands. These lands are predominately outside the National Forest boundary and presently used for recreational and agricultural purposes. Studies by the Forest Service and others indicate the desirability of including the entire area within the Siuslaw National Forest with management plans for the public and private lands jointly developed by the Forest Service and local authorities. Public ownership of lands within the estuary and associated wetlands and certain adjacent lands is considered necessary to the protection of unique esthetic and research-natural values in the area.

Our proposed substitute bill, which is included with his report, would provide for an extension of the National Forest boundaries to include the estuary and associated wetlands. Lands or interests in lands acquired or transferred to the National Forest would be administered in accordance with the laws, rules, and regulations applicable to the National Forests, with emphasis on purposes set forth in the substitute bill. These purposes are essentially the same as those set forth in S. 1943. Our proposed bill would limit acquisition of privately-owned property, authorize use of Land and Water Conservation Fund monies, and provide for transfer of Federal property to the administrative jurisdiction of the Secretary of Agriculture in a manner very similar to that proposed in S. 1943.

Our proposed substitute bill differs from S. 1943 primarily in that it would permit the Secretary of Agriculture, using existing authorities, to designate the Cascade Head Scenic-Research Area. Within the National Forest System the Forest Service administers numerous areas for special purposes similar to those proposed for the Cascade Head area. Under Secretarial Regulation special areas are specifically designated and management plans developed. Through a long history, we have demonstrated an ability to provide the necessary protection and management of such special areas to preserve the unique values recognized at the time of their designation. We consider it highly desirable that the designation and management of such areas be carried out under existing authority available to the Department. We would consider the legislative designation of the Cascade Head Scenic-Research Area an invitation for similar legislation applying to many other special areas designated by the Secretary. We do not believe legislative designations are necessary for the protection and management of these areas in the National Forest System. Consequently, we strongly recommend the adoption of our substitute bill in lieu of S. 1943.

A land acquisition plan has not been developed for the area; however, we estimate a possible 5-year land acquisition program of \$1.5 million which would be funded through the Land and Water Conservation Fund. Our estimated increased annual cost for administration of the area as part of the National Forest is \$80 thousand.

An environmental statement has been prepared pursuant to the provisions of subsection 102(2) (C) of the National Environmental Policy Act (83 Stat. 853) and is enclosed.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL, *Under Secretary.*

A BILL To provide for the Cascade Head Scenic-Research Area Addition to the Siuslaw National Forest in the State of Oregon, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide present and future generations with the use and enjoyment of certain ocean headlands, rivers, streams, estuaries, and forested areas and to promote the protection and study of significant areas for research and scientific purposes, and to promote a more sensitive relationship between man and his adjacent environment, the boundaries of the Siuslaw National Forest are hereby extended to include those lands depicted on a map entitled, "Proposed Cascade Head Scenic-Research Area Addition to the Siuslaw National Forest," dated January, 1974, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture.

SEC. 2. (a) Except as provided in subsection (b) of this section, within the area added to the Siuslaw National Forest by this Act the authority of the Secretary of Agriculture to acquire privately-owned property without the consent of the owner shall be suspended so long as the owner uses such property for the same purposes and to the same extent as the property was being used and maintained on January 1, 1974. The Secretary shall document present use and shall establish guidelines which shall be used by him to determine what constitutes a change in use or maintenance of privately owned property within the area. Nothing in this subsection shall limit the authority of the Secretary of Agriculture to acquire interests in land or water within the area added to the Siuslaw National Forest by this Act without the consent of the owner: *Provided*, That such acquisition shall not preclude the continuation of any use exercised by the owner and to the extent exercised on January 1, 1974.

(b) Within the "Estuary and Associated Wetlands Areas" as delineated on the map referred to in section 1, the Secretary of Agriculture may acquire lands, waters, or interests therein, without the consent of the owner.

SEC. 3. Notwithstanding any other provision of law, any Federal property located within the area added to the Siuslaw National Forest by this Act may, with the concurrence of the agency having custody

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., May 20, 1974.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
New Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request of June 14, 1973, for the views of the Office of Management and Budget on S. 1943, a bill "To establish the Cascade Head Scenic-Research Area in the State of Oregon, and for other purposes."

