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APPROVED
JUL 12 1976

87/12/76

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: July 12

July 10, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON

SUBJECT: H.R. 7792 - Alpine Lakes Area Management Act of 1976

Attached for your consideration is H.R. 7792, sponsored by Representative Meeds and six others.

PURPOSE

This bill would establish, in the State of Washington, a 303,508 acre Wilderness Area, designate 88,050 acres as Intended Wilderness and create a management unit of 521,801 acres. It authorizes \$57,500,000 for land acquisition.

BACKGROUND

The Department of Agriculture, in May of 1975, proposed the Alpine Lakes Wilderness comprising 292,192 acres. The Department recognized at that time an additional 80,000 acres that could be added later, but was not included in the proposal.

A detailed discussion of the provisions of the enrolled bill is provided in Jim Lynn's enrolled bill report at Tab A.

The Department of Agriculture and OMB object to the bill because:

- it creates an area larger than the Administration proposed.
- the cost could be higher than anticipated.

Posted
7/12/76

Archives
7/12/76



- a unique and complicated inverse condemnation procedure is incorporated in the bill allowing the land owner to force purchase by the Government after three years from enactment.
- it imposes management procedures on the Forest Service that they feel restrictive.
- the acquisition costs would use up the western allocation of the Land and Water Conservation Funds for the next five years.

OMB argues that we should hold the line on Administration proposals, and that approval would make it difficult to maintain our position on future Forest Service proposals.

Governor Evans argues forcefully for your approval and believes that this is a highly visible and very popular position in the State of Washington. The bill is a result of four years of intensive struggle and compromise with conservationists and timber industry people, who now solidly support the measure. Proponents point out that the question of cost will be mitigated by the provision for swapping of lands. The acreage in private lands is held by five major timber and paper companies who, for the most part, are expected to exchange land rather than sell outright (see Max Friedersdorf memorandum at Tab B)

No wilderness proposal has been vetoed in the 12 years since the Act was passed. The Office of Legislative Affairs feels a veto would be overridden by a 7-1 margin.

RECOMMENDATION

Agriculture, OMB, Max Friedersdorf and Jack Marsh recommend that you veto H.R. 7792. Jack Marsh states "private land acquisition is too great and costly."

Counsel's Office (Lazarus) and I recommend that you sign H.R. 7792. The arguments against are subjective and to issue an unprecedented veto at this time would detract greatly from any initiatives you are considering for open space and parkland areas.

DECISION

Sign H.R. 7792 at Tab C.
(Counsel's Office, Cannon)

Approve NE Disapprove _____

Disapprove H.R. 7792.
(Agriculture, OMB, Max Friedersdorf, Jack Marsh)

Approve _____ Disapprove _____





EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUL 9 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 7792 - Alpine Lakes Area
Management Act of 1976
Sponsors - Rep. Meeds (D) Washington and
6 others

Last Day for Action

July 12, 1976 - Monday

Purpose

Establishes the Alpine Lakes Area in the State of Washington comprising some 920,359 acres, including the Alpine Lakes Wilderness and Intended Wilderness units, and authorizes appropriations of \$57,500,000, primarily for land acquisition.

Agency Recommendations

Office of Management and Budget	Disapproval (Veto Message attached)
Department of Agriculture	Disapproval (Veto Message attached)
Department of Commerce	No objection to disapproval
Department of the Interior	Defers to Agriculture
Department of Defense	No objection
Federal Energy Administration	No objection (Informally)
Department of Transportation	No objection
Federal Power Commission	No objection
Council on Environmental Quality	Approval
Environmental Protection Agency	Approval (Informally)

Discussion

On May 20, 1975, the Department of Agriculture submitted an Administration proposal in Congress to designate the Alpine Lakes Wilderness in the State of Washington comprising 292,192 acres, including only 553 acres of privately



owned land. To qualify for wilderness designation, an area must generally be undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is then, by the designation, protected and managed so as to preserve its natural conditions.

The enrolled bill would establish within the Mount Baker-Snoqualmie and Wenatchee National Forests, in the State of Washington, the Alpine Lakes Area comprising 920,359 acres in three discrete units: (1) Alpine Lakes Wilderness -- 303,508 acres; (2) Intended Wilderness -- 88,050 acres including 43,543 acres of private land; and, (3) a management unit of 528,801 acres.

All private land within the Intended Wilderness must be acquired through purchase or exchange within three years of enactment -- such lands would become wilderness as they are acquired. After three years, an owner could initiate legal action to require the Secretary of Agriculture to immediately acquire the lands in question. Fair market value would be deemed just compensation and would be determined as of the date of acquisition except that:

- (1) the owner would be protected against any loss in the value of his property from January 1, 1976 to the date of acquisition;
- (2) the value of timber acquired would be the highest of the market value on January 1, 1976 or on the date of acquisition, or the average market value between those dates (this assures highest possible price); and,
- (3) annual interest of 8 percent would be paid from the date of acquisition or filing an action (owner condemnation suit) to the date of payment.

When making land exchanges for wilderness lands to be acquired, the Secretary would be required to exercise caution so as not to impair substantially the programmed allowable timber harvest of the Mount Baker - Snoqualmie and Wenatchee National Forests.

The enrolled bill directs the Secretary, within two years of enactment, to prepare and implement a single multiple-use plan for all Federal lands within the management unit (the non-wilderness lands within the Alpine Lakes Area). The completed plan would take

effect and be implemented no earlier than 90 days and no later than 150 days following its transmittal to Congress.

The enrolled bill authorizes appropriations for land acquisition, including monies from the Land and Water Conservation Fund, of \$20,000,000 in fiscal year 1977, \$17,000,000 in fiscal year 1978, and \$20,000,000 in fiscal year 1979. In addition, \$500,000 is authorized to be appropriated for preparation of the multiple-use plan. In his budget proposals, the President would be required to explain the most rapid and judicious manner to achieve the purposes of the Act.

In reporting to the House and Senate Interior Committees, Agriculture strongly opposed this legislation and recommended that the Administration wilderness proposal be enacted in lieu of H.R. 7792. The Department's reports also noted that enactment of the bill would not be in accord with the program of the President.

Furthermore, it is worthwhile noting that in approving the Flat Tops Wilderness bill on December 13, 1975, you issued a signing statement urging Congress to give more careful consideration to future National Forest wilderness proposals. Specifically, you urged the Congress in considering future wilderness legislation to:

- o ensure that only areas of true wilderness are designated by excluding areas where evidence of man's activity is clearly apparent;
- o facilitate efficient Administration of wilderness areas and to protect such areas by enhancing public understanding of their boundaries by employing recognizable natural features so far as feasible; and,
- o evaluate more carefully the trade-off between wilderness values and other resource value uses such as recreation, timber, wildlife, minerals, grazing and watershed protection and development.

The enrolled bill represents a compromise between most environmental groups and the timber industry. Opposition from the latter group appears to have been overcome by providing for acquisition of industry lands at a potentially attractive price.

In its report on H.R. 7792, the House Interior Committee summarized the need for the bill as it stated:

"Perhaps the central reason for the great concern for the welfare and future disposition of the Alpine Lakes region is the proximity of the area to the population centers of Puget Sound. The impacts of recreation use become more apparent in the Alpine Lakes each year, as the popularity of the area continues to grow.

At the same time, these same lands are becoming ever more valuable for development and timber harvesting purposes. There is an urgent need for Congress to define the protection to be given these lands so that the Alpine Lakes area will not be inevitably and inappropriately compromised and altered through a lack of direction."

House floor debate indicates that the compromise version of the bill received very superficial examination before being reported out by Committee. Although some opposition was expressed in the House to selected provisions of the bill, there was no forceful opposition to the bill or any expression of the Administration's serious objections in either the House or the Senate, and the bill passed in both bodies on voice votes.

In its enrolled bill letter, Agriculture puts forth a strong recommendation for veto on the grounds that H.R. 7792 would:

- o create a wilderness, after completion of the land acquisition program, 100,000 acres larger than that proposed by the Administration and thus forego high resource values other than wilderness;
- o require a major land acquisition effort, likely through owner initiated condemnation, which could ultimately cost well over \$100 million;
- o establish an "unprecedented, questionable, and complicated payment/evaluation system" for compensating private landowners;
- o impose legislatively throughout the management unit "rigid prescriptions for management" which would diminish the opportunity for reasonable trade-offs among various possible resource uses;
- o concentrate the Forest Service's share of Land and Water Conservation Funds (LWCF) available for use in the West (this share is fixed by statute) in only the Alpine Lakes Area for the next five years and create still further pressure for substantially raising the Fund's annual authorization levels (a bill is now in conference that would increase the LWCF from \$300 million to \$1 billion annually); and,

- o set a new and undesirable precedent for Congressional review of National Forest System multiple-use plans, several thousand of which will ultimately be prepared. However, to void such plans, Congress would have to pass and the President approve a joint resolution.

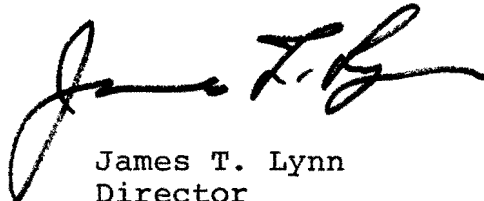
We also note that in its enrolled bill letter, the Department of Commerce states that the wilderness lands in the Alpine Lakes Area may have substantial mineral deposits. Commerce believes that wilderness designation should not take place until the area's mineral potential is known, and accordingly, the Department advises that it would have no objection to disapproval of H.R. 7792.

We very much share the above-noted concerns as expressed by Agriculture and Commerce, and we strongly concur in a veto recommendation. We feel a veto is appropriate for several reasons. First, the groundwork was well laid through your Flat Tops Wilderness signing statement and Agriculture's strong opposition to the bill before Congress. Second, on the merits, the enrolled bill is very objectionable, including precisely the type of substantive problems which you urged the Congress to eliminate in future wilderness legislation. Finally, we believe this is an opportune time to take a stand against Congressional disregard of Administration wilderness proposals. Both this bill and the other wilderness bill that is now before you for action, S. 268 -- Eagles Nest Wilderness, clearly fail to meet the criteria set forth in your signing statement. If these bills are not disapproved, it will be difficult, if not impossible, to maintain the Administration position on future Forest Service proposals.

We have prepared for your consideration a joint veto message that covers both the Alpine Lakes and Eagles Nest bills. It represents a revision of the draft veto messages submitted by Agriculture and it bases the veto on the broad concerns discussed above.

Alternatively, you could veto the Alpine Lakes bill on the narrower ground that the acquisition of private timber company land is not appropriate and the costs are excessive. The veto message would not

criticize the failure of the bill to meet the criteria you have set forth nor would it criticize the substantial additions of "Intended Wilderness" which the bill provides. While this option permits you to be for the wilderness area and against overly-favorable treatment of the timber companies, the failure to criticize the broader problems with the bill will give you no ground to veto the related Eagles Nest Wilderness bill.

A handwritten signature in black ink, appearing to read "James T. Lynn". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

James T. Lynn
Director


Enclosures


THE WHITE HOUSE

WASHINGTON

July 7, 1976

MEMORANDUM FOR: JIM CANNON

THRU: MAX L. FRIEDERSDORF 

FROM: CHARLES LEPPERT, JR. 

SUBJECT: H. R. 7792, Alpine Lakes Wilderness Area Management Act of 1976

Rep. Lloyd Meeds (D. - Wash.) called to strongly urge the President to sign this bill. Meeds contends that the bill has taken four (4) years to put together; the bill represents a compromise between environmentalists and timber interests in the State of Washington; the bill represents a first in terms of a compromise between the environmentalists and timber interests in the State; a veto of the bill would unravel the compromise and four years of effort by many people to resolve this issue; both Rep. Joel Pritchard (R. - Wash.) and Governor Evans of Washington who strongly support President Ford strongly endorse the bill and negative action on the legislation could adversely effect their support of the President throughout the State of Washington; the entire Washington State Congressional Delegation supports and endorses enactment of the bill; the OMB objection to the payment system doesn't take into consideration the compromise which gives the timber owners assurance of payment for lands.

Meeds strongly urges the President to sign the bill.

The last day for action is July 12. The bill passed the House on June 8, 1976, by a voice vote on the suspension calendar.

THE WHITE HOUSE

WASHINGTON

July 2, 1976

MEMORANDUM FOR: MAX FRIEDERSDORF
THROUGH: CHARLES LEPPERT, JR. *CLJ.*
FROM: TOM LOEFFLER *T.L.*
SUBJECT: Rep. Joel Pritchard (R. -Wash.)
HR-7792 - Alpine Lakes Wilderness

Joel strongly recommends that the President sign this legislation. Joel has worked very long and hard with Governor Daniel Evans and the Democratic delegation from the State in an effort to fashion legislation which would have the support of the environmentalists as well as industry. According to Joel, industry and environmentalists support HR-7792.

Pritchard believes that if the measure is vetoed it would be overridden by a 7 to 1 margin in the House.

cc: Pat Rowland

TO THE HOUSE OF REPRESENTATIVES:

I am returning today without my approval H.R. 7792, a bill entitled the "Alpine Lakes Area Management Act of 1976". I am also returning to the Senate, S. 268, a bill "To designate the Eagles Nest Wilderness, Arapaho and White River National Forests, in the State of Colorado."

I take this action very reluctantly as I believe that the National Wilderness Preservation System is an extremely valuable national resource, preserving, as it does, an important part of the Nation's heritage. Indeed, my Administration proposed enactment of legislation to designate an Alpine Lakes Wilderness area and supported legislation for an Eagles Nest Wilderness area. In December 1974 I proposed that more than 9 million acres be designated as wilderness which, when added to the previous Executive Branch wilderness recommendations, would encompass a National Wilderness Preservation System in all sections of the country of approximately 35 million acres -- an area larger than the entire State of Pennsylvania. Since taking office, I have approved bills that have designated over 1,600,000 acres of wilderness in 37 areas.

Last December I approved designation of the 235,230-acre Flat Tops Wilderness in Colorado. At that time, I urged the Congress in considering future wilderness legislation to:

- ensure that only areas of true wilderness are designated by excluding areas where evidence of man's activity is clearly apparent;
- facilitate efficient administration of wilderness areas and to protect such areas by enhancing public understanding of their boundaries by employing recognizable natural features so far as feasible;
- evaluate more carefully the trade-off between wilderness values and other resource value uses such as recreation, timber, wildlife, minerals, grazing and watershed protection and development.

Had H.R. 7792, establishing the Alpine Lakes area, been limited to the 292,000 acre wilderness area proposed by the Administration, I would sign the bill. Instead, the Congress has added:

- 11,000 acres of wilderness;
- 88,000 acres of intended wilderness;
- 43,000 acres of private land to be purchased.

In certain of these additional areas, evidence of man's presence is apparent. In some, boundaries fail to follow easily recognizable natural features. However, most disturbing is the way in which the Congress has dealt with the need to trade-off wilderness values against other resource values.

Recognizing timber values in the area, the Congress has sought to address this question by requiring the purchase of these private lands from three large timber companies, providing for unprecedented company-initiated condemnation lawsuits and prescribing a unique formula which would insure that these companies receive the highest possible prices for their timber and land. This could cost in excess of \$100 million.

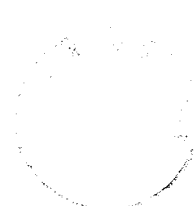
I cannot condone the use of public funds in this manner. The objective of the National Wilderness Preservation System is to preserve selected public land areas in their natural state and not to acquire large tracts of privately held land.

