

WILD SKY WILDERNESS ACT OF 2002

OCTOBER 11, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 4844]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4844) to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Wild Sky Wilderness Act of 2002”.

SEC. 2. FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) Americans cherish the continued existence of diverse wilderness ecosystems and wildlife found on their Federal lands and share a strong sense of moral responsibility to protect their wilderness heritage as an enduring resource to cherish, protect, and bequeath undisturbed to future generations of Americans.

(2) The values an area of wilderness offer to this and future generations of Americans are greatly enhanced to the degree that the area is diverse in topography, elevation, life zones and ecosystems, and to the extent that it offers a wide range of outdoor recreational and educational opportunities accessible in all seasons of the year.

(3) Large blocks of wildlands embracing a wide range of ecosystems and topography, including low-elevation forests, have seldom remained undisturbed due to many decades of development.

(4) Certain wildlands on the western slope of the Cascade Range in the Skykomish River valley of the State of Washington offer an outstanding representation of the original character of the forested landscape, ranging from high alpine meadows and extremely rugged peaks to low-elevation mature and

old-growth forests, including groves with some of the largest and most spectacular trees in Washington, with diameters of eight feet and larger.

(5) These diverse, thickly forested mountain slopes and valleys of mature and old-growth trees in the Skykomish River valley harbor nearly the full complement of the original wildlife and fish species found by settlers of the 19th century, including mountain goats, bald eagles, black bear, pine marten, black-tailed deer, as well as rare and endangered wildlife such as northern spotted owls and goshawks, Chinook and Coho salmon, and steelhead and bull trout.

(6) An ecologically and topographical diverse wilderness area in the Skykomish River valley accessible in all seasons of the year will be enjoyable to users of various kinds, such as hikers, horse riders, hunters, anglers, and educational groups, but also to the many who cherish clean water and clean air, fish and wildlife (including endangered species such as wild salmon), and pristine mountain and riverside scenery.

(b) **STATEMENT OF POLICY.**—Congress hereby declares that it is the policy of the United States:

(1) to better serve the diverse wilderness and environmental education needs of the people of the State of Washington and its burgeoning metropolitan regions by granting wilderness protection to certain lower elevation wildlands in the Skykomish River valley of the State of Washington; and

(2) to protect additional lands adjacent to the Henry M. Jackson Wilderness designated by the Washington Wilderness Act of 1984 (Public Law 98–339), in further tribute to the ecologically enlightened vision of the distinguished Senator from the State of Washington and former Chairman of the Senate Committee on Energy and Natural Resources (formerly the Senate Interior and Insular Affairs Committee).

SEC. 3. ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) **ADDITIONS.**—The following Federal lands in the State of Washington are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands which comprise approximately 106,000 acres, as generally depicted on a map entitled “Wild Sky Wilderness Proposal”, dated August 2002, which shall be known as the Wild Sky Wilderness.

(b) **MAPS AND LEGAL DESCRIPTIONS.**—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a legal description for the wilderness area designated under this Act with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. The map and description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the legal description and map. The map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

SEC. 4. ADMINISTRATIVE PROVISIONS.

(a) **IN GENERAL.**—Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(b) **NEW TRAILS.**—

(1) The Secretary of Agriculture shall consult with interested parties and shall establish a hiking trail plan designed to develop a system of hiking trails within or adjacent to or to provide access to the wilderness designated by this Act in a manner consistent with the Wilderness Act, Public Law 88–577 (16 U.S.C. 1131 et seq.).

(2) Within two years after the date of enactment of this Act, the Secretary of Agriculture shall complete a report on the implementation of the hiking trail plan required under this Act. This report shall include the identification of priority hiking trails for development.

(c) **REPEATER SITE.**—Within the Wild Sky Wilderness designated under this Act, the Secretary of Agriculture may use helicopter access to construct and maintain a joint Forest Service and Snohomish County repeater site, in compliance with a Forest Service approved communications site plan, for the purposes of improving communication for safety, health, and emergency services.

(d) **FLOAT PLANE ACCESS.**—As provided by section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the use of floatplanes on Lake Isabel, where such use has

already become established, shall be permitted to continue subject to such reasonable restrictions as the Secretary of Agriculture determines desirable.

SEC. 5. AUTHORIZATION FOR LAND ACQUISITION.

(a) **IN GENERAL.**—The Secretary of Agriculture may acquire lands and interests therein, by purchase, donation, or exchange, and shall give priority consideration to those lands identified as “Priority Acquisition Lands” on the map described in section 3(a)(1). The boundaries of the Snoqualmie National Forest and the Wild Sky Wilderness shall be adjusted to encompass any lands acquired pursuant to this section.

(b) **ACCESS.**—Consistent with section 5(a) of the Wilderness Act (Public Law 88–577; 16 U.S.C. 1134(a)), the Secretary of Agriculture shall assure adequate access to private inholdings within the Wild Sky Wilderness.

(c) **APPRAISAL.**—Valuation of private lands shall be determined without reference to any restrictions on access or use which arise out of designation as a wilderness area as a result of this Act.

SEC. 6. LAND EXCHANGES.

The Secretary of Agriculture shall exchange lands and interests in lands, as generally depicted on a map entitled Chelan County Public Utility District Exchange and dated May 22, 2002, with the Chelan County Public Utility District in accordance with the following provisions:

(1) If the Chelan County Public Utility District, within ninety days after the date of enactment of this Act, offers to the Secretary of Agriculture approximately 371.8 acres within the Snoqualmie National Forest in the State of Washington, the Secretary shall accept such lands.