The Office of Management and Budget concurs in the views of the Department of Agriculture in its report on S. 1943, and accordingly we recommend enactment of the Department's proposed substitute bill in lieu of S. 1943. The Department of Agriculture's substitute proposal is a bill "To provide for the Cascade Head Scenic-Research Area Addition to the Siuslaw National Forest in the State of Oregon, and for other purposes."

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

IX. CHANGES IN EXISTING LAW

In compliance with subsection (4) of Rule XXIX of the Standing Rules of the Senate, the committee notes that no changes in existing law are made by H.R. 8352, as ordered reported.



ESTABLISHING THE CASCADE HEAD SCENIC RE-
SEARCH AREA IN THE STATE OF OREGON, AND FOR
OTHER PURPOSES

JULY 31, 1974.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

MR. HALEY, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H.R. 8352]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 8352) to establish the Cascade Head Scenic Research Area in the State of Oregon, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, lines 3 and 4, strike the words "for the public outdoor recreation" and insert "present and future generations with the".

Page 1, line 5, after "estuaries," insert "and".

Page 1, beginning on line 5, after "forested areas," strike the remainder of line 5 through "such areas," on line 9 and insert in lieu thereof "and to promote the protection and study of significant areas for research and scientific purposes,".

Page 2, line 13, strike out "1973," and insert "1974,".

Page 5, line 4, strike out "1973." and insert

1974: *Provided*, however, That the Secretary may acquire lands or interests in lands without the consent of the owner when such lands are in imminent danger of being used for different purposes or in a different manner from the uses existing on June 1, 1974."

Page 5, line 5, strike out "ninety" and insert "one hundred and eighty".

Page 5, line 11, strike out "hearings." and insert "hearing."

Page 5, following line 11, insert a new subsection as follows:

"(c) At least thirty days prior to any substantial change in the use of non-federally owned lands within the area, the

owner or owners of such lands shall provide notice of such lands shall provide notice of such proposed change in use to the Secretary or his designee, in accordance with such guidelines as the Secretary may establish."

Page 5, line 13, strike out "6(a) (1)" and insert "7(a) (1)".
Page 5, line 14, after "(78 Stat. 903," insert "as amended,".

PURPOSE

H.R. 8352, introduced by Congressman Wendell Wyatt, and as amended by the Interior Committee, would establish the Cascade Head Scenic-Research Area in the State of Oregon. It extends the boundaries of the Siuslaw National Forest to include all of the lands not presently within the national forest boundaries.

EXPLANATION AND NEED

H.R. 8352, as amended by the Committee, would establish the Cascade Head Scenic-Research Area for the use and enjoyment by present and future generations of the ocean headlands, rivers, streams, estuaries and forested areas contained within this area. The bill provides that the entire area be included in the Siuslaw National Forest and be administered by the Secretary of Agriculture.

The Cascade Head-Salmon River area is known for the spectacular beauty of its estuary, coastal beaches, headlands, and the surrounding forested lands. The area which would be affected by H.R. 8352, as amended, involves approximately 8,910 acres consisting of a mixture of public and private lands. Approximately one-half of the area is outside the existing National Forest boundary; and approximately fifty percent of the land covered by the legislation is in private ownership. Portions of the National Forest lands included are presently administered under regulations of the Secretary of Agriculture as a Research Natural Area, a Scenic Area, and an Experimental Forest. Major public concern has been concentrated on the future management of the estuary, associated wetlands, and immediately adjacent forest lands. These lands are predominately outside the National Forest boundary and are presently used for recreational and agricultural purposes.

In order to consolidate and manage the lands within the boundaries of the Scenic-Research area, there are certain authorizations and guidelines provided the Secretary of Agriculture. The basic proposal in H.R. 8352, as amended, was developed after studies by the Forest Service, and others. It indicated the desirability of including the entire area within the Siuslaw National Forest. Management plans for the public and private lands were jointly developed by the Forest Service and local authorities. Public ownership or management control of the lands within the estuary and associated wetlands, and certain adjacent lands, is considered necessary to the protection of unique esthetic and research-natural values in the area.