Had S. 268 establishing Eagles Nest Wilderness been limited to the Executive Branch 87,775 acre proposal, I would sign it.

But again, the Congress has extended this proposal by more than 46,000 acres -- a 53% increase -- and has included areas that bear evidence of man's presence, are not bounded by easily recognizable natural features, and have greater values in a broader multiple use classification. In particular, the bill would serve to make more difficult potential development of the area water resources.

The National Wilderness Preservation System can provide this Nation with the means of preserving in perpetuity a key part of our most valuable heritage -- our undisturbed wildland. I will not, however, condone decisions which accommodate local and private interests when such actions differ from the broad national interests.

THE WHITE HOUSE,



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 9

Time: 1215pm

FOR ACTION: Jack Marsh
 George Humphreys
 Paul Beach
 Max Friedersdorf
 Ken Lazarus

cc (for information): Jim Cavanaugh
 Ed Schmults

Robert Hartmann (veto message attached)

FROM THE STAFF SECRETARY

DUE: Date: July 9

Time: as soon as possible today

SUBJECT:

H.R. 7892-Alpine Lakes Wilderness

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

LAST DAY FOR ACTION ON BILL IS MONDAY, JULY 12 so the package needs to be completed as soon as possible

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

Date: July 9

Time: 1215pm

FOR ACTION: Jack Marsh
George Humphreys
Paul Leach
Max Friedersdorf
Ken Lazarus
Robert Hartmann (veto message attached)

cc (for information): Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: July 9

Time: as soon as possible tod.

SUBJECT:

H.R. 7792-Alpine Lakes Wilderness

ACTION REQUESTED:

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

2684

REMARKS:

please return to judy johnston, ground floor west wing

LAST DAY FOR ACTION ON BILL IS MONDAY, JULY 12 so the package needs to be completed as soon as possible

Veto! Private land acquisition too great and costly!

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.

James M. Cannon
For the President

jm

To: J. C. [unclear]
7-9-76
12:15 P.M.



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

JUL 9 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 7792 - Alpine Lakes Area
Management Act of 1976
Sponsors - Rep. Meeds (D) Washington and
6 others

Last Day for Action

July 12, 1976 - Monday

Purpose

Establishes the Alpine Lakes Area in the State of Washington comprising some 920,359 acres, including the Alpine Lakes Wilderness and Intended Wilderness units, and authorizes appropriations of \$57,500,000, primarily for land acquisition.

Agency Recommendations

Office of Management and Budget	Disapproval (Veto Message attached)
Department of Agriculture	Disapproval (Veto Message attached)
Department of Commerce	No objection to disapproval
Department of the Interior	Defers to Agriculture
Department of Defense	No objection
Federal Energy Administration	No objection (Informally)
Department of Transportation	No objection
Federal Power Commission	No objection
Council on Environmental Quality	Approval
Environmental Protection Agency	Approval (Informally)

Discussion

On May 20, 1975, the Department of Agriculture submitted an Administration proposal in Congress to designate the Alpine Lakes Wilderness in the State of Washington comprising 292,192 acres, including only 553 acres of privately

TO THE HOUSE OF REPRESENTATIVES

I am returning today without my approval H.R. 7792, a bill entitled the "Alpine Lakes Area Management Act of 1972."

I take this action very reluctantly, as I believe that the National Wilderness Preservation System is an extremely valuable national resource, preserving, as it does, an important part of the Nation's heritage. ~~Indeed,~~ ^{In fact,} my Administration proposed enactment of legislation to designate an Alpine Lakes Wilderness area. In December 1974, I proposed that more than 9 million acres be designated as wilderness which, when added to the previous Executive Branch wilderness recommendations, would encompass a National Wilderness Preservation System ^{in all sections of our country} of approximately 35 million acres ^{on all} larger than the entire State of Pennsylvania. ~~**~~ in all sections of our country. Since taking Office, I have approved bills that have designated over 1,600,000 acres of wilderness in 37 areas.

Last December, I approved designation of the 235,000-acre Flat Tops Wilderness in Colorado. At that time, I urged the Congress in considering future National Forest wilderness legislation to:

- o insure that only areas of true wilderness are designated by excluding areas where evidence of man's activity is clearly apparent;
- o facilitate efficient administration of wilderness areas and to protect such areas by enhancing public understanding of their boundaries by using recognizable natural features so far as feasible; and

- o evaluate more carefully the trade-off between wilderness values and other resource uses such as recreation, timber, wildlife, minerals, grazing, and watershed protection and development.

Had H.R. 7792, establishing the Alpine Lakes area, been reasonably consistent with the 292,000-acre wilderness area ^{proposed by} ~~that~~ the Administration, ~~proposed~~, I would have signed the bill. Instead, the Congress has added:

- o over 11,000 acres of wilderness;
- o over 88,000 acres of intended wilderness; and,
- o about 43,000 acres of private land to be acquired.

In certain of these additional areas, boundaries fail to follow easily recognizable natural features. However, most disturbing is the way in which the Congress dealt with the need to balance wilderness values against other resource values. Recognizing timber values in the area, the Congress has sought to address this issue by requiring the acquisition of private lands from three large timber companies, providing for unprecedented company initiated condemnation lawsuits, and prescribing ~~an~~ ^{a unique} ~~unprecedented~~ formula ^{which would insure} ~~insuring~~ that these companies receive the highest possible prices for their timber and land -- these provisions could result in acquisition costs of more than \$100 million. I cannot condone the use of public funds in this manner. The objective of the National Wilderness Preservation System is to preserve selected public land areas in their ~~pristine~~ natural state and not to acquire large tracts of privately held land -- especially at unconscionable prices.

The National Wilderness Preservation System can provide this Nation with the means of preserving in perpetuity some of our most valuable heritage -- our undisturbed wildland. To the extent of my power, I will not permit decisions to be made to accommodate local and private interests when such actions differ with the broad national interests.

THE WHITE HOUSE

July 12, 1976

TO THE HOUSE OF REPRESENTATIVES:

I am returning today without my approval H.R. 7792, a bill entitled the "Alpine Lakes Area Management Act of 1972."

I take this action very reluctantly, as I believe that the National Wilderness Preservation System is an extremely valuable national resource, preserving, as it does, an important part of the Nation's heritage. In fact, my Administration proposed enactment of legislation to designate an Alpine Lakes Wilderness area. In December, 1974, I proposed that more than 9 million acres be designated as wilderness which, when added to the previous Executive Branch wilderness recommendations, would encompass a National Wilderness Preservation System in all sections of our country of approximately 35 million acres -- an area larger than the entire State of Pennsylvania. Since taking office, I have approved bills that have designated over 1,600,000 acres of wilderness in 37 areas.

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In certain of these additional areas, boundaries fail to follow easily recognizable natural features. However, most disturbing is the way in which the Congress dealt with the need to balance wilderness values against other resource values. Recognizing timber values in the area, the Congress has sought to address this issue by requiring the acquisition of private lands from three large timber companies, providing for unprecedented company initiated condemnation lawsuits, and prescribing a unique formula which would insure that these companies receive the highest possible prices for their timber and land -- these provisions could result in acquisition costs of more than \$100 million. I cannot condone the use of public funds in this manner. The objective of the National Wilderness Preservation System is to preserve selected public land areas in their natural state and not to acquire large tracts of privately held land -- especially at unconscionable prices.

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THE WHITE HOUSE,

July 12, 1976.



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

July 2, 1976

Honorable James T. Lynn
Director, Office of Management
and Budget

Dear Mr. Lynn:

In response to the request of your office, the following report is submitted on the enrolled enactment H.R. 7792 "To designate the Alpine Lakes Wilderness, Mount Baker-Snoqualmie and Wenatchee National Forests, in the State of Washington."

The Department of Agriculture recommends that the President not approve the enactment.

H.R. 7792 would designate 920,359 acres within the Mount Baker-Snoqualmie and Wenatchee National Forests, Washington as the Alpine Lakes Area. The Area would embody three units--a wilderness of 303,508 acres, several areas of intended wilderness of 88,050 acres, and a management unit of 528,801 acres. The Area would be managed by the Secretary of Agriculture under provisions of the Wilderness Act where applicable, H.R. 7792, and other "laws, rules and regulations applicable to the national forests." Private land within the intended wilderness would have to be acquired within 3 years or be subject to inverse condemnation, and an unprecedented payment/evaluation system would be established to compensate private landowners for changes in timber values. A multiple use plan would be required for the management unit and have to be presented to Congress for a 90 to 150-day review period.

The Department of Agriculture transmitted the Administration proposal for a 292,192-acre Alpine Lakes Wilderness to the Congress on May 20, 1975. That proposal resulted from intensive study and public involvement and application of the National Environmental Policy Act process.

H.R. 7792 would designate an area more than 728,000 acres larger than that recommended by the Administration. Of this, 11,316 acres would be wilderness and are lands which were analyzed in our original study and excluded because they contained high resource values other than wilderness, or because their exclusion provided more manageable boundaries. The remainder (516,851 acres) are multiple use lands where adequate authority already exists for management and where rigid prescriptions for management would detract from the Secretary's ability to provide reasonable trade-offs among various possible resource uses, or where mixed ownership makes wilderness unrealistic.

There are major problems with H.R. 7792 regarding acquisition of the 43,543 acres of private land within the intended wilderness. A 3-year time limit for acquisition is established to be followed by inverse condemnation on the part of the private landowners. This is actually a delayed legislative taking, and will probably assure that all lands would have to be purchased rather than acquired through land exchange. Under condemnation or threat of inverse condemnation the costs of acquisition can be expected to run considerably higher than appraised value. The cost of acquisition could be well over \$100 million which is essentially double the authorization in Sec. 8. To require an agency to negotiate land acquisition under the conditions of this Act assures the highest possible costs to the United States.

The purchase authority provided in section 4 includes authorization to use L&WCF monies. However, it also provides that the payments be made by the Secretary of the Treasury, whereas the L&WCF law specifically gives this responsibility to the Secretary of the Interior through the Bureau of Outdoor Recreation. Because of the 15 percent limitation in the L&WCF Act regarding purchases west of the 100th meridian, it would require all of the L&WCF monies available to the Forest Service in the West for the next 5 years to cover the 43,543 acres of acquisition in the Intended Wilderness. Also, in order to maintain the 15 percent balance required by the L&WCF Act, with such large expenditures in the West, approximately \$700 million would have to be spent in the East during that period. It has been suggested that funds appropriated under the Tucker Act (claims) (28 U.S.C. 507,1346,1402, et seq.) could be used in lieu of L&WCF. This is a small appropriation, wholly inadequate for such costs.

An unprecedented, questionable, and complicated payment/evaluation system would be established for providing compensation to landowners. This system is contrary to the uniform policy on real property acquisition practices set by Congress to expedite acquisition, avoid litigation, and assure consistent treatment for property owners under the Uniform Real Property Policy (42 U.S.C. 4651), although the language seems to imply that fair market value would apply.

The multiple use plan required by section 6 must be presented to Congress for a 90 to 150-day review period. Considering the several thousand such plans which will ultimately be prepared for the National Forest System, this precedent is an unrealistic and undesirable mixture of the distinct roles of the Executive and Legislative Branches. Also, the requirement to prepare the Plan is needless duplication of direction presently afforded by the Multiple Use-Sustained Yield Act, the National Environmental Policy Act, and the Forest and Rangeland Renewable Resources Planning Act of 1974.

Honorable James T. Lynn

3

Our rationale for the President's veto of H.R. 7792 is developed in the enclosed draft veto message.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard L. Feltner".

RICHARD L. FELTNER
Assistant Secretary

Enclosure

TO THE HOUSE OF REPRESENTATIVES:

I return herewith, without my approval, H.R. 7792, entitled the "Alpine Lakes Area Management Act of 1976."

H.R. 7792 establishes legislative classification of 920,359 acres of land of mixed ownership in the State of Washington. Of this, 728,947 acres is National Forest and the remainder primarily private ownership. Approximately one-third (303,508 acres) of the classification would be wilderness, and while most of it is appropriate for wilderness classification, over 11,000 acres have been added to my Administration proposal without adequate study and public involvement.

Approximately 10 percent (88,050 acres) of the land that would be legislatively classified would be placed in an unprecedented National Forest category of intended wilderness with restrictions on use and requirements for Federal acquisition of the private interests. Since half (43,543 acres) of these intended wilderness lands are in private ownership, there is an indirect taking of private rights without the acknowledgement of a legislative taking. Instead, a delayed taking coupled with an unprecedented payment/evaluation system for private landowners is established contrary to the provisions of the Uniform Real Property Acquisition Policy set by Congress (42 U.S.C. 4651).

I am also extremely concerned that this payment/evaluation system seems designed to develop both the highest possible costs to the people of the United States while guaranteeing greater than fair market value to

the landowners of the area. The requirements of the Act and the size and cost of the land acquisition program is such as to give this area priority over all other areas of national significance west of the 100th meridian in the National Forest System for perhaps as long as the next five years! These doubtful priorities and procedures can hardly be considered as being in the public interest. Further, the total cost of acquisition could run well over \$100 million, and could generate the need to expend over \$700 million of Land and Water Conservation Fund monies in the East. This is simply unrealistic, in view of the many other high priority programs that face us, and the relatively minimal benefits that accrue beyond my administration proposal.

A third area of concern is the classification of the remainder of the area (528,801 acres called the management unit) of which 382,634 acres is National Forest. In the proposal presented by my Administration on May 20, 1975, we are clearly on record as to how this unit will be managed to meet the public interest following extensive public involvement and application of the National Environmental Policy Act process. I believe that the priorities established through that process are reasonable and desirable. The special classification of H.R. 7792 introduces undesirable rigidity into the management of the unit, and could limit the ability of the administrators to respond to the public will and need. Further, some 146,167 acres of non-Federal land is included within the unit without recognition by Congress.

Admittedly, there are some difficult issues involved in the Alpine Lakes Area. My Administration favors wilderness classification for portions of the area and has proposed an area of 292,192 acres that is available and suitable for wilderness. Such recognition is appropriate and desirable and can be accomplished without any of the very serious problems and implications regarding unrealistic costs, questionable methods of compensation, unnecessary taking of private rights, and management standards that are required by H.R. 7792. I urge the Congress to reconsider the merits of the Administration proposal.



**GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE**
Washington, D.C. 20230

JUL 2 1976

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Lynn:

This is in response to your request for the views of the Department of Commerce concerning H. R. 7792, an enrolled enactment

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

The bill would establish an Alpine Lakes Wilderness of approximately 390,000 acres and an adjacent management area of approximately 527,000 acres in the Central Cascade Mountains of Washington State. The Secretary of Agriculture would manage the Federal lands designated as the Alpine Lakes Wilderness in accordance with the Wilderness Act (78 Stat. 890) and the adjacent management area in accordance with the laws, rules and regulations applicable to national forests. Provision is made for future enlargement of the wilderness area through designation of Federal lands and acquisition of private interests within the management area.

We have consistently maintained the position that no designation of lands as wilderness areas should be made in the absence of assurances that the mineral potential of the area has been assessed and weighed in determining whether such set aside is in the broad national interest. We have not had access to all the background information that may be available on the area affected by H. R. 7792. We note, however, that the Department of Agriculture Forest Service prepared two reports in 1973 and 1974 on the Alpine Lakes Wilderness area indicating the presence or potential presence of substantial minerals including large, low grade copper deposits. The House and Senate Reports on the bill do not indicate that the Committees reviewed the mineral resources in the area.



