public Law 94-357
94th Congress

An Act

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

July 12, 1976
[H.R. 7792]

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".

Alpine Lakes Area Management Act of 1976.
16 USC 1132 note.

FINDINGS AND PURPOSES

16 USC 1132 note.

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

(1) The Cascade Mountains of tlie State of Washington between Stevens Pass and Snoqualmie Pass, commonly known as tho 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 arid 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"), tlie "Intended Wilderness", and tlic peripheral area (hereinafter referred to as tlic "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.

16 USC 1132 note.

Description and map; publication in Federal Register.

(b) The Secretary shall administer the Federal lands in the management unit in accordance with tlic 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.

Administration.

(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.

16 USC 1131 note.

Publication in Federal Register.

(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

16 USC 1132 note.

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.

Publication in Federal Register.

(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

of this Act, an action may be instituted by nn owner, nll of whose lnncls within the boundaries of the "Intended Wilderness" have been managed in such a may so as not to become unsuitable or unmanageoblc ns 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 nrc 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 propcrty the plaintiff inny have which are not yet acquired pursuant to this section 4. By February 1 of each year, the Sccrctary shall report in writing to the Committees on Interior and Insular Affairs of the United Stntcs House of Representatives and tho Senate, on the status of negotiations with private owners to effect exchanges and acquisition of non-Federal propcrty.

Report to congressional committees.

(2) The United Statcs will pay just compensation to the owner of any lands and interests acquired by and pursuant to this Act. Such compensation shall be paicl either: (A) by the Sccrctary 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 Secrctnry, of tlie agreed negotiated value of such property, or the vnluntion of the propcrty 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 nction 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 Sccrctary, if tlie 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 tho Secretary using any combinntion of such money or federally owned property.

Payments,

(3) Just compensation shall be the Eair market value of the lands and intercsts acquired by and pursuant to this Act, and shall be determined as of the dntc of acquisition :*Provided, however*, That the fair market value of those lands acquired from owners who, from the timo of enactment of this Act *to* the time of ncquisition of any such lands, have managed all lands within tlie "Intended Wilderness" under their ownership so as not to make such lands unsuitable or unmanageable as wilderness (cscept for disturbance affecting a minor land area and found by the Secretary to have resulted from strictly accidentnl and unintentional circumstances), shall be tlie sum of (A) the value of such lands and intercsts at tlie date of ncqiiisition, plus (13) nny 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 dntc 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 nny otherwise lawful purpose prior to acquisition thereof by the Secretary. For the purposes of this section, the owner of property is defined ns the holder of fee title uiilcss said property is subject to an agreement of sale entered into prior to April 1,1976.

WILDERNESS MANAGEMENT PLAN

Enchantment Area, study. 16 USC 1132 note.

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 tlie Enchantment Aren of tlie 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 tlie entire area for projected recreational demand.

MULTIPLE USE PLAN

16 USC 1132 note.

SEC. 6. (a) Within two years of the enactment of this Act, the Secretary shall, in accordance with tlie provisions of this Act and other applicable acts governing tho administration of the National Forest system and with full public involvement required by this arid other pertinent law, prepare, coniplete 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.

16 USC 528 note.

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

Publication in Federal Register. Transmittal to President and Congress.

(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 mill 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 plnn until such time as the plan may be revised according to the provisions of this section.

(e) The Secretary shall review the multipla-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 nntional 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

Hunting and fishing. 16 USC 1132 note.

SEC. 7. (a) The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction in nccorclance with applicable Federal and State laws. Except in emrrpencies, 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 tlic jurisdiction or responsibilities of these ngencies.

(b) Nothing in this Act shall clcprive tho State of Washington or nny political subdivisions thereof of its right to exercise civil nnd criminal jurisdiction within tho 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 intcrcsts to carry out the purposes of this Act, not more than $80,000,000 in fiscnl year 1077, $17,000,000 in fiscal year 1978, and $80,000,000 in fiscal year 1073, such sums to remain available until appropriated without fiscal ycar limitation. To prepare the multiple-use plan required by section G of this Act, there is authorized to be appropriated not more than $500,000. Appropriation requests by the President to implement the multiplc-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).

16 USC 1132 note.

31 USC 1301 note.

Approved July 12, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–1154 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94–1002 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 122 (1976):
June 8, considered and passed House.
June 29. considered and passed Senate.