H.R. 8352, as amended, would specify management direction for six separate subareas within the Area. The Committee accepted this provision because of the special and unique nature of each subarea and a

specific desire to have each subarea managed individually so that its distinctiveness could be retained and maintained. The subareas evolved from the Forest Service study of the area. The subareas to be established would be managed according to the following primary management objectives:

(1) *Estuary and Associated Wetlands Subarea*.—This area is to be managed to protect and perpetuate fish and wildlife, scenic and research-education values, while, at the same time, allowing dispersed recreational and other uses compatible with the above criteria, as determined by the Secretary. For example sport fishing, nonmotorized pleasure boating, and waterfowl hunting are possible uses for the Secretary's consideration.

(2) *Lower Slope-Dispersed Residential Subarea*.—This area is to be managed to maintain scenic, soil and watershed, and fish and wildlife values while allowing dispersed residential occupancy and recreational and agricultural uses.

(3) and (4) *Upper Timbered Slope and Headlands Subareas*.—These areas are to be managed to protect the scenic, soil and watershed, and fish and wildlife values while allowing, when it does not interfere with the purposes of the area, extensive recreation, research-educational activities, timber harvesting activity and associated road development.

(5) and (6) *Coastline, and Sand Dune-Spit Subareas*.—These areas are to be managed to maintain and protect the scenic and wildlife values while allowing extensive recreation and research-educational activities.

H.R. 8352, as amended, would withdraw the entire area from mineral entry and leasing.

To help achieve these broad and specific objectives the Secretary would be authorized to acquire lands and interests in lands, though this authority is specifically limited. Acquisition, except in the estuary and associated wetlands subarea, could only be done with the consent of the owner so long as the owner uses the land for substantially the same purposes, and in the same manner, as the lands were used on June 1, 1974. On the other hand, when such lands are in imminent danger of being used for different purposes or in a different manner from the uses existing on June 1, 1974, the Secretary may acquire the lands or interests in the lands without the consent of the owner. This authorization is to protect the area from substantial changes in use that would irreparably damage the natural qualities of the area. A further protection for both the area and the land owners within the area is that at least thirty days prior to any substantial change in the use of non-federally owned lands, the owner or owners of such lands would have to provide notice of such proposed change in use to the Secretary. This would be done in accordance with such guidelines as the Secretary may establish. This provision allows the Secretary to determine whether a proposed change in use is incompatible with proper management of the area in advance of the change and to take the appropriate steps which could include acquisition of the lands when necessary. Clearly, the private land owners would benefit from such a provision by their knowing whether any land use change was compatible with the area. With the extension of the boundaries of the

Siuslaw National Forest to encompass the entire Scenic-Research Area, monies from the Land and Water Conservation Fund would be available for the acquisition of any lands, waters, or interests therein.

There would also be an eleven member Advisory Council established for the area. The Secretary would consult on a regular basis with the Council with respect to matters relating to management of the area.

The Department of Agriculture agreed that additional lands in the Cascade Head-Salmon River area should be included within the boundaries of the Siuslaw National Forest, and that the area should be managed to provide for the protection and use of its unique values. At the same time, the Department felt the land management objectives could be achieved under existing authorities, given the extension of the Forest boundary to include all of the Cascade Head Area and authorization for use of Land and Water Conservation Fund monies. In other words, the Department wanted to designate the Cascade Head-Salmon River area as a Scenic Research Area rather than have it done legislatively. The Committee recognizes, and in no way diminishes, the long history of demonstrated ability to manage such administratively designated special areas to preserve their unique values. At the same time, the Committee believes the legislative designation of the area will afford a much firmer protection for this last unique area on the Oregon Coast from the encroaching urbanization in the adjacent areas. An environmental impact statement for the area has been prepared in accordance with the National Environmental Policy Act.

SECTION-BY-SECTION ANALYSIS, AS AMENDED BY THE COMMITTEE

Section 1 establishes the Cascade Head-Scenic Research Area, subject to valid existing rights, and specifies the broad purposes of the legislation. As originally drafted, the Committee felt there was too much emphasis placed on public outdoor recreation. The Committee felt there should be a balance in the language between research, and use and enjoyment. The Committee amendment achieves this balance.