Accordingly, our information being second hand, we would defer to agencies more directly concerned. However, what information we have strongly suggests that there are substantial mineral deposits in the area, and therefore we would have no objection to disapproval of H. R. 7792.

Sincerely,



General Counsel



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUL 2 - 1976

Dear Mr. Lynn:

This responds to your request for our views on the enrolled bill H.R. 7792, "To designate the Alpine Lakes Wilderness Mount Baker-Snoqualmie and Wenatchee National Forests, in the State of Washington."

We defer to the views of the Department of Agriculture on the advisability of the President approving the enrolled bill.

H.R. 7792 would designate certain acreage within the Mount Baker-Snoqualmie and Wenatchee National Forests in the State of Washington as the Alpine Lakes Wilderness. Since this wilderness area is located totally on Forest Service land and will be managed by them, this Department has consistently deferred to the views of the Department of Agriculture on the specific provisions of the legislation.

Sincerely yours,

Assistant Secretary of the Interior

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D.C.





GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
WASHINGTON, D. C. 20301

July 1, 1976

Mr. James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

I refer to your request for the views of the Department of Defense with respect to the enrolled enactment on H. R. 7792, 94th Congress, an Act, "To designate the Alpine Lakes Wilderness, Mount Baker-Snoqualmie and Wenatchee National Forests, in the State of Washington."

The purpose of this Act is to establish the Alpine Lakes Area within the Cascade Mountains of the State of Washington. Within the boundaries of this recognized management unit, a core area of some 383,000 acres are identified for designation as the Alpine Lakes Wilderness. An expedited land acquisition program is also directed to acquire those private lands which are located within the area identified for wilderness designation. As the managing agency for the area, the U. S. Forest Service would be directed to prepare a comprehensive and detailed management plan for the Federal lands in the entire management area. The appropriation of funds for land acquisition and planning purposes is also authorized.

H. R. 7792 seeks both to preserve a substantial wilderness resource and assure the implementation of a management plan for the surrounding lands which will complement the wilderness core and provide for a broad range of resource uses. The Department of Defense has no objection to the enactment of H. R. 7792 and defers to those Departments more directly affected.

Sincerely,

A handwritten signature in cursive script, reading "Richard A. Wiley", is written over the typed name.

Richard A. Wiley



OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

GENERAL COUNSEL

JUL 2 1976

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

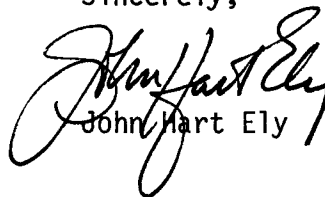
This is in response to your request for this Department's comments on enrolled bill H.R. 7792,

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

The enrolled bill would provide for public outdoor recreation and use and for economic utilization of commercial forest lands and other resources in the Central Cascade Mountains of Washington State. It would establish, subject to valid existing rights, an Alpine Lakes Area, including an "Alpine Lakes Wilderness," an "Intended Wilderness" and a management unit, comprising approximately nine hundred and twenty thousand acres.

The Department of Transportation has no objection to the President's signing this enrolled bill.

Sincerely,


John Hart Ely

FEDERAL POWER COMMISSION
WASHINGTON, D.C. 20426

ENROLLED BILL, H.R. 7792 - 94th Congress
To designate Alpine Lakes Wilderness

JUL 2 1976

Honorable James T. Lynn
Director, Office of Management and Budget
Executive Office of the President
Washington, D. C. 20503

Attention: Miss Martha Ramsey
Legislative Reference Division
Room 7201, New Executive Office Building

Dear Mr. Lynn:

This is in response to Mr. Frey's request of June 30, 1976, for the Commission's views on H.R. 7792, an Enrolled Bill, "To designate the Alpine Lakes Wilderness, Mount Baker-Snoqualmie and Wenatchee National Forests, in the State of Washington."

The Federal Power Commission has previously reviewed the proposed Alpine Lakes Wilderness Area from the standpoint of this agency's electric power and natural gas responsibilities. A survey of the material available to the Commission shows that there has been no exploratory or development drilling for, or production of natural gas in the subject area, which is located in the northern portion of the Cascade range. The area is predominantly composed of non-sedimentary rock and does not lie within a structural basin. Therefore, the prospects for natural gas discovery are minimal. No natural gas pipelines cross the proposed wilderness nor are any proposed.

Powerline corridors presently traverse the area along both the Stevens Pass and Snoqualmie highways. Some expansion of these lines is possible within the existing rights-of-way but two new 500 KV lines have been proposed



Honorable James T. Lynn

-2-

for construction by 1990. These new lines would require additional rights-of-way and new corridor construction.

The proposed wilderness covers portions of the drainage areas of four rivers. The Skykomish and Snoqualmie flow into the Puget Sound and the Wenatchee and Yakima are tributaries of the middle Columbia River. No applications for the development of hydroelectric facilities within the wilderness area are currently before the Commission. There are no existing thermal-electric plants in the proposed wilderness area and no known plans to construct any such plants.

The Commission accordingly offers no objection to approval of the Enrolled Bill, H.R. 7792.

Sincerely yours,

A handwritten signature in black ink, reading "Richard L. Dunham". The signature is written in a cursive style with a large, sweeping initial "R".

Richard L. Dunham
Chairman

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

July 2, 1976

MEMORANDUM FOR JAMES M. FREY
OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Bill H.R. 7792 "To designate the Alpine
Lakes Wilderness, Mount Baker-Snoqualmie and
Wenatchee National Forests, in the State of
Washington


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

The bill designates approximately 304,000 acres as wilder-
ness, 88,000 acres as "intended wilderness" and 529,000
acres of peripheral areas as a "management unit." Within
the intended wilderness area there are approximately 44,000
acres of private land that the bill directs must be acquired
through exchange or purchase. The Administration recommended
a wilderness of 292,192 acres, approximately the same area
as the wilderness in the bill. The "intended wilderness"
areas designated in the bill is recognized in the Forest
Service's wilderness study proposal and in the final
environmental impact statement on the Alpine Lakes Area land
use plan as being suitable for wilderness if intermingled
private lands were acquired. The peripheral "management
Unit" land in the bill makes up the rest of the area which
had been designated as the Alpine Lakes planning unit. The
legislative designation of the "management unit" appears to
be unnecessary, yet it does not appear to create a serious
problem.

The Forest Service estimates that outright purchase of the
private lands included in the bill would cost \$34 million.
At present levels of funding, this would represent approxi-
mately 5 years of available Land and Water Conservation Fund
monies. However, it appears likely that much of this
private land could be acquired through land exchange.

The Alpine Lakes area has been studied intensively for years and in the process many alternatives have been considered. H.R. 7792 is the result of compromise and we believe acceptable to the several competing interests.

We recognize that the bill presents some administrative problems for the Forest Service and that the land acquisition requirements competes for scarce resources needed else where. Nevertheless, we believe that the Alpine Lakes Area has unusually high qualities and that it would be short-sighted not to include it in the National Wilderness Preservation System. Therefore, the Council recommends the President sign this enrolled bill.


Gary Widman
General Counsel

THE WHITE HOUSE

WASHINGTON

July 9, 1976

MEMORANDUM FOR: JIM CANNON
FROM: MAX FRIEDERSDORF *M. F.*
SUBJECT: H.R. 7992 - Alpine Lakes Wilderness

The Office of Legislative Affairs has reviewed subject bill and recommends it be vetoed. The bill passed both House and Senate by voice votes.

I do, however, call to your attention the memo addressed to you by Charlie Leppert under date of July 7th concerning ~~the~~ political ramifications of a veto.

TO THE HOUSE OF REPRESENTATIVES:

I am returning today without my approval H. R. 7792, a bill entitled the "Alpine Lakes Area Management Act of 1976". I am also returning to the Senate, S. 268, a bill "To designate the Eagles Nest Wilderness, Arapaho and White River National Forests, in the State of Colorado."

I take this action very reluctantly as I believe that the National Wilderness Preservation System is an extremely valuable national resource, preserving, as it does, an important part of the Nation's heritage. Indeed, my Administration proposed enactment of legislation to designate an Alpine Lakes Wilderness area and supported legislation for an Eagles Nest Wilderness area. In December 1974 I proposed that more than 9 million acres be designated as wilderness which, when added to the previous Executive Branch wilderness recommendations, would encompass a National Wilderness Preservation System in all sections of the country of approximately 35 million acres -- an area larger than the entire State of Pennsylvania. Since taking office, I have approved bills that have designated over 1,600,000 acres of wilderness in 37 areas.

Last December I approved designation of the 235,230-acre Flat Tops Wilderness in Colorado. At that time, I urged the Congress in considering future wilderness legislation to:

- ensure that only areas of true wilderness are designated by excluding areas where evidence of man's activity is clearly apparent;
- facilitate efficient Administration of wilderness areas and to protect such areas by enhancing public **und**erstanding of their boundaries by employing recognizable natural features so far as feasible.

o evaluate more carefully the trade-off between

wilderness values and other resource value uses such as recreation, timber, wildlife, minerals, grazing and watershed protection and development.

Had H.R. 7792, establishing the Alpine Lakes area, been limited to the 292,000 acre wilderness area ~~proposed by the~~ Administration, ~~proposed~~, I would sign the bill. Instead, the Congress has added:

- o 11,000 acres of wilderness;
- o 88,000 acres of intended wilderness;
- o 43,000 acres of private land to be purchased.

In certain of these additional areas, evidence of man's presence is apparent. In some, boundaries fail to follow easily recognizable natural features. However, most disturbing is the way in which the Congress ^{has} dealt with the need to trade-off wilderness values against other resource values.

Recognizing timber values in the area, the Congress has sought to address this question by requiring the purchase of these private lands from three large timber companies, providing for unprecedented company-initiated condemnation lawsuits and prescribing ^{a unique} ~~an unprecedented~~ formula ^{which would insure} ~~ensuring~~ that these companies receive the highest possible prices for their timber and land. This could cost in excess of \$100 million.

I cannot condone the use of public funds in this manner. The objective of the National Wilderness Preservation System is to preserve selected public land areas in their ~~pristine~~ natural state and not to acquire large tracts of privately held land -- ~~especially at unconscionable prices.~~

Had S. 268 establishing Eagles Nest Wilderness been limited to the Executive Branch 87,775 acre proposal, I would sign it.

But again, the Congress has extended this proposal by more than 46,000 acres -- a 53% increase -- and ^{has} included areas that bear evidence of man's presence, ~~that fail to be~~ ^{are not} bounded by easily recognizable natural features, and ~~that~~ have greater values in a broader multiple use classification. In particular, the bill would serve to make more difficult potential development of the area water resources.

The National Wilderness Preservation System can provide this Nation with the means of preserving in perpetuity a key part of our most valuable heritage -- our undisturbed wildland. I will not, however, condone decisions which accommodate local and private interests when such actions differ from the broad national interests.

o evaluate more carefully the trade-off between wilderness values and other resource value uses such as recreation, timber, wildlife, minerals, grazing and watershed protection and development.

Had H.R. 7792, establishing the Alpine Lakes area, been limited to the 292,000 acre wilderness area ~~proposed~~ ^{proposed by the} Administration, ~~proposed~~, I would sign the bill. Instead, the Congress has added:

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Recognizing timber values in the area, the Congress has sought to address this question by requiring the purchase of these private lands from three large timber companies, providing for unprecedented company-initiated condemnation lawsuits and prescribing ^{a unique} ~~an unprecedented~~ formula ^{which would ensure} ~~ensuring~~ that these companies receive the highest possible prices for their timber and land. This could cost in excess of \$100 million.

I cannot condone the use of public funds in this manner. The objective of the National Wilderness Preservation System is to preserve selected public land areas in their ~~pristine~~ natural state and not to acquire large tracts of privately held land, especially at unreasonably high prices.

3

Had S. 258 establishing Eagles Nest Wilderness been limited to the Executive Branch 87,775 acre proposal, I would sign it.

But again, the Congress has extended this proposal by more than 46,000 acres -- a 53% increase -- and ^{has} included areas that bear evidence of man's presence, ~~that fail to be~~ ^{are not} bounded by easily recognizable natural features, and ~~that~~ have greater values in a broader multiple use classification. In particular, the bill would serve to make more difficult potential development of the area water resources.

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But again, the Congress has extended this proposal by more than 46,000 acres -- a 53% increase -- and ^{has} included areas that bear evidence of man's presence, ~~that fail to be~~ ^{are not} bounded by easily recognizable natural features, and ~~that~~ have greater values in a broader multiple use classification. In particular, the bill would serve to make more difficult potential development of the area water resources.

The National Wilderness Preservation System can provide this Nation with the means of preserving in perpetuity a key part of our most valuable heritage -- our undisturbed wildland. I will not, however, condone decisions which accommodate local and private interests when such actions differ from the broad national interests.

I am returning today without my approval ~~two bills~~:
~~H.R. 7792, a bill entitled the "Alpine Lakes Area Management~~
~~Act of 1974,"~~ and S. 268, a bill "To designate the Eagles
Nest Wilderness, Arapaho and White River National Forests,
in the State of Colorado."

I take this action very reluctantly as I believe that
the National Wilderness Preservation System is an extremely
valuable national resource, preserving, as it does, an
important part of the Nation's heritage. Indeed, my
Administration ~~proposed enactment of legislation to designate~~
~~an Alpine Lakes Wilderness area and supported legislation for~~
an Eagles Nest Wilderness area. In December 1974 I proposed
that more than 9 million acres be designated as wilderness
which, when added to the previous Executive Branch wilderness
recommendations, would encompass a National Wilderness
Preservation System ^{in all sections of the country} of approximately 35 million acres -- an area
larger than the entire State of Pennsylvania. ~~in all~~
~~sections of our country.~~ Since taking office, I have approved
bills that have designated over 1,600,000 acres of wilderness
in 37 areas.

Last December I approved designation of the 235,230-acre
Flat Tops Wilderness in Colorado. At that time, I urged
the Congress in considering future wilderness legislation to:

- o ensure that only areas of true wilderness are
designated by excluding areas where evidence of man's
activity is clearly apparent;
- o facilitate efficient Administration of wilderness
areas and to protect such areas by enhancing public

DESIGNATION
OF TRUE
BOUNDARIES BY
EMPLOYING
RECOGNIZABLE
NATURAL FEATURES
SO FAR AS
FEASIBLE.

I am returning today without my approval ~~two bills~~:

H.R. 7792, a bill entitled the "Alpine Lakes Area Management Act of 1972", and S. 268, a bill "to designate the Eagles Nest Wilderness, Arapaho and White River National Forests in the State of Colorado."

ALPINE
LAKES
VETO

I take this action very reluctantly as I believe that the National Wilderness Preservation System is an extremely valuable national resource, preserving, as it does, an important part of the Nation's heritage. Indeed, my Administration proposed enactment of legislation to designate an Alpine Lakes Wilderness area, ~~and supported legislation for an Eagles Nest Wilderness area.~~ In December 1974 I proposed

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Preservation System ^{in all sections of the country} of approximately 35 million acres -- an area larger than the entire State of Pennsylvania. ~~in all sections of our country.~~ Since taking office, I have approved bills that have designated over 1,600,000 acres of wilderness in 37 areas.

