Public Law 97-466
97th Congress

An Act

Jan. 13, 1983
[H.R. 5161]

To designate certain lands in the Monongahela National Forest, West Virginia, as wilderness; and to designate management of certain lands for uses other than wilderness.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Monongahela National Forest, W. Va.
Land designations.
16 USC 1131 note.
16 USC 1132 note.

DESIGNATION OF WILDERNESS AREAS

SECTION 1. In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately thirty-five thousand six hundred acres, as generally depicted on a map entitled "Cranberry Wilderness—Proposed", dated May 1982, and which shall be known as the Cranberry Wilderness: *Provided,* That for purposes of the Act of July 14, 1955 (69 Stat. 322) as amended, the Cranberry Wilderness may be reclassified only by Act of Congress enacted after the date of enactment of this Act;

(2) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately six thousand one hundred acres, as generally depicted on a map entitled "Laurel Fork North Wilderness—Proposed", dated November 1981, and which shall be known as the Laurel Fork North Wilderness; and

(3) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately six thousand one hundred acres, as generally depicted on a map entitled "Laurel Fork South Wilderness—Proposed", dated November 1981, and which shall be known as the Laurel Fork South Wilderness.

MAPS AND DESCRIPTIONS

Filing.

SEC. 2. As soon as practicable after the provisions of this Act take effect, the Secretary of Agriculture shall file maps and legal descriptions of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the House of Representatives and the Committees on Energy and Natural Resources and Agriculture, Nutrition, and Forestry of the United States Senate, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief, United States Forest Service, Department of Agriculture.

Public availability.

ADMINISTRATION OF WILDERNESS

SEC. 3. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness: *Provided,* That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of the relevant provision of this Act.

16 USC 1131 note.

DISPOSITION OF VALID EXISTING RIGHTS

SEC. 4. (a) The Secretary of the Interior (hereinafter in this Act referred to as "the Secretary"), in consultation with the Secretary of Agriculture, shall acquire:

(1) all nonfederally owned coal deposits and other mineral interests and rights within the boundaries of the Cranberry Wilderness; and

(2) coal deposits and mineral interests and rights outside the boundaries of the Cranberry Wilderness which are—

(A) contiguous to the deposits, mineral interests, and rights referred to in paragraph (1) and owned by the person or entity which owns the deposits, interests, and rights referred to in paragraph (1); or

(B) economically accessible only through the exercise of rights held within the wilderness.

(b) For purposes of carrying out the acquisition required under subsection (a), not later than three months after the date of enactment of this Act, the Secretary shall initiate negotiations with the owner of the coal deposits or other mineral interests and rights within the Cranberry Wilderness.

Negotiations.

(c)(1) The Secretary shall conduct such coal or mineral evaluations with respect to the coal or other mineral interests or rights within the Cranberry Wilderness as may be necessary to determine fair market value. The fair market value of any rights as may exist shall be determined without reference to any restriction on access or use which may result from designation of the area as a wilderness. In determining fair market value the Secretary may contract with the owner to perform any necessary exploratory drilling or other evaluation work and may compensate the owner therefor through payment of money or as an addition to the monetary credit under this Act. Where the Secretary conducts such evaluations, he shall provide the owner with all data available to the Secretary as a result of the evaluations.

Fair market value.

(2) Within one year of the date of enactment of this Act, the Secretary, in consultation with the owner shall determine the present fair market value of coal deposits and mineral interests and rights.

(A) The determination of fair market value shall be based on the replacement cost of the unmined recoverable coal deposits and mineral interests and rights in the ground, taking into account comparable sales recoverable minerals of comparable nature in the ground in the eastern United States, costs of compliance with all applicable Federal, State, and local laws and regulations, including reclamation and restoration of the land (including wetlands) and other costs normally incurred in the mining of such minerals.

Monetary credits.

(B) Upon voluntary surrender and relinquishment by the owner of all nonfederally owned coal deposits and other mineral interests and rights in the Cranberry Wilderness, the Secretary shall extend to the owner, its successors and assigns, a monetary credit to be used against that portion of payment, bonus payments, rental or royalty payments paid into the Treasury of the United States and retained by the Federal Government on any mineral, oil, or gas lease or other Federal property competitively won or otherwise held by the applicant, its successors, or assigns. The monetary credit may be transferred or sold at any time by the owner to any other party with all the rights of the owner to the credit, and after such transfer, the owner shall notify the Secretary. In lieu of the monetary credits described above, the Secretary may, at his sole option, purchase the mineral rights referred to above.

(C) Monetary credits authorized pursuant to this subsection shall be based on the fair market value of the owner's mineral interests as determined pursuant to subsection (c) of this section. Such credit shall be used over a period of years with not more than ten percent of the credit to be used in any one year.

Fair market value.

(d) In the event the Secretary and the owner cannot agree on fair market value within one year of the date of enactment of this Act, either the Secretary or the owner shall have the right to petition the United States Claims Court for determination of fair market value in accordance with the standards set forth in this subsection, and said Court shall have jurisdiction to make said determination which shall be binding on all parties for purposes of this Act subject to the right of appeal.

Appropriation authorization.

(e) Effective October 1, 1983, there are hereby authorized to be appropriated such sums as may be necessary to establish the value of the nonfederally owned mineral interests or rights lying within the Cranberry Wilderness area. Effective October 1, 1983, there are hereby authorized to be appropriated such sums as are necessary to carry out the other provisions of this Act: *Provided,* That no payment shall be effective except to the extent or in such amounts as are provided in advance in Appropriation Acts.

(f) Exploration activities, including core drilling and use of mechanized ground equipment, shall be allowed in the Cranberry Wilderness designated by this Act to determine the value of the nonfederally owned mineral resources therein, under such reasonable stipulations and conditions as may be imposed by the Secretary of Agriculture.

OTHER PROVISIONS

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second Roadless Area Review and Evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of West Virginia and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System

lands in States other than West Virginia, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of West Virginia;

(2) with respect to the National Forest System lands in the State of West Virginia which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II), that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle; 16 USC 1600 note. 16 USC 1600 note.

(3) areas in the State of West Virginia reviewed in such final environmental statement and not designated as wilderness by this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and

(4) unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of West Virginia for the purposes of determining their suitability for inclusion in the National Wilderness Preservation System. Restriction.

POCAHONTAS COUNTY AND WEBSTER COUNTY, WEST VIRGINIA

SEC. 6. Notwithstanding any other provision of law, effective October 1, 1983, there is hereby authorized to be appropriated up to $2,200,000 to be paid to Pocahontas and Webster Counties, West Virginia; such sum in compensation for property tax revenues and other taxes or payments foregone by the aforementioned counties as a consequence of the acquisition of the nonfederally owned coal deposits and other mineral interests and rights within the boundaries of the Cranberry Wilderness as designated by this Act. Appropriation authorization.

Approved January 13, 1983.

LEGISLATIVE HISTORY—H.R. 5161:

HOUSE REPORT No. 97-561, pt. 1 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 128 (1982):
June 14, considered and passed House.
Dec. 18, considered and passed Senate, amended.
Dec. 20, House agreed to Senate amendment with an amendment; Senate agreed to House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 19, No. 2 (1983):
Jan. 13, Presidential statement.