Section 2 specifies that the area will be administered by the Secretary of Agriculture in accordance with the regulations he judges will attain the purposes of this Act.

Section 3 establishes the boundaries of the area on a map on file in the offices of the Forest Service. This map delineates the subareas established in Section 3(b). The Section establishes the primary management objectives for the subareas and provides for public participation in the planning process and development of a comprehensive management plan.

The Committee amendment changed 1973 to 1974 on the maps on file with the Forest Service. This change in date on the maps would have the effect of enlarging the area by 710 acres included in the bill. This acreage is in two pieces—530 acres lying at the southern end of the boundary as originally proposed and 180 acres lying to the northeast of the original boundary. The 180 acres are already a part of the National Forest. There is no known objection to inclusion of the acreage.

Section 4 extends the boundaries of the Siuslaw National Forest to include all lands described in Section 3.

Section 5(a) authorizes the Secretary of Agriculture to acquire lands, waters or interests therein within the area by donation, purchase, exchange or otherwise. Section 5(b) restricts the Secretary's power to acquire lands within the subareas, except the estuary and associated wetlands subarea, without the consent of the owners so long as the owner uses the lands for substantially the same purposes as they were used on June 1, 1974, and provides the Secretary authority to acquire lands in imminent danger of being used for different purposes from that existing on June 1, 1974.

The Committee amendment struck 1973 and inserted 1974. This amendment would allow for any new uses of the land that may have developed since the bill was introduced in June 1973. The Committee amendment providing acquisition of lands in imminent danger of substantial change is not intended to broaden the condemnation provision, but rather to stop those threatening damage which, once it is done, may be irreparable to the area being preserved.

Section 5(b) also directs the Secretary to publish guidelines, within 180 days, concerning what shall constitute substantial change in land use on non-federally owned lands. The Section also provides the Secretary acquisition authority without consent of the owner in the estuary and associated wetlands subarea after a public hearing.

The Committee amendment struck 90 days and inserted 180 days to allow the Forest Service additional time to develop guidelines on what constituted substantial change in land use. The Committee also changed "hearings" to read "hearing" so it would not be construed that more than one hearing had to be held if one hearing was all that was necessary.

Section 5(c) was an amendment added by the Committee. It provides that at least 30 days advance notice of any substantial change in land use be given the Secretary by the owner of non-federal land in the Area. This amendment affords the Secretary advance notice of land use changes so he will have the opportunity to head off any proposed changes in land use that would cause irreparable damage to the area the legislation is trying to preserve.

Section 6 authorizes use of Land and Water Conservation Fund money for land or water acquisition in the area added to the National Forest by the Act.

The Committee amendments were technical to provide the correct citation from the U.S. Code.

Section 7 withdraws, subject to valid existing rights, the lands within the area from the mining and mineral leasing laws.

Section 8 establishes the Advisory Council for the area and specifies the makeup of the Council and their terms of office. It establishes the Council members shall receive no compensation, but shall be allowed travel expenses and per diem or actual subsistence expenses, as appropriate. It also directs the Secretary, in establishing and managing the area, to consult with and seek the views of other private groups, individuals and the public, plus the assistance of appropriate State, Federal and local agencies with responsibilities for zoning, planning, migratory fish, waterfowl, and marine animals, water and natural resources.

Section 9 directs the Secretary to cooperate with the State of Oregon and its political subdivisions in administering the area. It also re-

serves to the State of Oregon and its political subdivisions the right to exercise civil and criminal jurisdiction in the area consistent with provisions of this Act, and the right to tax persons, corporations, franchises or other non-federal property in the area.

COST

A land acquisition plan has not been developed for the area; however, the Department of Agriculture estimates a possible five year land acquisition program of \$1.5 million which would be funded through the Land and Water Conservation Fund. The estimated increased annual cost for administration of the area as part of the National Forest is \$80,000.

COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs recommends, by a voice vote, that the bill, H.R. 8352, as amended, be enacted.

DEPARTMENTAL REPORTS

The following reports from the Department of the Agriculture, dated May 3, 1974, and the Department of the Interior, dated May 2, 1974, were received by the Committee:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 3, 1974.