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- o ensure that only areas of true wilderness are designated by excluding areas where evidence of man's activity is clearly apparent;
- o facilitate efficient Administration of wilderness areas and to protect such areas by enhancing public understanding of their boundaries by employing recognizable ~~natural features, so far as feasible,~~

o evaluate more carefully the trade-off between

wilderness values and other resource value uses such as recreation, timber, wildlife, minerals, grazing and watershed protection and development.

Had H.R. 7792, establishing the Alpine Lakes area, been limited to the 292,000 acre wilderness area ~~proposed~~ ^{proposed by the} Administration, ~~proposed~~, I would sign the bill. Instead, the Congress has added:

- o 11,000 acres of wilderness;
- o 88,000 acres of intended wilderness;
- o 43,000 acres of private land to be purchased.

In certain of these additional areas, evidence of man's presence is apparent. In some, boundaries fail to follow easily recognizable natural features. However, most disturbing is the way in which the Congress ^{has} dealt with the need to trade-off wilderness values against other resource values.

Recognizing timber values in the area, the Congress has sought to address this question by requiring the purchase of these private lands from three large timber companies, providing for unprecedented company-initiated condemnation lawsuits and prescribing ~~an unprecedented~~ ^{a unique} formula ^{which would insure} ~~ensuring~~ that these companies receive the highest possible prices for their timber and land. This could cost in excess of \$100 million.

I cannot condone the use of public funds in this manner. The objective of the National Wilderness Preservation System is to preserve selected public land areas in their ~~pristine~~ natural state and not to acquire large tracts of privately

~~held lands.~~

~~held lands. ~~at least~~ ~~at~~ ~~unquestionable~~ ~~prices~~~~

THE WHITE HOUSE

WASHINGTON

July 7, 1976

MEMORANDUM FOR: JIM CANNON

THRU: MAX L. FRIEDERSDORF

FROM: CHARLES LEPPERT, JR. *CLJ*

SUBJECT: H. R. 7792, Alpine Lakes Wilderness Area Management Act of 1976

Rep. Lloyd Meeds (D. - Wash.) called to strongly urge the President to sign this bill. Meeds contends that the bill has taken four (4) years to put together; the bill represents a compromise between environmentalists and timber interests in the State of Washington; the bill represents a first in terms of a compromise between the environmentalists and timber interests in the State; a veto of the bill would unravel the compromise and four years of effort by many people to resolve this issue; both Rep. Joel Pritchard (R. - Wash.) and Governor Evans of Washington who strongly support President Ford strongly endorse the bill and negative action on the legislation could adversely effect their support of the President throughout the State of Washington; the entire Washington State Congressional Delegation supports and endorses enactment of the bill; the OMB objection to the payment system doesn't take into consideration the compromise which gives the timber owners assurance of payment for lands.

Meeds strongly urges the President to sign the bill.

The last day for action is July 12. The bill passed the House on June 8, 1976, by a voice vote on the suspension calendar.

TO THE HOUSE OF REPRESENTATIVES:

I am returning today without my approval H. R. 7792, a bill entitled the "Alpine Lakes Area Management Act of 1976". I am also returning to the Senate, S. 268, a bill "To designate the Eagles Nest Wilderness, Arapaho and White River National Forests, in the State of Colorado."

I take this action very reluctantly as I believe that the National Wilderness Preservation System is an extremely valuable national resource, preserving, as it does, an important part of the Nation's heritage. Indeed, my Administration proposed enactment of legislation to designate an Alpine Lakes Wilderness area and supported legislation for an Eagles Nest Wilderness area. In December 1974 I proposed that more than 9 million acres be designated as wilderness which, when added to the previous Executive Branch wilderness recommendations, would encompass a National Wilderness Preservation System in all sections of the country of approximately 35 million acres -- an area larger than the entire State of Pennsylvania. Since taking office, I have approved bills that have designated over 1,600,000 acres of wilderness in 37 areas.

Last December I approved designation of the 235,230-acre Flat Tops Wilderness in Colorado. At that time, I urged the Congress in considering future wilderness legislation to:

- ensure that only areas of true wilderness are designated by excluding areas where evidence of man's activity is clearly apparent;
- facilitate efficient Administration of wilderness areas and to protect such areas by enhancing public understanding of their boundaries by employing recognizable natural features so far as feasible;

- o evaluate more carefully the trade-off between wilderness values and other resource value uses such as recreation, timber, wildlife, minerals, grazing and watershed protection and development.

Had H.R. 7792, establishing the Alpine Lakes area, been limited to the 292,000 acre wilderness area ~~proposed by the~~ ^{proposed by the} Administration, ~~proposed~~, I would sign the bill. Instead, the Congress has added:

- o 11,000 acres of wilderness;
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I cannot condone the use of public funds in this manner. The objective of the National Wilderness Preservation System is to preserve selected public land areas in their ~~pristine~~ natural state and not to acquire large tracts of privately held land -- ~~especially at unconscionable prices.~~

Had S: 268 establishing Eagles Nest Wilderness been limited to the Executive Branch 87,775 acre proposal, I would sign it.

But again, the Congress has extended this proposal by more than 46,000 acres -- a 53% increase -- and ^{has} included areas that bear evidence of man's presence, ~~that fail to be~~ ^{are not} bounded by easily recognizable natural features, and ~~that~~ have greater values in a broader multiple use classification. In particular, the bill would serve to make more difficult potential development of the area water resources.

The National Wilderness Preservation System can provide this Nation with the means of preserving in perpetuity a key part of our most valuable heritage -- our undisturbed wildland. I will not, however, condone decisions which accommodate local and private interests when such actions differ from the broad national interests.

DESIGNATING THE ALPINE LAKES WILDERNESS,
MOUNT BAKER-SNOQUALMIE AND WENATCHEE NA-
TIONAL FORESTS, IN THE STATE OF WASHINGTON

MAY 15, 1976.—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

together with

DISSENTING AND SEPARATE VIEWS

[To accompany H.R. 7792]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 7792). To designate the Alpine Lake Wilderness, Mount Baker-Snoqualmie and Wenatchee National Forests, in the State of Washington, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, beginning on line 3, strike out all after the enacting clause and insert in lieu thereof the following:

That in order to provide for public outdoor recreation use and for economic utilization of certain forested areas, geological features, lakes, streams and other resources in the Central Cascade Mountains of Washington State by present and future generations, there is hereby established, subject to valid existing rights, an Ice Peak-Enchantment Area, including an Alpine Lakes Wilderness, comprising approximately 920,000 acres.

Sec. 2(a). The Ice Peaks-Enchantment Area (hereinafter referred to as the "management unit") and the Alpine Lakes Wilderness (hereinafter referred to as the "wilderness") shall comprise the area generally depicted on the map entitled "Ice Peaks-Enchantment Area" dated November 1975, which shall be on file and available for public inspection in the Office of the Chief, Forest Service, U.S. Department of Agriculture. The Secretary of Agriculture (hereinafter referred to as the "Secretary") shall, as soon as practicable after the enactment of this act, publish in the Federal Register a detailed description and map showing the boundaries of the wilderness area and the management unit.

(b) The Secretary shall administer the management unit in accordance with the laws, rules, and regulations applicable to the national forests in such a manner as will best provide for (1) public outdoor recreation benefits; (2) the management, utilization, and disposal of natural resources on federally-owned lands such as timber, grazing, and mineral resources insofar as their use contributes to the well-being of the Nation, and insofar as their use and disposal will not substantially impair the purposes for which the management unit is established; and, (3) the conservation and development of biotic, scenic, natural, historic, geologic, and other values.

(c) The lands designated as the Alpine Lake Wilderness shall be administered in accordance with the provisions of this act and with the provisions of the Wilderness Act (78 Stat. 890), whichever is more restrictive: *Provided*, That notwithstanding any provision of any other law, the Secretary may issue special use permits in the Alpine Lake Wilderness for such mechanized equipment as may be necessary to facilitate the operation and maintenance of any local water supply or water storage projects which existed prior to the enactment of this Act; *Provided, further*, That nothing in this act nor in the Wilderness Act shall be construed to prohibit fish stocking in the Alpine Lakes Wilderness by fish and game agencies of the State of Washington, as long as such stocking is not in contravention of an approved Forest Service fisheries management plan for the wilderness.

(d) Lands depicted on the map and legal description as "Intended Wilderness lands" shall, in conformance with and upon completion of the exchange and acquisition program required by section 3(d) of this act, but no later than five years from the date of enactment of this act, subject to Federal ownership become part of the Alpine Lakes Wilderness, and the Secretary shall thereupon file a map and legal description of such additions in the Federal Register.

LAND ACQUISITION AND EXCHANGE

SEC. 3(a). Within the boundaries of the wilderness, intended wilderness lands, and the management unit, the Secretary is authorized and directed to acquire with donated or appropriated funds, by gift, exchange, condemnation, or transfer from the national forests in the State of Washington, such lands, waters, interests, or any other property, in such manner as he considers to be in the public interest to carry out the purposes of this act. Any lands, water, and interests owned by or under the control of the State of Washington or any political subdivision thereof may be acquired only by donation. Land acquired outside the wilderness and outside the intended wilderness lands may not exceed 10 per centum of the acreage on the date of enactment of this act of the non-Federal lands in the management unit. Notwithstanding any other provision of law, any Federal property located within the management unit may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this act. The Secretary shall exercise caution in exchanging land so as not to impair substantially the programmed allowable timber harvest of the Mount Baker-Snoqualmie and Wenatchee National Forests. Amounts appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests for the purposes of this act.

(b) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within the wilderness, intended wilderness lands, and the management unit, and convey to the grantor of such property any national forest land within the State of Washington under the jurisdiction of the Secretary. The properties shall be approximately equally in fair market value, subject to the provisions of subsection (d) of this section, *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

(c) Outside of the wilderness and outside of the intended wilderness lands, privately owned property and interests therein may not be acquired by the Secretary without the consent of the owner or owners so long as an appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid local zoning ordinance. The restriction on the authority of the Secretary contained in this subsection shall not apply to such property if (1) such property is put to any use which does not conform to an applicable local zoning ordinance or; (2) such property may be put to a use which the Secretary finds would be incompatible with the purposes of this act and which would involve an irreversible or exceptionally severe impairment of the resources. For the area

within the management unit described in this subsection the Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands and interests therein only in cases where, in his judgment, all reasonable efforts to acquire such lands or interests have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to accomplish the objectives of this act.

(d) (1) In exercising his authority to acquire land, the Secretary shall give the highest priority to acquiring those lands contained in the areas identified as intended wilderness lands as depicted on the map entitled "Ice Peaks-Enchantment Area", and dated November 1975. The Secretary shall attempt to consolidate parcels of land adjacent to the wilderness at the start of the acquisition and exchange program. As such parcels are acquired and as they become protectable and administrable as wilderness, the land shall become part of the Alpine Lakes Wilderness, and the Secretary shall publish from time to time a notice of such classification in the Federal Register. It is the intention of the Congress that acquisition of the intended wilderness lands shall be completed no later than 5 years after the date of enactment of this act. By February 1 of each year the Secretary shall report in writing to the Committees on Interior and Insular Affairs of the U.S. House of Representatives and the Senate, on the status of negotiations with private owners to effect exchanges and acquisition of non-Federal property.

(2) When a land exchange or acquisition agreement is executed between the Secretary and the owner of lands within the intended wilderness lands, the Secretary is authorized and directed to provide in exchange for the property of such owner federally-owned property (including cash) equal in value to the sum of (A) the fair market value of the property on the date of transfer, and (B) the net dollar value of the loss, if any, of commercial timber value thereon between January 1, 1976, and the date of transfer, whether such loss results from deterioration of timber stands or changes in the market price for timber, or both, the value of the commercial timber on both dates to be determined at the market price of such timber prevailing at that time: *Provided*, That the provisions of this paragraph shall apply only in those cases where the owner of such property within the areas designated as intended wilderness lands has managed all of his property within such areas so designated without further harvest, road construction, or other development or use inconsistent with the natural condition of such property on January 1, 1976.

(e) The Secretary may acquire lands for the purpose of developing and improving recreational values and opportunities. The Secretary may also acquire lands when ownership patterns of public and private lands make administration of such lands difficult and costly.

COMPREHENSIVE MULTIPLE USE PLAN

Sec. 4(a) Within three years of the enactment of this Act, the Secretary shall, with full public involvement, prepare, complete, and begin to implement, in accordance with the provisions of subsection (e) of this section, a comprehensive multiple use plan for the management unit. In developing such plan, the Secretary shall respect the unity and whole of the management unit.

(b) The Secretary shall utilize and develop the resources in such a manner as to satisfy all legitimate requirements for the available resources as fully as possible without undue denial of any such requirements and without undue impairment of the resources, taking into consideration total availability of resources, irrespective of ownership or location.

(c) The comprehensive multiple use plan shall be based on a weighing of the relative values to be obtained by utilization and development of the resources for alternative possible uses, and will be designed with the object of obtaining the greatest values on a continuing basis, and will give due consideration to intangible values as well as to tangible values such as dollar return.

(d) The management of the renewable resources will be in accordance with the Multiple-Use Sustained Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528-531), with other applicable laws and regulations of the United States, and will be such to obtain a sustained, regular, or periodic output of products without impairment of the productivity or the enjoyment or carrying capacity of the land.

(e) The Secretary shall publish a notice of such plan in the Federal Register and shall transmit it to the President and to the U.S. House of Representatives and to the Senate. The completed plan will take effect unless disapproved by a simple majority vote of either the U.S. Senate or the House of Representatives within 90 calendar days from the date of transmittal of the plan.

CONSERVATION AND ENHANCEMENT OF RESOURCES

Sec. 5(a) In preparing the comprehensive multiple use plan required by the preceding section, the Secretary shall include and give priority to the following measures to enhance, develop, and conserve the resources—

(1) the building of a diversified network of overnight camping facilities, including some that can be reached by motor vehicle and some that are equipped with water and sanitation facilities;

(2) establishment of an extensive trail hostel system which shall be located within reasonable proximity to the wilderness;

(3) development of adequate picnic facilities such as outdoor cooking stoves and outdoor tables;

(4) continuation of a program of national forest timber sales together with an accelerated effort to obtain regeneration after harvesting and to reforest nonstocked or poorly stocked areas of the Mount Baker-Snoqualmie and Wenatchee National Forests including lands in the management unit. The accelerated timber management effort shall include measures to improve commercial forest land timber growth by use of sound forestry practices including, but not limited to, planting, fertilization, precommercial thinning, commercial thinning, control of overstocking and site preparation;

(5) designation of lands within the wilderness and management unit suitable for rockhounding, and within the management unit suitable for off road vehicles, both subject to reasonable regulations to prevent impairment of the soils and the resources;

(6) identification and evaluation of new or expanded winter sports sites;

(7) protection of ecological, scientific, scenic, natural, and historical values contributing to long term public enjoyment, inspiration, and education;

(8) formulation and development of a sound transportation system capable of handling present and anticipated use, and formulation and development of new modes of access to minimize environmental damages. The Secretary is authorized and directed to cooperate with local agencies of government in formulating such transportation plans; and

(9) the determination and administration of carrying capacities to assure appropriate degrees of wilderness enjoyment consistent with the full retention of wilderness values.

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

ADMINISTRATIVE AND PLANNING GUIDELINES

Sec. 6. (a) The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction in accordance with applicable Federal and State laws. Except in emergencies, any regulations pursuant to this subsection shall be issued only after consultation with the fish and game departments of the State of Washington. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of these agencies.