(2) Upon acceptance of title by the Secretary of Agriculture to such lands and interests therein, the Secretary of Agriculture shall convey to the Chelan County Public Utility District a permanent easement, including helicopter access, consistent with such levels as used as of date of enactment, to maintain an existing snowtel site on 1.82 acres on the Wenatchee National Forest in the State of Washington.

(3) The exchange directed by this Act shall be consummated if Chelan County Public Utility District conveys title acceptable to the Secretary and provided there is no hazardous material on the site, which is objectionable to the Secretary.

(4) In the event Chelan County Public Utility District determines there is no longer a need to maintain a snowtel site to monitor the snow pack for calculating expected runoff into the Lake Chelan hydroelectric project and the hydroelectric projects in the Columbia River Basin, the Secretary shall be notified in writing and the easement shall be extinguished and all rights conveyed by this exchange shall revert to the United States.

PURPOSE OF THE BILL

The purpose of H.R. 4844 is to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Certain wildlands on the western slope of the Cascade Range in the Skykomish River valley of the State of Washington offer an outstanding representation of the original character of the forested landscape, ranging from high alpine meadows and extremely rugged peaks to low-elevation mature and old-growth forests, including groves with some of the largest and most spectacular trees in Washington, with diameters of up to eight feet and larger. These diverse, thickly forested mountain slopes and valleys of mature and old-growth trees in the Skykomish River valley harbor nearly the full complement of wildlife and fish species found by the settlers in the early 19th century. An ecologically and topographically diverse wilderness area in the Skykomish River valley, accessible in

all seasons of the year will be enjoyable to hikers, horse riders, anglers, hunters, educational groups and others.

The Wild Sky Wilderness as proposed would be 106,000 acres adjacent to the Henry M. Jackson Wilderness and located in the Mt. Baker-Snoqualmie National Forests. In addition there are 13,000 acres of lands identified in the Northwest Forest Plan as matrix lands to be used for adaptive management. Designating the matrix lands as wilderness would preclude their use for adaptive management purposes. The bill also includes lands that do not have wilderness character and do not meet the intent of the Wilderness Act of 1964. This includes a lookout tower used as a recreational facility, lands with patented mining claims, and lands with recent harvest activity and open roads.

COMMITTEE ACTION

H.R. 4844 was introduced on May 23, 2002 by Congressman Rick Larsen (D-WA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On September 12, 2002, the Full Resources Committee met to consider H.R. 4844 and the Subcommittee on Forests and Forest Health was discharged from further consideration of the bill. An amendment was introduced by Mr. Rahall and accepted by unanimous consent. The bill, as amended, was then ordered reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, H.R. 4844 could affect direct spending (including offsetting receipts) but they estimate that any such effects would be negligible.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 23, 2002.

Hon. JAMES V. HANSEN,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4844, the Wild Sky Wilderness Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carrol.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 4844—Wild Sky Wilderness Act of 2002

Summary: H.R. 4844 would designate the Wild Sky Wilderness on 106,000 acres of federal lands within the Mount Baker-Snoqualmie National Forest in Washington and would authorize the Secretary of Agriculture to acquire nonfederal lands and interests within the proposed wilderness. The bill would require the Secretary to design a plan to establish hiking trails within the proposed wilderness and report to the Congress on the implementation of that plan. Finally, H.R. 4844 would direct the Secretary to convey to a local public utility district a permanent easement to operate a snow-monitoring device on 1.82 acres of national forest land in exchange for roughly 372 acres of land owned by that district.

CBO estimates that implementing H.R. 4844 would cost \$18 million over the 2003–2007 period, assuming appropriation of the necessary amounts. The bill could affect direct spending (including offsetting receipts); therefore, pay-as-you-go procedures would apply, but we estimate that any such effects would be negligible. H.R. 4844 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4844 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

| | By fiscal year, in millions of dollars— | | | | |
|--|---|------|------|------|------|
| | 2003 | 2004 | 2005 | 2006 | 2007 |
| CHANGES IN SPENDING SUBJECT TO APPROPRIATION | | | | | |
| Estimated authorization level | 7 | 5 | 4 | 1 | 1 |
| Estimated outlays | 7 | 5 | 4 | 1 | 1 |

Basis of estimate

CBO estimates that implementing H.R. 4844 would cost \$18 million over the 2003–2007 period, assuming appropriation of the necessary amounts. We also estimate that the bill could increase direct spending, but that any such effects would not be significant in any year. For this estimate, CBO assumes that H.R. 4844 will be enacted near the start of fiscal year 2003 and that necessary funds will be provided near the start of each year. Estimates of outlays are based on historical spending patterns for similar activities.

Spending subject to appropriation

Based on information from the Forest Service, CBO estimates that designating the proposed wilderness would increase the agency's administrative costs by roughly \$250,000 a year. We also estimate that the agency would spend: \$6 million over the 2003–2005 period to remove 41 miles of road that currently exist within the proposed wilderness; \$4 million over the 2003–2006 period to design and implement a system of hiking trails; and up to \$7 million over the 2003–2005 period to acquire nonfederal lands and interests within the proposed wilderness.

Direct spending

Designating federal lands as wilderness could result in forgone offsetting receipts (a credit against direct spending) if, under current law, those lands would generate income from activities such as timber harvesting and mining. According to the Forest Service, however, these lands currently generate no significant receipts and are not expected to do so over the next 10 years. Hence, CBO estimates that any forgone receipts under H.R. 4844 would be negligible.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. Designating certain federal lands as wilderness could result in forgone offsetting receipts from timber harvesting and mining; hence, pay-as-you-go procedures would apply, but we estimate that any such effects would not be significant.

Intergovernmental and private-sector impact: H.R. 4844 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal costs: Megan Carroll; impact on state, local and tribal governments: Marjorie Miller; impact on the private sector: Lauren Marks.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