HON. JAMES A. HALEY,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives.*

DEAR MR. CHAIRMAN: As you requested here is our report on H.R. 8352, a bill "To establish the Cascade Head Scenic-Research Area in the State of Oregon, and for other purposes."

The Department of Agriculture agrees that additional lands in the Cascade Head-Salmon River area should be included within the National Forest boundary and that the area should be managed to provide for the protection and use of its unique values. The type of land management desired for the area can be achieved under existing authorities, provided the National Forest boundary is extended to include all of the Cascade Head Area and use of Land and Water Conservation Fund moneys is authorized. We support legislation to extend the National Forest boundary; however, we recommend enactment of our proposed substitute bill in lieu of H.R. 8352.

H.R. 8352 would establish the Cascade Head Scenic-Research Area for public outdoor recreation use and enjoyment and conservation and study of scenic, scientific, historic, and other values. It would provide that the entire area be included in the Siuslaw National Forest and be administered by the Secretary of Agriculture. It would specify management direction for separate subareas within the area and withdraw the entire area from mineral entry and leasing. The Secretary would be authorized to acquire lands and interests in lands; however, except in the estuary and associated wetlands subarea, acquisition

could only be done with the consent of the owner so long as the owner uses the land for substantially the same purposes and in the same manner as the lands were used on June 1, 1973. Use of Land and Water Conservation Fund monies would be authorized and an advisory council would be established.

The Cascade Head-Salmon River area is known for the spectacular beauty of its estuary, coastal beaches, headlands, and the surrounding forested lands. The area which would be affected by H.R. 8352 involves approximately 8,200 acres consisting of a mixture of public and private lands. Approximately one-half of the area is outside the existing National Forest boundary. Approximately 90 percent of the lands within the National Forest boundary are National Forest lands. Portions of these National Forest lands are presently administered under regulations of the Secretary of Agriculture as a Research Natural Area, a Scenic Area, and an Experimental Forest. Major public concern has been concentrated on the future management of the estuary, associated wetlands, and immediately adjacent forest lands. These lands are predominately outside the National Forest boundary and presently used for recreational and agricultural purposes. Studies by the Forest Service and others indicate the desirability of including the entire area within the Siuslaw National Forest with management plans for the public and private lands jointly developed by the Forest Service and local authorities. Public ownership of lands within the estuary and associated wetlands and certain adjacent lands is considered necessary to the protection of unique esthetic and research-natural values in the area.

Our proposed substitute bill, which is included with this report, would provide for an extension of the National Forest boundaries to include the estuary and associated wetlands. Lands or interests in lands acquired or transferred to the National Forest would be administered in accordance with the laws, rules, and regulations applicable to the National Forests, with emphasis on purposes set forth in the substitute bill. These purposes are essentially the same as those set forth in H.R. 8352. Our proposed bill would limit acquisition of privately-owned property, authorize use of Land and Water Conservation Fund monies, and provide for transfer of Federal property to the administrative jurisdiction of the Secretary of Agriculture in a manner very similar to that proposed in H.R. 8352.

Our proposed substitute bill differs from H.R. 8352 primarily in that it would permit the Secretary of Agriculture, using existing authorities, to designate the Cascade Head Scenic-Research Area. Within the National Forest System the Forest Service administers numerous areas for special purposes similar to those proposed for the Cascade Head area. Under Secretarial Regulation special areas are specifically designated and management plans developed. Through a long history, we have demonstrated an ability to provide the necessary protection and management of such special areas to preserve the unique values recognized at the time of their designation. We consider it highly desirable that the designation and management of such areas be carried out under existing authority available to the Department. We would consider the legislative designation of the Cascade Head Scenic-Research Area an invitation for similar legislation applying to many other special areas designated by the Secretary. We do not believe

legislative designations are necessary for the protection and management of these areas in the National Forest System. Consequently, we strongly recommend the adoption of our substitute bill in lieu of H.R. 8352.

A land acquisition plan has not been developed for the area; however, we estimate a possible 5-year land acquisition program of \$1.5 million which would be funded through the Land and Water Conservation Fund. Our estimated increased annual cost for administration of the area as part of the National Forest is \$80 thousand.