(b) The Secretary shall permit and encourage the economic use of renewable resources, and nothing in this act shall be construed to prohibit the conduct of normal national forest timber sales during the formation or after the formation of the comprehensive multiple use plan required by section 4 of this act. In preparing and administering sales of national forest timber, the Secretary shall promulgate rules and regulations which (1) stress visual quality near highways, in trail corridors which approach the wilderness, and on lands directly adjacent to the wilderness where, in the opinion of the Secretary, the quality and fragility of the resources require such visual management; (2) impose reasonable standards of land restoration; (3) require that no area undergo harvest where the land and soil characteristics cannot reasonably assure adequate regrowth of timber; (4) stipulate logging practices designed to protect site and water quality, protect the fishery resources, prevent undue erosion, reduce fire hazards, and promote maximum economic use of wood fiber ordinarily left as residue.

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

AUTHORIZATION OF APPROPRIATIONS

Sec. 7. There is hereby authorized to be appropriated \$20 million for the acquisition of lands and interests to carry out the purposes of this act. To prepare the comprehensive management plan required by section 4 of this act, there is authorized to be appropriated \$5 million in total during the 3 fiscal years beginning with fiscal year 1977. Appropriation requests by the President to implement the comprehensive multiple-use plan and the wilderness studies shall express in qualitative and quantitative terms the most rapid and judicious manner and methods to achieve the purposes of this act. Amounts appropriated to carry out this act shall be expended in accordance with the Budget Reform and Impoundment Control Act of 1974 (88 Stat. 297).

PURPOSE

H.R. 7792¹, as reported by the Committee on Interior and Insular Affairs, would establish the Ice Peaks-Enchantment Area in the Central Cascade Mountains of the State of Washington. Within the boundaries of this recognized management unit, a core area of some 383,000 acres are identified for designation as the Alpine Lakes Wilderness. All privately owned lands within the boundaries to be designated as wilderness would be acquired through purchase, donation, or exchange; Federal acquisition of private lands within the surrounding management unit would be limited to 10 percent of the non-Federal lands within the unit at the time of establishment of the area. As the managing agency for the area, the U.S. Forest Service would be directed to prepare a comprehensive and detailed management plan for the Federal lands in the entire management unit. The appropriation of funds for land acquisition and planning purposes is authorized.

In reporting H.R. 7792 in amended form, the committee seeks both to preserve a substantial wilderness resource in this heavily visited area not far from the major population centers of the Puget Sound region, and to direct the implementation of a management plan for the surrounding lands which will complement the wilderness core and provide for a broad range of resource uses.

BACKGROUND AND NEED FOR LEGISLATION

The Alpine Lakes region represents perhaps the single most critical area within the entire Cascade Mountain range in terms of the necessity for active and sensitive management of a unique combination of resources. Located in the Central Cascades east of the metropolitan area of Seattle, Wash., the Alpine Lakes region is at once:

1. A magnificent series of superb wilderness landscapes;
2. An important source of timber production for this vital State industry;
3. A recreation mecca for such diverse groups as skiers, off-road vehicle enthusiasts, rockhounds, and backpackers;
4. An immeasurably valuable watershed to supply the irrigation needs of the dry but productive lands to the east; and
5. An area above all under intense pressure due to conflicting views of its ultimate worth.

The Alpine Lakes area consists of the rugged peaks of the geologically young Cascade Mountains. Although none of the peaks in the area rise above 10,000 feet in elevation, the mountain mass rises

¹ H.R. 7792 was introduced by Representatives Meeds, Foley, McCormack, Hicks, Pritchard, Adams, and Bonker. Related measures before the committee were H.R. 3977 and H.R. 3978, also sponsored by the Washington State delegation.

abruptly from valleys which are little above sea level. Active glaciers and permanent snowfields are scattered throughout the area and serve as reminders of the glacial forces that carved both the jagged ridges and the valley troughs below. The glaciers also left behind a landscape containing numerous glacial cirques, which have now become the setting for many of the lakes for which the region is justly famed.

Interest has existed in this unique landscape for many years. Portions of the area have been withdrawn from timber harvesting by the U.S. Forest Service for decades, and are managed today as wilderness.

During the past 15 years, the Federal Government has made extensive studies of possible land classifications in the Cascade range. A Forest Service team studied the Alpine Lakes extensively in 1971-73 and conducted public hearings throughout the region. The results of this study were a management proposal for the national forest lands in the Alpine Lakes Area, and a recommendation for congressional wilderness designation of a part of those lands. During this same period, many groups having an interest in this area have also conducted studies which represent their points of view for the way in which this area should be managed.

Perhaps the central reason for the great concern for the welfare and future disposition of the Alpine Lakes region is the proximity of the area to the population centers of Puget Sound. The impacts of recreation use become more apparent in the Alpine Lakes each year, as the popularity of the area continues to grow. At the same time, these same lands are becoming ever more valuable for development and timber harvesting purposes. There is an urgent need for Congress to define the protection to be given these lands so that the Alpine Lakes area will not be inevitably and inappropriately compromised and altered through a lack of direction.

LEGISLATIVE HISTORY

Three legislative initiatives were introduced in the House of Representatives early in the 94th Congress. One plan would call for the establishment of a national recreation area of over one million acres. Within the recreation area, some 575,000 acres would be designated as wilderness. A second proposal would designate a wilderness in the area of some 216,000 acres. The third option would establish a wilderness of about 292,000 acres. The entire House delegation from the State of Washington sponsored all three of the proposals in order to bring the full range of issues in this area before the Congress.

The Subcommittee on National Parks and Recreation conducted hearings in Washington, D.C., on the alternate bills on June 17, 1975. Next, 2 days of field hearings were held in Washington State during June and July, 1975, allowing members to inspect the affected area and to hear the views of several hundred additional witnesses.

In commencing further consideration of this issue, the subcommittee was offered two updated proposals: one representing the views of six members of the Washington delegation and presented by Representative Lloyd Meeds, the other representing the views of Representative Mike McCormack. Both members were afforded an opportunity to present their views on the issue before the subcommittee, and a representative from the U.S. Forest Service also appeared by invitation to

give the subcommittee the views of the affected agency on these later proposals.

In deliberations on this issue, the subcommittee adopted several amendments to the proposal to establish an Ice Peaks-Enchantment Area as suggested by Representative Meeds. Also considered was an alternate text offered by Representative Johnson of California which proposed a wilderness designation of some 342,000 acres, an area about 40,000 acres smaller than the Meeds proposal. The Johnson substitute language also was modified somewhat by the subcommittee, and then rejected in favor of the amended Meeds version. The subcommittee then approved the amended bill by voice vote.

Further deliberations on the measure by the full committee were conducted after receiving a supplemental report from the Department of Agriculture. Additional amendments were then adopted which were responsive to certain of the objections raised by the administration. A modified version of the Johnson substitute was rejected by the committee.

H.R. 7792, as ordered reported by the committee, now calls for the establishment of an Ice Peaks-Enchantment Area, including an eventual designation of some 383,000 acres as wilderness. A management plan for the area surrounding the wilderness is to be prepared by the U.S. Forest Service, taking into consideration the specific directions mandated by the bill. An acquisition program is directed to complete the Federal ownership of the lands to be designated as wilderness within 5 years, and limits are placed on the lands which may be acquired throughout the rest of the management unit.

SECTION-BY-SECTION ANALYSIS

Section 1 establishes the Ice Peaks-Enchantment Area, a designated management unit of some 920,000 acres in the Central Cascade Mountains of Washington State. An Alpine Lakes Wilderness is included within the area. The general purpose for the establishment of the area is to provide for public outdoor recreation use and for the economic utilization of the various resources within the management unit.

Section 2 cites a reference map showing both the entire management units designated as the Ice Peaks-Enchantment Area and the Alpine Lakes Wilderness within that unit. In addition to maintaining the reference map on file, the Secretary of Agriculture is to publish a detailed boundary description and map of the wilderness and management unit in the Federal Register as soon as possible after enactment of the bill.

This section also provides that the Secretary is to administer the lands within the management unit in accordance with the laws, rules and regulations affecting the national forests. Public outdoor recreation benefit; the management, utilization and disposal of natural resources such as timber, grazing areas, mineral resources; and the conservation and development of other values are listed as goals in the administration of the area. The well-being of the Nation is to be taken into account in the management and disposal of the natural resources of the area, in conformance with the purposes for which the area is established.

Those lands designated as the Alpine Lakes Wilderness are to be managed in accordance with both this legislation and the Wilderness Act itself, whichever is the more restrictive, for the purpose of preserving wilderness values. Special provisions are made which specifically allow special use permits to be issued for the use of necessary mechanized equipment to operate and maintain existing water storage and supply projects within the wilderness, and to provide that nothing in either this act or the Wilderness Act is to be interpreted as preventing the appropriate Washington State agencies from conducting fish stocking in the Alpine Lakes Wilderness, so long as such activity is not in contravention of an approved fisheries management plan which may be developed by the Forest Service. The committee recognizes that the activities covered in the provisos are not otherwise necessarily prohibited by the Wilderness Act, but this specific language is retained to underscore the intention that these activities may continue.

Those lands shown as "Intended Wilderness Lands" are to become a part of the wilderness through the acquisition program specified later in the bill. Notification of additions to the wilderness shall be published in the Federal Register.

Section 3 details the land acquisition and exchange program for the area. The Secretary is authorized and directed to acquire such lands or interests as he deems to be in the public interest anywhere within the area. He may acquire such interests through donation, purchase, exchange, or transfer, and may use donated or appropriated funds. Lands owned by the State of Washington or any subdivision are to be acquired only through donation. Other than those lands designated as wilderness or intended wilderness, land acquisition is not to exceed 10 percent of the non-Federal land acreage existing within the rest of the management unit on the date of enactment of the legislation. Federal property within the area may be transferred without cost to the jurisdiction of the Secretary. The Secretary is instructed to exercise caution in the land exchange program in order to avoid any substantial reduction of the currently programmed allowable timber harvest of the affected national forests.

Appropriations from the Land and Water Conservation Fund may be used for the acquisition program directed for this area. The Secretary may convey national forest lands of equal value elsewhere within the State of Washington in exchange for parcels of land within the area. A cash settlement may be accepted or paid by the Secretary to equalize the values of the exchanged property in such cases.

The Secretary is precluded from acquiring any private property outside of the wilderness and intended wilderness lands in areas where valid local zoning ordinances are in effect. This suspension of condemnation is not to apply to properties which are put to uses not in compliance with the zoning ordinance, or in the event of a finding by the Secretary that the property is being put to a use incompatible with the act and which would involve an irreversible or exceptionally severe impairment of the resources of the property. In all the lands outside the wilderness and intended wilderness areas, condemnation proceedings are to be used only when all reasonable efforts to acquire a property by negotiated purchase have failed, and in which the acquisition is reasonably necessary for the purposes of the act, in the opinion of the Secretary.

The highest priority for land acquisition is to be given to those lands shown in the referenced map as "Intended Wilderness Lands".

The Secretary is to attempt to consolidate parcels of land in his acquisition program, and to publish notices of their classification as wilderness at any time that such acquired lands become sufficiently consolidated, protectable and administrable as wilderness. All federally owned lands within the intended wilderness area are to be managed in such manner as to preserve their wilderness character, pending their ultimate classification as wilderness by the Secretary. It is the intent of the committee that the acquisition program for the intended wilderness area be completed within 5 years from the date of enactment of this act. A yearly report on the progress of the acquisition program is to be made to the appropriate committees of the Congress.

In executing a land transfer for the acquisition of lands in the intended wilderness area, the Secretary is to pay the fair market value on the date of transfer, plus any net dollar loss in commercial timber value on the property from its worth on January 1, 1976. This loss may result from deterioration of the timber stand, or from changes in market conditions, or both. This additional compensation is only to apply in cases in which the owner of such lands has managed all of his holdings within the intended wilderness without further timber harvest or other nonconforming activities taking place since January 1, 1976.

Subject to the restrictions previously mentioned, the Secretary may also acquire lands in order to develop them to improve recreational values and opportunities. The Secretary may also acquire lands in areas in which current patterns of public and private ownership make the administration of such lands both difficult and costly.

Section 4 requires the Secretary to develop and begin to implement a comprehensive multiple use management plan for the management unit within 3 years of the date of enactment of this legislation. Since there has already been an initial assessment of the area as a part of the review process leading to the submission of the wilderness proposal of the U.S. Forest Service, this additional study will be able to draw on much of the previously assembled data in conjunction with the instructions given by this legislation. The Secretary is to fully utilize and develop the resources of the area to satisfy all legitimate requirements for these resources, without unduly impairing them. The plan should be designed to obtain the greatest values from the resources on a continuing basis, giving due consideration to intangible as well as tangible values. Management of the area will be in accordance with the Multiple-Use Sustained-Yield Act of 1960 and other applicable statutes, and should permit a sustained output of commodities without impairing the productivity or the enjoyment or carrying capacity of the land base itself. Notice of the completed plan is to be published in the Federal Register. The plan itself will be transmitted to the President and the Congress. There will be a 90-day period during which the plan may be disapproved by a majority vote of either the Senate or the House of Representatives.

Section 5 lists certain measures which are to be considered and given priority in preparing the plan, including:

1. construction of diversified camping facilities, including some accessible by motor vehicle and some that may be equipped with water and sanitation facilities;
2. establishment of a trail hostel system near the wilderness;
3. development of picnic facilities, some to be equipped with basic improvements;

4. continuation of a program of timber sales in conjunction within an increased reforestation effort throughout the affected national forests. The accelerated timber management shall take in a broad range of management actions to increase the timber output;

5. designation of suitable lands for rockhounding and off-road vehicle use, subject to protective regulations;

6. identification of new or expanded winter sports sites;

7. the protection of various natural and historic values within the area;

8. the formulation and development of a transportation system to serve the area. The Secretary is to cooperate with local units of government in developing such plans; and

9. a determination and implementation of carrying capabilities for the wilderness.

Finally, the Secretary is to review the completed plan from time to time, and make changes as he may deem necessary, first going through a full public participation process.

Section 6 gives certain guidelines for the administration of the area. Hunting and fishing will continue to be permitted in accordance with all applicable laws, and a provision is made for consulting with the State fish and game agencies. The jurisdiction or responsibilities of the agencies are to be left unaffected. The Secretary is also to encourage the economic use of the resources of the area, and normal timber sales may go forward without interruption. The Secretary is to issue rules which stress visual quality in managing certain classes of lands, as deemed necessary. He may also impose reasonable land restoration standards, preclude harvesting on fragile lands, and stipulate a number of specific logging practices. The State and its subdivisions are specifically exempted from suffering any loss in jurisdiction over the area.

Section 7 authorizes up to \$20 million to be appropriated for land acquisition. It is anticipated that exchange agreements will permit other land consolidation to take place. Also, up to \$5 million is authorized for preparation of the required management plan. Appropriation requests by the President should make recommendations as to the ways in which the planning to be done as a result of this legislation will be accomplished.

COST

H.R. 7792, as reported, authorizes not more than \$20 million to be appropriated for land acquisition within the area. Although the estimate made by the U.S. Forest Service for land acquisition in the intended wilderness area is \$34.3 million, this would assume that no land exchanges would take place. The committee intends that land exchanges in this area will make up a substantial percentage of the acquisition program, and expects the Forest Service to pursue this option vigorously. Although the agency has also estimated that acquisition of 10 percent of the lands in the surrounding unit would cost an additional \$22 million, there is no intention in this legislation that these lands must of necessity be acquired.