An environmental statement has been prepared pursuant to the provisions of subsection 102(2)(c) of the National Environmental Policy Act (83 Stat. 853) and is enclosed.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD A. ASHWORTH,
Deputy Under Secretary.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 2, 1974.

HON. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on H.R. 8352, a bill "To establish the Cascade Head Scenic-Research Area in the State of Oregon, and for other purposes."

H.R. 8352 would establish certain ocean headlands, rivers, streams, estuaries, forested areas, recreational and research-scientific facilities in Oregon within and adjacent to the Siuslaw National Forest as the Cascade Head Scenic-Research Area. The proposed area would become part of the Siuslaw National Forest and would be administered by the Secretary of Agriculture in accordance with the laws, rules, and regulations applicable to national forests.

Some of the acreage in the proposed area is already in Federal ownership, including 197 acres administered by the Bureau of Land Management. We have no objection to this acreage being transferred into an enlarged Siuslaw National Forest. However, since the Department of Agriculture would administer the proposed area, we defer to the views of that agency as to whether H.R. 8352 should be enacted.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL REED,
Secretary of the Interior.

Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,
one thousand nine hundred and seventy-four*

An Act

To establish the Cascade Head Scenic-Research Area in the State of Oregon,
and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide present and future generations with the use and enjoyment of certain ocean headlands, rivers, streams, estuaries, and forested areas, to insure the protection and encourage the study of significant areas for research and scientific purposes, and to promote a more sensitive relationship between man and his adjacent environment, there is hereby established, subject to valid existing rights, the Cascade Head Scenic-Research Area (hereinafter referred to as "the Area") in the Siuslaw National Forest in the State of Oregon.

SEC. 2. The administration, protection, development, and regulation of use of the Area shall be by the Secretary of Agriculture (hereinafter referred to as the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best contribute to attainment of the purposes of this Act.

SEC. 3. (a) The boundaries of the Area, and the boundaries of the subareas included therein, shall be those shown on the map entitled "Proposed Cascade Head Scenic-Research Area", dated June 1974, which is on file and available for public inspection in the office of the Chief, Forest Service, United States Department of Agriculture: *Provided, That, from time to time, the Secretary may, after public hearing or other appropriate means for public participation, make adjustments in the boundaries of subareas to reflect changing natural conditions or to provide for more effective management of the Area and each of the subareas in accordance with the purposes and provisions of this Act.*

(b) As soon as practicable after the enactment of this Act, the Secretary shall, with provisions for appropriate public participation in the planning process, develop a comprehensive management plan for the Area. Said plan shall prescribe specific management objectives and management controls necessary for the protection, management, and development of the Area and each of the subareas established pursuant to subsection (c) hereof.

(c) Within the Area, the following subareas shall be established and shall be managed in accord with the following primary management objectives which shall be supplemental to the general management objectives applicable to the entire Area:

(1) Estuary and Associated Wetlands Subarea: An area managed to protect and perpetuate the fish and wildlife, scenic, and research-education values, while allowing dispersed recreation use, such as sport fishing, nonmotorized pleasure boating, waterfowl hunting, and other uses which the Secretary determines are compatible with the protection and perpetuation of the unique natural values of the subarea. After appropriate study, breaching of existing dikes may be permitted within the subarea.

(2) Lower Slope-Dispersed Residential Subarea: An area managed to maintain the scenic, soil and watershed, and fish and wildlife values, while allowing dispersed residential occupancy, selective recreation use, and agricultural use.

(3) Upper Timbered Slope and Headlands Subareas: Areas managed to protect the scenic, soil and watershed, and fish and wildlife values while allowing selective recreation and extensive

research-educational activities. Timber harvesting activity may occur in these subareas only when the Secretary determines that such harvesting is to be conducted in connection with research activities or that the preservation of the timber resource is imminently threatened by fire, old age, infestation, or similar natural occurrences.

(4) Coastline and Sand Dune-Spit Subareas: Areas managed to protect and maintain the scenic and wildlife values while allowing selective recreation and extensive research-educational activities.

SEC. 4. (a) The boundaries of the Siuslaw National Forest are hereby extended to include all of the lands lying within the Area as described in accordance with section 3 of this Act which are not within the national forest boundaries on the date of enactment of this Act.