H.R. 7792 also authorizes up to \$5 million to be appropriated for the preparation of the required management plan. This figure was

retained, although the bill was amended to delete many of the additional planning requirements which were originally proposed. The committee anticipates that the cost of the plan will be far less than the authorized limit.

BUDGET ACT COMPLIANCE

H.R. 7792 specifically permits funds for land acquisition in the area to come from the Land and Water Conservation Fund. Moneys are available to the Forest Service from that fund for the acquisition of inholdings in wilderness areas and for the purchase of other lands within national forests which are primarily of value for outdoor recreation purposes. Any funding requests would be considered along with other Federal recreation projects which receive acquisition moneys from the fund. As the appropriation is based on the specified limits authorized for the fund, the effects on the budget of this project would be minimal.

INFLATIONARY IMPACT

One of the particular concerns of the committee in dealing with this issue was the need to establish an area that would not cause economic dislocations in the region. It is anticipated that much of the land acquisition program should emphasize land exchanges, thus minimizing the inflationary aspects of this Federal purchase.

OVERSIGHT STATEMENT

Although consideration of Alpine Lakes by the committee was a legislative matter, the hearings afforded a good opportunity for members to review the planning and public involvement process now being used by the Forest Service.

In addition, members pursued several lines of interest regarding ongoing management of these lands by the agency. No recommendations were submitted to the committee pursuant to rule X, clause 2(b) (2).

COMMITTEE AMENDMENT

H.R. 7792 as reported by the committee incorporates a new text for the bill as an amendment. The amendment is printed above and discussed in the section-by-section analysis.

COMMITTEE RECOMMENDATION

On February 17, 1976, after adopting the revised text as discussed, the Committee on Interior and Insular Affairs, meeting in open session, reported H.R. 7792, as amended, by voice vote.

DEPARTMENTAL REPORTS

The report of the Department of Agriculture, dated June 13, 1975, and the report of the Department of the Interior, dated June 16, 1975, as well as a supplemental report of the Department of Agriculture, dated January 28, 1976, are here printed in full:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 13, 1975.

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. 3977, a bill "To preserve the wilderness character and public recreational values of the central Cascade Mountains of the State of Washington by establishing the Alpine Lakes National Recreational Area and designating the Alpine Lakes Wilderness therein for inclusion in the National Wilderness Preservation System, and for other purposes" and H.R. 3978, a bill "To designate certain lands in the Snoqualmie and Wenatchee National Forests, Washington, as 'Alpine Lakes Wilderness' and 'Enchantment Wilderness' for inclusion in the National Wilderness Preservation System."

This Department recommends that our proposed legislation to designate a 292,192-acre Alpine Lake Wilderness as transmitted to the Congress on May 20, 1975, be enacted in lieu of H.R. 3977 or H.R. 3978. Our proposal is contained in its entirety in H.R. 7792.

H.R. 3977 would establish an Alpine Lakes National Recreation Area of approximately 1,012,000 acres with a core of 575,000 acres to be designated as wilderness, to be administered by the Secretary of Agriculture. H.R. 3977 would require development of a detailed management plan, require development of regulations pertaining to the use of privately owned property, provide limited acquisition authority, withdraw the area from appropriation under the mining laws, and provide for study of seven rivers within the area for potential addition to the National Wild and Scenic Rivers System.

H.R. 3978 would authorize and direct the Secretary of Agriculture to classify and manage as wilderness the Alpine Lakes Wilderness of 172,000 acres and the Enchantment Wilderness of 44,000 acres.

Our proposal would provide for the designation of the Alpine Lakes Wilderness comprising approximately 292,192 acres.

H.R. 3977, H.R. 3978, and our proposal each pertain to the same general area and concern the designation of wilderness and management of adjacent lands. Our recommendation results from a Forest Service study of the Alpine Lakes management unit which contains a total of approximately 919,000 acres of which 763,492 acres are national forest lands and the remaining lands are primarily in private ownership. Included in this management unit are six wilderness study areas which were selected by the Forest Service as a part of its review of roadless and undeveloped areas. The entire management unit was examined as part of the Forest Service's land-use planning process. Through this process we determined that a 292,192-acre portion of the management unit should be proposed as the Alpine Lakes Wilderness.

The details of our recommendation for designation of the Alpine Lakes Wilderness and our proposed land use plan for the adjacent lands are contained in the report on the proposed Alpine Lakes Wilderness and the environmental statement on the land use plan for the Alpine Lakes Area. The report and the environmental statement accompanied our transmittal of May 20 to the Congress.

Our proposed wilderness essentially encompasses the two proposed wildernesses contained in H.R. 3978. Several small areas included in

H.R. 3978, but not included in our proposal, are areas of intermingled private and Federal ownership with approximately 50 percent in each ownership. Because of the large proportion of lands in private ownership, we did not include these areas in our proposed wilderness. Our proposal contains several additional areas not included in H.R. 3978. These additional areas are predominately in Federal ownership, and in our judgment the wilderness values exceed the value of management for other purposes. These areas are shown on the map which accompanied our transmittal of May 20.

Our proposal and H.R. 3977 are similar with regard to designation as wilderness of that portion of the central area which is in Federal ownership. The other features of H.R. 3977 are not included in our proposal. In our land use planning of the 919,000 acres in the Alpine Lakes management unit, we considered alternatives for designation of an enlarged wilderness or a national recreation area. These alternatives are discussed in the environmental statement on the land use plan. An important reason why we did not select the alternative of an enlarged wilderness or a national recreation area is the checkerboard land ownership pattern where 50 percent of the land is in mixed private ownership and 50 percent in Federal ownership. From the standpoint of the national priorities for land acquisition, we do not believe a major land acquisition program could be justified in this area to meet the objectives of a national recreation area or allow enlargement of the wilderness designation.

The designation of an enlarged wilderness or a national recreation area would impact a number of resource values and uses in the area. For example, many of the private and Federal lands outside the area which we propose for wilderness designation have high value for their timber resource as well as high recreational value. Although limited timber harvest could occur within a national recreation area, such harvest would be restricted and result in a reduction in the allowable timber harvest in the area. An analysis of this impact on timber harvest and the impact on other resource values and uses is contained in the environmental statement.

Although we do not recommend enactment of H.R. 3977, our proposed Land Use Plan for the Alpine Lakes Area reflects our concern that this area be managed for its unique wilderness and recreational values. The plan, in addition to recommending wilderness designation for 292,192 acres, also identifies special scenic areas, areas to be managed in a near natural condition, and prescribes management direction for the adjacent lands. We will place emphasis in our management for the entire area on coordination with private owners and State and local government to protect the area's natural resources.

The enactment of our proposal would not require any new budget authority or budget outlays.

The Office of Management and Budget advises that there is no objection to the presentation of this report and that enactment of the Department of Agriculture's proposed legislation as contained in H.R. 7792 would be consistent with the administration's objectives.

Sincerely,

ROBERT W. LONG,
Assistant Secretary for Conservation,
Research and Education.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 16, 1975.

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

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on H.R. 3977, a bill "To preserve the wilderness character and public recreational values of the central Cascade Mountains of the State of Washington by establishing the Alpine Lakes National Recreation Area and designating the Alpine Lakes Wilderness therein for inclusion in the National Wilderness Preservation System, and for other purposes," and H.R. 3978, a bill "To designate certain lands in the Snoqualmie and Wenatchee National Forests as 'Alpine Lake Wilderness' and 'Enchantment Wilderness' for inclusion in the National Wilderness Preservation System."

On May 20, 1975, the Department of Agriculture transmitted to the Congress a proposed bill "To designate the Alpine Lakes Wilderness, Mt. Baker-Snoqualmie and Wenatchee National Forests, in the State of Washington." We recommend that this proposed bill be enacted in lieu of either H.R. 3977 or H.R. 3978.

The Agriculture proposal would designate the 292,192 acre Alpine Wilderness within and as part of the Mt. Baker-Snoqualmie and Wenatchee National Forests, Washington. The outstanding and unique physical features of the area make it a natural candidate for wilderness designation.

In 1973 this Department's Bureau of Mines and Geological Survey completed a mineral study of 207,000 acres of the Alpine Lakes core area, and another 176,000 acres of peripheral areas in 1975. This study included the area proposed for wilderness designation by the Department of Agriculture.

With regard to the specific provisions of H.R. 3977 and H.R. 3978, we defer to the views of the Department of Agriculture. However, with regard to H.R. 3977 we might point out that the Department of Agriculture has considered a national recreation area as one of the management alternatives. This alternative was not selected primarily because of the land ownership pattern and other resource values. Further, there are already a number of large Federal park and recreation areas in this part of the country—such as Olympic, North Cascades, and Mount Rainier National Parks and Ross Lake and Lake Chelan National Recreation Areas—available for the use and enjoyment of the people in the Seattle-Tacoma-Puget Sound metropolitan region.

Section 9 of H.R. 3977 would withdraw all Federal lands in the national recreation area from disposition under all laws pertaining to mineral leasing and location and amendments thereto. The Bureau of Mines and the Geological Survey have not yet conducted a mineral survey on nearly 63% of the area proposed for designation as a national recreation area and wilderness under H.R. 3977.

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., January 28, 1976.

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

DEAR MR. CHAIRMAN: We would like to offer our views on H.R. 7792 as reported to the full committee by the Subcommittee on National Parks and Recreation. This bill would establish in the State of Washington an Ice Peaks-Enchantment Area including an Alpine Lakes Wilderness and a management unit which in turn includes areas of intended wilderness.

This Department strongly recommends that H.R. 7792 as reported not be enacted.

We reported and testified on H.R. 7792 on June 17, 1975. H.R. 7792 as originally introduced embodied the administration's proposal. However, as reported, substitute language has been inserted following the enacting clause. We testified on our concerns with this substitute language on November 7, 1975, and further by letter to the subcommittee dated November 13, 1975. Although several changes were made during subcommittee markup, a number of unacceptable provisions are contained in H.R. 7792 as reported. The Ice Peaks-Enchantment Area that would be established would consist of two entities—a wilderness area of approximately 302,000 acres, and a management unit of approximately 618,000 acres that would surround the wilderness and be similar in concept to a national recreation area. Certain areas within the management unit are identified as "intended wilderness lands"; however, except for acquisition of private land the intended wilderness is not treated differently. Within the management unit, restrictions would be placed on our existing land acquisition authorities, planning flexibility, and management priorities. An accelerated timber management effort and a transportation system with new modes of access would be required. An advisory board would be established to assist in preparing and implementing a multiple use plan which would be subject to a 90-day "disapproval" period by either House of Congress; however, changes would not require referral to Congress. Within the intended wilderness, the Secretary would be directed to acquire all non-Federal lands within 5 years and provide compensation for loss of timber value that might occur prior to acquisition. The land acquisition in the management unit must not substantially impair the programmed timber harvest on the two national forests involved.

H.R. 7792 as reported would legislate a management unit which is essentially the planning unit we have designated in our land use planning process. We are clearly on record as to how the area will be managed to meet the public interest following extensive public involvement and application of the National Environmental Policy Act process. We believe that the priorities established through this process are reasonable and desirable, and that they are preferable to the priorities which would be established by H.R. 7792 as reported. Moreover, sections 2, 6 and 7 provide conflicting direction, and it is not clear which has priority. This is discussed further in the attached supplemental statement.

A number of changes in our authorities for land acquisition are contained in section 3. These changes would so constrain management

flexibility that it is doubtful the purposes of the Act could be met. The supplemental statement discusses this in detail.

We believe it would be a serious error to establish in law the multiple use plan as required by section 5. If such were done, it would become extremely difficult, if not impossible, to be adequately responsive to the public interest, and to carry out provisions of other laws applicable to national forest system lands. The provision for disapproval of the plan by either House of Congress would place an unnecessary burden on both the Congress and ourselves without adding to the oversight authorities already available to the Congress. In addition the Department of Justice has consistently held that such provisions infringe on the constitutional responsibility of the executive branch.

H.R. 7792, as reported, would authorize the appropriation of \$20 million for land acquisition and \$5 million for plans and studies. This would fall far short of the total needed for acquisition which we estimate to be \$56,300,000. It is also apparent that section 6(a) would involve substantial development, program, and administrative costs.

The President recently urged Congress to work more closely with the executive branch on proposed national forest additions to the National Wilderness Preservation System. A great amount of careful study goes into administration proposals to define management boundaries and to reflect reasonable tradeoffs among various possible resource uses. H.R. 7792 as reported would be very costly both in direct Federal acquisition and administrative expenditures and in opportunities foregone relative to the additional values obtained.

The Office of Management and Budget advises that there is no objection to the presentation of this report and that enactment of H.R. 7792 as reported would not be in accord with the administration's objectives.

Sincerely,

JOHN A. KNEBEL,
Acting Secretary.

Enclosures.

USDA SUPPLEMENTAL STATEMENT ON H.R. 7792 AS REPORTED
PERTAINING TO THE ALPINE LAKES AREA

Land acquisition (intended wilderness)

Several limitations would be imposed on acquisition of non-Federal lands.

The intention in section 2(d) that the "intended wilderness lands" become wilderness is clear. Section 2(d) also indicates that these lands will remain a part of the "management unit" until the acquisition program is completed. However, section 2(b) directs that the management of national forest land in the management unit include utilization and disposal of natural resources such as timber, forage, and minerals, "insofar as their use and disposal will not substantially impair the purposes for which the management unit is established." Since these purposes are different than for wilderness, compliance with section 2(b) could force us to engage in activities which would render the national forest lands unsuitable for wilderness. Ironically, similar activities on the private lands would lead to condemnation.

Within the intended wilderness, completion of acquisition would be required, by section 3(d)(1) "no later than five years after enactment." Also, "as such parcels are acquired, the land shall become part of the Alpine Lakes Wilderness." Since the intention that these lands become part of the wilderness is quite clear, we would feel obliged to exercise condemnation if a private landowner attempted to develop or utilize his land in any manner inconsistent with wilderness. This would also place a limitation on activities of private landowners prior to acquisition. Extensive use of condemnation could lead to serious escalation in acquisition costs. Also land values continue to increase so that private owners would generally expect higher prices in 5 years. Consequently, substantial condemnation would be likely, accompanied by significantly increased costs over our estimate of present values of the involved lands. Also, the requirement that certain tracts of "intended wilderness lands" become wilderness as they are acquired could result in isolated tracts of wilderness adjacent to private land in such fashion that management for wilderness would be unrealistic. There is no indication as to when the Federal lands in the intended wilderness become wilderness during the 5-year period.

Sec. 3(d)(2) directs Federal payment of compensation for "the loss, if any, of commercial timber value" that might occur between January 1, 1976, and date of acquisition, on lands to be acquired by the Federal Government. The value of the commercial timber on both dates would "be determined at the market price of such timber prevailing at that time." Unless an expensive survey of timber quality and quantity was conducted immediately following passage of the act, it would be extremely difficult to reconstruct values as of January 1, 1976, for acquisition cases in the future.

Land acquisition (management unit)

The Act would provide that within the management unit, but outside the intended wilderness lands, land exchanges must not substantially impair the programmed timber harvest of the two national forests involved. In effect, this would negate our ability to accomplish land exchanges and force the vast majority of the acquisition within the management unit to be accomplished by purchase. Acquisition would be further limited to only 10 percent of the non-Federal lands, and condemnation limited to land where the uses are incompatible with the purposes of the act, or not in accordance with local zoning, or would create a severe impairment of the resources. Since the majority of the management unit is checkerboard ownership where 50 percent of the land is privately owned, we would expect that more than 10 percent of that acreage might need to be acquired in order to properly administer the intermingled Federal lands to carry out the purposes of the Act. Difficulties in defining "severe impairment of the resources" can also be anticipated in condemnation cases under that authority.

Wilderness management

Sec. 2(c) would provide for exceptions to wilderness management as it is directed in the Wilderness Act (78 Stat. 890). We feel it would be undesirable to amplify the management direction for the proposed Alpine Lakes Wilderness to make it different from other units of the National Wilderness Preservation System.

The Secretary would be authorized to permit mechanized equipment in the proposed wilderness to facilitate operation and maintenance of local water supply projects which existed prior to enactment. We feel this would be an undesirable precedent. It goes beyond our present authority, which provides for such use when consistent with the wilderness resource, and could lead to other uses or activities within wilderness which did not conform to the principles of the Wilderness Act.

The Wilderness Act presently provides authority to prohibit activities in conflict with the wilderness resource. Although we would not normally expect to exercise this authority in regard to fish stocking, we feel it would be underirable to limit our authority as is done in the second proviso of sec. 2(c).

Multiple use plan guidelines

Section 6 would legislate the specifics which would be included in our planning. This would so limit the flexibility of planners as to essentially negate the entire planning process, and would presume to establish, prior to the benefit of planning, the specifics of such planning. Further, in one program area, timber management, the direction provided extends beyond the designated area established by the bill and includes the remainder of the two National Forests involved. It directs an accelerated effort "to obtain regeneration after harvesting and to reforest non-stocked or poorly stocked areas of the Mount Baker-Snoqualmie and Wenatchee National Forests including lands in the management unit." We feel it is undesirable to provide piecemeal program direction outside the congressionally designated area in view of the interrelationship between our various programs. This would severely limit our ability to coordinate and thereby optimize our management effort for the two national forests involved and between them and the other forests in Washington and Oregon. This specific direction for one program on two national forests would conflict with existing legislation applicable to the national forest system in general, and would be far more complex to administer than a specially designated area where all programs are modified to meet the specific purposes of the area. The cost of such an effort could not be determined without an in-depth study and analysis; however, it would necessarily be a significant increase over existing program costs.

Administrative guidelines

The stated intention of the guidelines in section 7 is to permit normal timber sales. However, the requirement for secretarial rules and regulations and the specifics of their content would generally place timber sales outside of normal practices.

Some of the guidelines in sections 6 and 7 would conflict with the management direction in section 2 which presumably provides the purpose of the area. Priorities would need to be established before we could respond to the specific, conflicting direction. For example, section 7 would direct the Secretary to permit and encourage the economic use of renewable resources while section 2 seems to indicate that public outdoor recreation benefits are first priority. The requirement in section 6(a)(5) for designation of areas for rockhounding within the wilderness would conflict with section 2 which directs that the wilderness be managed in accordance with the bill and the Wilderness Act *whichever is more restrictive*. Since the Wilderness Act is the

more restrictive, that part of section 6(a)(5) would be negated. We feel it is far more desirable to treat the specifics in our planning process rather than in law.

Program costs

Administration of the wilderness and management unit would be quite expensive due to the various management restrictions, time limits, development requirements, and program emphasis. We have no estimate of this cost since considerable additional planning would be necessary to develop a program.

DISSENTING VIEWS
OF
MR. JOHNSON OF CALIFORNIA

After careful examination of the Alpine Lakes bill ordered reported by the Interior and Insular Affairs Committee, I can only determine that this legislation would result in a severe impact on the economy of the local area affected, would establish a dangerous precedent of congressional intervention in specific forest service management practices, and would result in substantial cost to the Federal Government at a time when the competition for dollars is already very keen.

I believe that the Alpine Lakes area is deserving of preservation as a wilderness area. I supported the original wilderness system legislation and have subsequently supported many of the proposed wilderness additions. I support protection of the Alpine Lakes area through wilderness designation. My objections concern the extensiveness of the designation, precedents set by the legislation, and the accompanying costs of implementing the legislation.

During subcommittee markup and again during committee markup, I offered a substitute bill. This substitute was rejected by the committee by a vote of 17 to 23. I considered this substitute to be a fair and reasonable compromise which took into consideration the various needs represented in the area and struck an equitable balance between them.

The legislation ordered reported by the committee will have a severe economic impact on the Alpine Lakes region. Over 74 million board feet of timber will be withdrawn from harvest. Equally, if not more important, many job opportunities will be lost due to the withdrawal of these lands from multiple use management. In an area which is already experiencing unemployment rates regularly topping 15 percent this additional blow will be severe.

One of the most serious drawbacks of the committee bill is one which will have national repercussions. The bill sets a precedent for congressional intervention in land use management to a new degree. What would be permitted in the Alpine Lakes area under this legislation could become the example for congressional intervention in other areas of the nation. As reported, the bill would change U.S. Forest Service authorities for management of non-wilderness lands. This measure would create a new concept of a "Management Unit." It would change the directives of the Wilderness Preservation Act of 1964 and the Multiple Use-Sustained Yield Act of 1960.

The committee bill would put the Congress in the position of mandating Forest Service management practices for specific areas. I believe the Forest Service programs under the Wilderness Preservation Act and the Multiple Use-Sustained Yield Act have worked quite well and should be allowed to continue uninterrupted.

The Forest Service originally suggested creation of a wilderness consisting of lands currently owned by Federal, State, and local government entities. Because I felt this did not adequately protect all areas of wilderness quality, I offered a compromise which would have required the acquisition of 24,560 acres of private land. I felt this proposal provided sufficient protection for the true wilderness quality areas while releasing the surrounding land for recreation, agricultural, and industrial uses.

On the matter of private land which would have had to be acquired under my proposal, the Forest Service and two of the three private land holders expressed in writing a willingness to exchange land of comparable value within the State of Washington. Thus, my proposal would have cost the Government little or no money to acquire and establish an Alpine Lakes Wilderness Area.

Under the committee bill, over 40,000 acres of private land must be acquired within the proposed wilderness area. This land is currently valued at \$34 million. In addition, the committee bill provides for the purchase of up to 10 percent of the private land within the established "Management Unit," estimated to be valued at approximately \$22 million. This would require a total expenditure of at least \$56 million, based on land values alone.

Condemnation, in all probability, would not have been required under my proposal, for land exchange commitments were made. On the other hand, under the committee bill, land condemnation is a very real possibility. This assumption is supported by the Forest Service in their letter of January 28, 1976, to the committee and their letter of February 13, 1976, to me.

Nationwide, awards in Forest Service condemnation cases have been double or more the appraised value of the land. Thus, the cost of acquiring the lands required under the committee bill could easily run as high as \$100 million.

The funds to purchase these lands would have to come from the Land and Water Conservation Fund. Already the fund is so backlogged with requests that if full appropriations were made each year for the next several years, it would take 7 years at a minimum to exhaust the backlogged land acquisition authorizations. Yet the committee bill requires land purchases within 5 years. This will require further delays for previously authorized acquisitions.

As we try to limit Federal spending and stay within budget ceilings, an expenditure of over \$100 million on this one project seems unreasonable when the same basic wilderness area could be acquired at little or no cost and the "Management Unit" would be left for administration in accordance with past proven practices of the Forest Service.

The committee bill is a costly bill and a precedent setting one. Its effects would be harmful to the local area, to the nation, and to the future of forest management practices. I hope that my colleagues in the Congress will modify this legislation to eliminate these serious defects. I believe the Alpine Lakes area should be preserved and can be through a reasonable wilderness proposal.

HAROLD T. JOHNSON.

The impact of H.R. 7792 is not limited to the immediate situation. A precedent is being set which I believe will be detrimental for future legislation that will come before this committee. Therefore, I respectfully submit these separate views to express my objections to the procedures which were applicable to the consideration of H.R. 7792.

H.R. 7792 has been reported out of committee on the basis of a record so inadequate that an evaluation of its economic and social impacts on the affected communities was effectively precluded. Therefore, committee action was premature and the matter should have been referred back to Subcommittee for a meaningful analysis of the impact of the legislation.

An inflation impact statement was never prepared, contrary to the requirements of Executive Order 11821. The exorbitant cost of acquiring the highly productive private lands, the large reductions in annual harvest, and the vast unemployment that will result from the enactment of H.R. 7792, underscore the necessity for the preparation of an inflation impact statement.

The oft-propounded articles of faith, that recreation-related employment will offset any loss in timber-related employment, and a recreation economy will replace any curtailment in the timber economy, were blindly and unjustifiably accepted. No analysis was undertaken to test the hypothesis despite Forest Service pronouncements specifically pointing out that there is no substantiating data to support the position, and the indications from analogous situations that land withdrawn from multiple use management actually supports less recreation use than land under multiple-use management. Because of the failure to evaluate the recreation economy theory, H.R. 7792 will reduce employment opportunities in communities which are essentially rural, with nondiversified economies, with persistent high unemployment, and where alternative employment opportunities are virtually nonexistent.

Finally, the withdrawal of substantial acres of productive timberland from operation was approved without considering the cumulative impact that the additional planned withdrawals from the Snoqualmie and Wenatchee National Forests would have on the identical communities being affected by H.R. 7792. By ignoring the cumulative impact of the five additional proposed withdrawals, the committee has avoided squarely facing the fact that the economic base of the adjacent communities is at stake. The local communities are rural and the economies dependent upon the timber industry. Each discrete withdrawal of productive timberland from operation reduces the allowable cut and results only in a partial curtailment of timber operations. However, the cumulative impact is an extensive reduction in allowable cut that will mean the virtual discontinuance of timber operations of some companies in the Wenatchee Valley, certain and widescale unemployment, and a substantial reduction in critically-needed tax receipts. It is easier to deal with and rationalize each one of a series of lesser withdrawals and partial curtailments than to face the real issue and real consequences. However, because of the hardship that will inevitably result from a piecemeal approach, reason and equity dictate that the cumula-

tive impact of planned withdrawals in the same limited area must be considered.

In addition, in the haste to report out legislation, obvious problems in the bill were glossed over, notably, those relating to the management prescriptions and the authorization level. The \$20-million authorization was recognized as clearly insufficient to acquire the private lands encompassed within the wilderness and intended wilderness. The Forest Service estimated the value of the private lands to be \$56-million. This figure probably also underestimates the value of the private lands, since Forest Service appraisals are typically low. Moreover, the acquisition costs will not be reduced to any significant extent by the use of land exchanges, despite repeated claims that land exchanges will reduce costs and inflationary impact. Both H.R. 7792 and reality preclude wholesale land exchanges. The bill specifically provides that land exchanges must be limited so as not to substantially impair the programmed allowable cut in the Wenatchee and Snoqualmie National Forests. The Forest Service has stated that there is not enough national forest land to undertake large land exchanges. Therefore, the claims that land exchanges will minimize costs and inflation impacts are misleading. In any event, the use of land exchanges does not mitigate the impact of H.R. 7792 on the local governments. The transfer of land to private ownership means that the counties will be deprived of in-lieu tax receipts which constitute a substantial part of the revenue base.

Notwithstanding the obvious deficiencies, H.R. 7792 was reported out. However, almost immediately after H.R. 7792 was reported, negotiations were commenced to resolve these problems, without the knowledge or participation of Committee members. The outcome of these negotiations is a revised bill which would substantially alter the wilderness boundary and the management prescriptions, and would increase the authorization level. This new bill is expected to be introduced on the House floor as an amendment to H.R. 7792 as reported by the committee. As a result of this procedure, the committee has been effectively by-passed. The practice sets a precedent for avoiding committee jurisdiction, which I disapprove of and cannot support.

For all the foregoing reasons, I have submitted these separate views.

STEVE SYMMS.



DESIGNATING THE ALPINE LAKES WILDERNESS, MOUNT BAKER-SNOQUALMIE AND WENATCHEE NA- TIONAL FORESTS, IN THE STATE OF WASHINGTON

JUNE 28 (legislative day, JUNE 18), 1976.—Ordered to be printed

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

REPORT

[To accompany H.R. 7792]

The Committee on Interior and Insular Affairs, to which was referred the Act (H.R. 7792) to designate the Alpine Lakes Wilderness, Mount Baker-Snoqualmie and Wenatchee National Forests, in the State of Washington, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

I. PURPOSE

H.R. 7792 would designate some 392,000 acres in the Central Cascade Mountains of the State of Washington as the Alpine Lakes Wilderness. The wilderness area is encompassed by a management unit of approximately 527,000 acres. As the managing agency for the area, the U.S. Forest Service would be directed to prepare and implement a multiple use plan for the Federal lands in the management unit to provide for a broad range of resource uses. The appropriation of funds for acquisition of non-Federal lands and planning purposes is authorized.

II. BACKGROUND AND NEED

The Alpine Lakes region is located in the Central Cascade Mountains of Washington State between Seattle and Wenatchee. The area consists of rugged snowcovered peaks, alpine meadows, timbered valleys and over 600 alpine lakes. Active glaciers and permanent snowfields are scattered throughout the area.

For years there has been considerable interest in this unique and beautiful landscape. In 1946, the Forest Service designated 243,000 acres as a limited area to maintain its scenic values in a near-natural

condition pending study and development of a management plan. In 1965, the North Cascades Study Team appointed by the Secretaries of Interior and Agriculture recommended the establishment of two wilderness areas. The Forest Service studied the Alpine Lakes extensively between 1971 and 1973 and transmitted a recommendation for congressional wilderness designation of 292,000 acres on May 20, 1975. During this same period many groups having an interest in the area also conducted independent studies and made recommendations concerning the management of the Alpine Lakes.

H.R. 7792 designates approximately 100,000 more acres as wilderness than the Administration recommended. The Committee notes, however, that the Forest Service proposal identified more than 80,000 of these acres as "some of the most dramatic portions of contiguous potential wilderness . . . [which are] needed to protect the integrity of major, physical portions of the proposed wilderness . . ." The inclusion of these lands in the Alpine Lakes Wilderness, as well as careful consideration of the Forest Service proposals for Scenic Areas and a Dispersed Recreation Zone in the management unit, will help provide for the sensitive management of this area's unique combination of resources.

III. LEGISLATIVE HISTORY

Legislation dealing with the Alpine Lakes was first introduced in the 93d Congress. Three legislative initiatives were introduced in the House of Representatives early in the 94th Congress. One plan called for the establishment of a national recreation area of over 1 million acres. Within the recreation area, some 575,000 acres were to be designated as wilderness. A second proposal designated a wilderness of 216,000 acres. The third option would establish a wilderness of about 292,000 acres. The entire House delegation from the State of Washington sponsored all three of the proposals in order to bring the full range of issues in this area before the Congress. In the last year several hearings and markup sessions were held by the Subcommittee on National Parks and Recreation and the full House Interior Committee. The House of Representatives passed H.R. 7792 on June 8, 1976.

The Senate Interior Committee held a public hearing on H.R. 7792 on June 22, 1976, and ordered the bill favorably reported to the Senate, without amendment, on June 23, 1976.

IV. COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Interior and Insular Affairs, in open business session on June 23, 1976, by unanimous vote of a quorum present recommends that the Senate pass H.R. 7792.