(b) Notwithstanding any other provision of law, any Federal property located on the lands added to the Siuslaw National Forest by this section may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary. Any lands so transferred shall become part of the Siuslaw National Forest.

SEC. 5. (a) Subject to the provisions of subsection (b) of this subsection, the Secretary is authorized to acquire lands, waters, or interests therein within the Area by donation, purchase, exchange, or otherwise.

(b) Within all subareas of the Area except the estuary and associated wetlands subarea, the Secretary may not acquire any land or interest in land without the consent of the owner or owners so long as the owner or owners use such land for substantially the same purposes and in the same manner as it was used and maintained on June 1, 1974: *Provided, however,* That the Secretary may acquire any land or interest in land without the consent of the owner or owners when such land is in imminent danger of being used for different purposes or in a different manner from the use or uses existing on June 1, 1974. The Secretary shall publish, within one hundred and eighty days of the enactment of this Act, guidelines which shall be used by him to determine what constitutes a substantial change in land use or maintenance for the non-federally-owned lands within the Area. Within the estuary and associated wetlands subarea the Secretary may acquire any land or interest in land without the consent of the owner or owners at any time, after public hearing.

(c) At least thirty days prior to any substantial change in the use or maintenance of any non-federally-owned land within the Area, the owner or owners of such land shall provide notice of such proposed change to the Secretary or his designee, in accordance with such guidelines as the Secretary may establish.

SEC. 6. Notwithstanding the provisions of clause 7(a)(1) of the Act of September 3, 1964 (78 Stat. 903), as amended, moneys appropriated from the Land and Water Conservation Fund shall be available for the acquisition of any lands, waters, or interests therein within the area added to the Siuslaw National Forest by this Act.

SEC. 7. The lands within the Area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

SEC. 8. (a) The Secretary, pursuant to the Federal Advisory Committee Act (86 Stat. 770), shall establish an advisory council for the Area, and shall consult on a periodic and regular basis with such coun-

cil with respect to matters relating to management of the Area. The members of the advisory council, who shall not exceed eleven in number, shall serve for the individual staggered terms of three years each and shall be appointed by the Secretary as follows—

(1) a member to represent each county in which a portion of the Area is located, each such appointee to be designated by the respective governing body of the county involved;

(2) a member appointed to represent the State of Oregon, who shall be designated by the Governor of Oregon; and

(3) not to exceed eight members appointed by the Secretary from among persons who, individually or through association with national or local organizations, have an interest in the administration of the Area.

(b) The Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.

(c) The members shall not receive any compensation for their services as members of the advisory council, but they shall be reimbursed for travel expenses and shall be allowed, as appropriate, per diem or actual subsistence expenses.

(d) In addition to his consultation with the advisory council, the Secretary shall seek the views of other private groups, individuals, and the public, and shall seek the views and assistance of, and cooperate with, all other Federal, State, and local agencies with responsibilities for zoning, planning, migratory fish, waterfowl, and marine animals, water, and natural resources, and all nonprofit agencies and organizations which may contribute information or expertise about the resources, and the management, of the Area, in order that the knowledge, expertise and views of all agencies and groups may contribute affirmatively to the most sensitive present and future use of the Area and its various subareas for the benefit of the public.

Sec. 9. The Secretary shall cooperate with the State of Oregon and political subdivisions thereof in the administration of the Area and in the administration and protection of lands within and adjacent to the Area owned or controlled by the State or political subdivisions thereof. Nothing in this Act shall deprive the State of Oregon or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the Area consistent with the provisions of this Act, or of its right to tax persons, corporations, franchises or other non-Federal property, in or on the lands or waters within the Area.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

December 11, 1974

Dear Mr. Director:

The following bills were received at the White House on December 11th:

S. 2193 ✓	H.R. 7730 ✓
S. 2363 ✓	H.R. 8352 ✓
S. 3906 ✓	H.R. 8824 ✓
S. 4040 ✓	H.R. 11929 ✓
H.R. 6274 ✓	H.R. 14214 ✓
H.R. 6925 ✓	H.R. 17026 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D.C.