Pursuant to subsection (b) of Section 133 of the Legislative Reorganization Act of 1946, as amended, the following is a tabulation of the vote to report favorably H.R. 7792:

Mr. Jackson—Aye
 Mr. Church—Aye
 Mr. Metcalf—Aye
 Mr. Johnston—Aye
 Mr. Abourezk—Aye
 Mr. Haskell—Aye
 Mr. Stone—Aye
 Mr. Bumpers—Aye

V. SECTION-BY-SECTION ANALYSIS

SEC. 2. Findings and Purposes.—This section sets forth the Congressional findings that the Alpine Lakes region is abundant in its multi-ple resources and provides opportunities for a great diversity of recreational use and enjoyment. The section also states that the purpose of the Act is to provide for public outdoor recreation and use, and the economic utilization of commercial forest lands and other resources, through the establishment of an Alpine Lakes Wilderness, an intended wilderness, and a management unit, comprising a total area of about 920,000 acres.

SEC. 3. This section cites a reference map showing the entire management unit, the Alpine Lakes Wilderness and the intended wilderness. In addition to maintaining the reference map on file, the Secretary of Agriculture is to publish a detailed boundary description and map of the wilderness and management unit in the Federal Register as soon as practicable after enactment of the act.

The section also provides that the Secretary is to administer the lands within the management unit in accordance with the laws, rules and regulations affecting the national forests.

Those lands designated as the Alpine Lakes Wilderness are to be managed in accordance with both this legislation and the Wilderness Act, whichever is the more restrictive. In this regard, the Committee notes that an earlier version of H.R. 7792 approved by the House Interior Committee specifically allowed the operation and maintenance of certain irrigation projects in the wilderness and barred the Forest Service from prohibiting fish stocking in the Alpine Lakes. Although these provisions were removed from the version of the bill passed by the House on June 8, and reported favorably by this Committee on June 23, 1976, it is the clear legislative intent to permit these uses to continue.

Those lands shown as intended wilderness are to become a part of the Alpine Lakes Wilderness through the acquisition program specified later in the bill. Notification of additions to the wilderness are to be published in the Federal Register.

SEC. 4. Land Acquisition and Exchange.—This section details the land acquisition and exchange program for the area. The Secretary is authorized and directed to acquire non-Federal lands by gift, exchange or otherwise, and may use donated or appropriated funds. Lands owned by the State of Washington or any political subdivision are to be acquired only by donation or exchange. Federal property within the management unit may be transferred without cost to the jurisdiction of the Secretary. The Secretary is instructed to exercise caution in the land exchange program in order to avoid any substantial reduction of the currently programmed allowable timber harvest of the affected national forests. Appropriations from the Land and Water Conservation Fund may be used for the acquisition program.

The Secretary may convey national forest lands within the State of Washington in exchange for non-Federal lands located in the Alpine Lakes Wilderness or the intended wilderness. A cash settlement may be accepted or paid by the Secretary to equalize minor differences in the value of exchanged properties.

As non-Federal lands in the wilderness and intended wilderness are acquired and become administerable as wilderness, they are to become part of the Alpine Lakes Wilderness. The section also sets forth the intent of the Congress that the acquisition program for the intended wilderness be completed within 3 years from the date of enactment of this act. A yearly report on the progress of the acquisition program is to be made to the Committees on Interior and Insular Affairs of the House and Senate.

This section further provides that an owner, all of whose lands in the intended wilderness have been managed so as not to make them unsuitable as wilderness, may bring an action to require the Secretary to acquire such lands (not previously acquired) within 3 years of enactment of this act. Just compensation is to be the fair market value of the lands at the date of acquisition and includes, for those lands within the intended wilderness which have not been made unsuitable for inclusion in the wilderness, the loss of value of timber from **casualty, deterioration, disease or other natural causes** from January 1, 1976, to the date of acquisition. Existing and lost or damaged timber is to be valued at the market value on the date of acquisition, its market value on January 1, 1976, or the mean average market value between those dates, whichever is the highest.

The act is not to be construed to deny or change the rights of access of owners of non-Federal lands, or to manage such lands for otherwise lawful purposes prior to acquisition.

SEC. 5. Wilderness Management Plan.—This section directs the Secretary to prepare a special study of the Enchantment Area of the Alpine Lakes Wilderness. The study is to explore the feasibility of establishing special provisions for managing the area both to protect its fragile beauty and to maintain it for projected recreational demand.

SEC. 6. Multiple Use Plan.—This section directs the Secretary to develop and begin to implement a multiple use management plan for Federal lands in the management unit within 2 years of enactment of this act. Management of renewable resources is to be in accordance with the Multiple-Use Sustained-Yield Act of 1960 and other applicable laws and regulations. Notice of the completed plan is to be published in the Federal Register. The plan itself is to be transmitted to the President and the Congress and may be implemented no earlier than 90 calendar days, and no later than 150 calendar days, from the date of such transmittal.

The resources of the management unit are to be managed in accordance with the provisions of the multiple use plan, which the Secretary is directed to review from time to time and, with full public involvement, make any changes he deems necessary to carry out the purposes of the act.

The Secretary is further directed to permit and encourage the use of renewable resources within the management unit; nothing in the act is to be construed to prohibit the conduct of normal national forest programs during the formulation of the multiple use plan.

SEC. 7. Authorities of the State of Washington.—The intent of this section is clear.

SEC. 8. Authorization of Appropriations.—This section authorizes up to \$57 million to be appropriated for land acquisition over three years. There is also authorized to be appropriated not more than \$500,000 for the preparation of the multiple use plan.

VI. Cost

In accordance with subsection (a) of section 252 of the Legislative Reorganization Act of 1970, the Committee estimates that the cost of H.R. 7792 will not reach the \$57 million authorized to be appropriated for the acquisition of private lands. The estimate of \$57 million assumes that no land exchanges would take place. The Committee believes this is extremely unlikely. The major private landowners are engaged in long-term forest management and timber development operations which encourage them to maintain a sound land base. Accordingly, the Committee intends that land exchanges in the area will make up a substantial percentage in the acquisition program, and expects the Forest Service to pursue this option vigorously.

H.R. 7792 also authorizes up to \$500,000 for the preparation of a multiple use plan for the Federal lands in the management unit surrounding the wilderness.

VII. EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the Committee from the Office of Management and Budget and from the Departments of Interior and Agriculture setting forth executive agency recommendations relating to H.R. 7792 are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., June 22, 1976.

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

DEAR MR. CHAIRMAN: This is in response to your request of June 10, 1976, for the views of the Office of Management and Budget on H.R. 7792, an Act "To designate the Alpine Lakes Wilderness, Mount Baker-Snoqualmie and Wenatchee National Forests, in the State of Washington."

The Office of Management and Budget concurs in the views of the Department of Agriculture in its report on H.R. 7792, and accordingly, recommends against enactment of the bill. Enactment of H.R. 7792 would not be in accord with the program of the President.

Sincerely yours,

JAMES M. FREY,
Assistant Director for
Legislative Reference.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 21, 1976.

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

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on H.R. 7792, a bill "To designate the Alpine Lakes Wilderness, Mount Baker-Snoqualmie and Wenatchee National Forests, in the State of Washington."

On May 20, 1975, the Department of Agriculture transmitted to the Congress a proposed bill "To designate the Alpine Lakes Wilderness, Mt. Baker-Snoqualmie and Wenatchee National Forests, in the State of Washington." We recommend that this proposed bill be enacted in lieu of H.R. 7792.

The Agriculture proposal would designate the 292,192 acre Alpine Wilderness within and as part of the Mt. Baker-Snoqualmie and Wenatchee National Forests, Washington. The outstanding and unique physical features of the area make it a natural candidate for wilderness designation.

In 1973 this Department's Bureau of Mines and Geological Survey completed a mineral study of 207,000 acres of the Alpine Lakes core area, and another 176,000 acres of peripheral areas in 1975. This study included the area proposed for wilderness designation by the Department of Agriculture.

With regard to the specific provisions of H.R. 7792 we defer to the views of the Department of Agriculture.

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,

JOHN KYL,
Assistant Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 22, 1976.

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

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 7792; an act entitled "Alpine Lakes Area Management Act of 1976."

The Department of Agriculture recommends that H.R. 7792 not be enacted that our proposal as transmitted to the Senate on May 20, 1975, be enacted in lieu of H.R. 7792.

Our proposal was embodied in the original version of H.R. 7792, and would create a 292,192-acre Alpine Lakes Wilderness. It was the result of a comprehensive study which included substantial public participation.

H.R. 7792, as passed by the House has been expanded to include 920,359 acres and now embodies three units in the congressionally designated area—a wilderness of 303,508 acres, several areas of intended wilderness of 88,050 acres, and a management unit of 528,801 acres. The bill would direct that private land within the intended wilderness be acquired within 3 years, or be subject to inverse condemnation. Land exchanges to acquire land could not substantially impair the allowable timber harvest on the three National Forests involved. Use of Land and Water Conservation Fund monies would be authorized for acquisition, and an unprecedented payment/evaluation system would be established to compensate private landowners for changes in timber values. A multiple use plan would be required for

the management unit and have to be presented to Congress for a 90- to 150-day review period. A sustained yield of products and services would be required.

Section 2 of H.R. 7792 would establish an Alpine Lakes Area to include a wilderness, intended wilderness, and a management unit which is essentially the planning unit we designated in our land use planning process. We are clearly on record as to how this unit will be managed to meet the public interest following extensive public involvement and application of The National Environmental Policy Act process. We believe that the priorities established through that process are reasonable and desirable. We are concerned that efforts will be made to legislate priorities by adding rigid prescriptions for management of the unit. Furthermore, the wilderness that would be established includes an additional 11,316 acres over and above our proposal. These lands are located in several parcels which were analyzed in our original study and excluded because they contained high resource values other than wilderness or because their exclusion provided more manageable boundaries. We continue to recommend the exclusion of these lands from the wilderness.

There are major problems with H.R. 7792 regarding acquisition of the 43,543 acres of private land within the intended wilderness. A 3-year time limit for acquisition is established to be followed by inverse condemnation on the part of the private landowners. This, in fact, is actually a delayed legislative taking, and will probably result in no acquisition through land exchange. A further restriction on land exchanges in section 4(a) to prevent substantial impairment of the allowable timber harvest on the three National Forests would assure that all lands would have to be purchased. Under condemnation or threat of inverse condemnation the costs of acquisition might increase significantly over present estimates of value. It has been our experience that awards on condemnation have run considerably higher than appraised value. A recent study for the years 1971 through 1975 shows that awards on a national basis ran two and one half times higher than appraisals. Therefore, we expect that the cost of acquisition could be substantially above the authorization in Sec. 8. To require an agency to negotiate land acquisition under the conditions of this bill can be expected to substantially increase costs to the United States.

The purchase authority provided in section 4(a) includes authorizations to use L&WCF monies. Because of the 15 percent limitation in the L&WCF Act regarding purchases west of the 100th meridian, it would require all of the L&WCF monies available to us in the West for the next 5 years to cover the 43,543 acres of acquisition in the Intended Wilderness. In addition, there is 1,702 acres of non-Federal land in the proposed wilderness to be acquired. Thus, we would have to stop all other L&WCF acquisition in the other States west of the 100th meridian for the next 5 years. We do not believe this is appropriate. Also, in order to maintain the 15 percent to 85 percent balance required by the L&WCF Act, with such large expenditures in the West, approximately \$700 million would have to be spent in the East during that period, or the ratio would have to be changed.

We are concerned over the unprecedented payment/evaluation system that would be established for providing payment to private landowners. The proposed system is contrary to the method of determining fair market value of the Real Property Acquisition Act (42 U.S.C.

4651), although the language seeks to imply that fair market value would apply. Further, the appraisal date of January 1, 1976, would impose extremely costly surveys of timber quality and quantity in order to reconstruct values as of that date.

The multiple use plan required by section 6 must be presented to Congress for a 90 to 150-day review period. Considering the several thousand such plans which will ultimately be prepared for the National Forest System, this precedent is an unrealistic and undesirable mixture of the distinct roles of the Executive and Legislative Branches. Also, the requirement to prepare the Plan is needless duplication of direction presently afforded by the Multiple Use-Sustained Yield Act, the National Environmental Policy Act, and the Forest and Rangeland Renewable Resources Planning Act of 1974. Section 6(b) requires a "sustained yield of products and services." We do not interpret this as establishing a sustained yield unit.

H.R. 7792 would authorize the appropriation of \$57,000,000 for land acquisition and \$500,000 for planning. This could fall far short of the total needed for acquisition which might run as high as \$100,000,000.

The President recently urged Congress to work more closely with the Executive Branch on proposed National Forest additions to the National Wilderness Preservation System. A great amount of careful study goes into Administration proposals to define manageable boundaries and to reflect reasonable tradeoffs among various possible resource uses. H.R. 7792 would be very costly both in direct Federal acquisition and administrative expenditures and in opportunities foregone relative to the additional values obtained. We recommend that our proposal as transmitted to the Senate on May 20, 1975, be enacted instead of H.R. 7792.

The Office of Management and Budget advises that there is no objection to the presentation of this report and that enactment of H.R. 7792 would not be in accord with the President's program.

Sincerely,

JOHN A. KNEBEL,
Under Secretary.

VIII. 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 the Act, H.R. 7792, as reported.



H. R. 7792

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

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

An Act

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

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

FINDINGS AND PURPOSES

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

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

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

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

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

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

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

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

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

LAND ACQUISITION AND EXCHANGE

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

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

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

H. R. 7792—3

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

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

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

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WILDERNESS MANAGEMENT PLAN

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

MULTIPLE USE PLAN

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

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

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

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

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

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

AUTHORITIES OF THE STATE OF WASHINGTON

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

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

AUTHORIZATION OF APPROPRIATIONS

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

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Speaker of the House of Representatives.

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

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

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

Concurrent Resolution

*Resolved by the Senate (the House of Representatives concurring),
That in the enrollment of the bill H.R. 7792, to designate the Alpine
Lakes Wilderness, Mount Baker-Snoqualmie and Wenatchee National
Forests, in the State of Washington, the Clerk of the House of Repre-
sentatives is authorized and directed, in the enrollment of said bill, to
make the following corrections:*

(1) In section 2(a)(1), strike out the word "compromise" and
insert in lieu thereof "comprise".

(2) In section 2(b), strike out "(1)".

(3) In section 3(a), strike out the words "(hereinafter referred
to as the "wilderness")" and insert in lieu thereof "(hereinafter
referred to as "the wilderness")".

(4) In section 3(a), strike out "intended wilderness" where
it appears in such section and insert in lieu thereof "Intended
Wilderness".

(5) In section 3(e), strike out the words "Intended Wilder-
ness Lands" and insert in lieu thereof "Intended Wilderness".

(6) In section 4(a), strike out the words "Intended Wilder-
ness Lands" and insert in lieu thereof "Intended Wilderness".

(7) In section 4(b), strike out the words "intended wilderness
lands" and insert in lieu thereof "Intended Wilderness".

(8) In section 4(c)(1), strike out "intended wilderness"
wherever it appears in such section and insert in lieu thereof
"Intended Wilderness".

(9) In section 4(c)(1), strike out the words "Intended
Wilderness Lands" and insert in lieu thereof "Intended
Wilderness".

(10) In section 4(c)(3), strike out the words "intended wil-
derness" and insert in lieu thereof "Intended Wilderness".

(11) In section 6(a), strike out the word "prepared" and insert
in lieu thereof "prepare".

(12) In section 6(a), strike out the words "multiple use plan"
and insert in lieu thereof "multiple-use plan".

(13) In section 6(f), strike out the word "formation" and insert
in lieu thereof "formulation".

Attest:

Secretary of the Senate.

Attest:

Clerk of the House of Representatives.