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WILD SKY WILDERNESS ACT OF 2007

APRIL 17, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 886]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 886) 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 without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 886 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

The proposed Wild Sky Wilderness comprises approximately 106,000 acres and is located on the western slope of the Cascade Range in the Skykomish River valley. The area is within a few hours distance of half the population of Washington State and would link with previously designated wilderness in the Mt. Baker-Snoqualmie National Forest. The area offers an outstanding rep-

resentation 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. These diverse, thickly forested mountain slopes and valleys harbor nearly the full complement of wildlife and fish species found by early settlers. Wild Sky is an ecologically and topographically diverse wilderness area that is accessible all seasons of the year. The wilderness will be available to a wide variety of users, including hikers, anglers, hunters, horseback riders, educational groups and others. The designation will also preserve low-elevation wilderness, a feature currently lacking in other designated wilderness in Washington State.

The proposed Wild Sky wilderness designation has significant State and local support in Washington. In testimony before the Subcommittee on Forests and Forest Health in 2004, Department of Agriculture Under Secretary Mark Rey testified that the Department does not oppose the designation of the Wild Sky Wilderness as a component of the National Wilderness System. Legislation similar to H.R. 886 was approved by the Resources Committee in the 107th Congress. Similar legislation has passed the Senate in the 107th, 108th and 109th Congresses.

COMMITTEE ACTION

H.R. 886 was introduced on February 7, 2007 by Representative Rick Larson (D–WA). The bill was referred to the Committee on Natural Resources. On March 7, 2007, the Full Natural Resources Committee met to consider the bill. No amendments were offered. The bill was ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Provides that this Act may be cited as the "Wild Sky Wilderness Act of 2007".

Section 2. Additions to the National Wilderness Preservation System

Designates approximately 106,000 acres of Federal land in the Mt. Baker-Snoqualmie National Forest, as depicted on the referenced map, as components of the National Wilderness Preservation System. The legislation provides that the area shall be known as the "Wild Sky Wilderness"and directs that a map and legal description be filed with Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

The Committee is aware that the Wild Sky Wilderness designation would protect approximately 80,000 acres of old growth and mature natural second growth forest, including approximately 14,000 acres of rare low-elevation old growth. The wilderness will directly protect more than 25 miles of salmon and steelhead spawning streams and provides important habitat for endangered and other sensitive species, as well as maintaining numerous opportunities for primitive recreation.

There has been a tremendous outpouring of public support for the designation of the Wild Sky Wilderness in the State of Washington. The Committee has received numerous letters on this matter and is aware that 252 elected officials, 170 businesses, and 179 local stakeholders and organizations have endorsed the wilderness designation of Wild Sky. A common thread in the numerous letters the Committee has received on this matter is the recognition that wild open spaces such as Wild Sky are vital to the future of the local economy, the environment, and the health and quality of life of the citizens of Washington State. The Committee joins with the Department of Agriculture in recognizing and commending the Washington delegation for its collaborative approach and local involvement, which has contributed to the bipartisan support there is for the measure.

Against this backdrop of wilderness values and public support, there are some who would like to scale back this wilderness proposal. The Committee did not make any changes to the bill because it is satisfied that the proposal, as written, meets the criteria for wilderness designation and is in the public interest.

There are those who would wish to disqualify for consideration as wilderness any land that has felt the imprint of mankind's work. The phrase in the Wilderness Act regarding wilderness being "untrammeled by man" does not mean untouched by man. The definition of wilderness as contained in the Wilderness Act is one of practical standards for the suitability of wilderness lands. There has never been a purity test for wilderness and the Committee does not intend to begin one now. The standards found in the Wilderness Act have been applied for more than 40 years and have lead to the development of a wilderness preservation system that is the envy of the world. The Committee believes that Wild Sky is an appropriate and welcome addition to this world-class system.

Section 3. Administration provisions

Requires the Secretary of Agriculture ("Secretary") to manage the lands designated wilderness in accordance with the Wilderness Act (16 U.S.C. 11331 et seq.). The Secretary is also directed to develop a system of hiking and equestrian trails in the wilderness in a manner consistent with the Wilderness Act. The use of helicopters to construct and maintain a joint telecommunications repeater site is also authorized, as well as the use of float planes on Lake Isabel as provided by section 4(d)(1) of the Wilderness Act. Further, the continued use and maintenance of the existing Evergreen Mountain Lookout is authorized.

Section 4. Authorization for land acquisition

Authorizes the Secretary to acquire the "Priority Acquisition Lands" as identified on the map and to adjust the boundaries of the Wild Sky Wilderness to encompass such acquisitions. The Secretary is to provide access to private inholdings in a manner consistent with Section 5(a) of the Wilderness Act. Further, appraisals of private land are to be determined without reference to any restrictions on access and use arising from the designation of the area as wilderness.

Section 5. Land exchanges

Provides for an exchange of lands and interests in land between the Secretary and the Chelan County Public Utility District.

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 Natural 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 revenues or tax expenditures.

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 designate the Wild Sky Wilderness in the State of Washington.

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:

H.R. 886—Wild Sky Wilderness Act of 2007

Summary: H.R. 886 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 prepare a plan to establish hiking trails within the proposed wilderness and report to the Congress on the implementation of that plan. Finally, H.R. 886 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. 886 would cost $19 million over the 2008–2012 period, assuming appropriation of the necessary amounts. Enacting this legislation could affect offsetting re-

ceipts and direct spending, but we estimate that any such effects would be negligible. Enacting the bill would not affect revenues.

H.R. 886 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. 886 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—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	7	5	5	1	1
Estimated Outlays	7	5	5	1	1

Basis of estimate: CBO estimates that implementing H.R. 886 would cost $19 million over the 2008–2012 period, assuming appropriation of the necessary amounts. We estimate that any forgone offsetting receipts (a credit against direct spending) from enacting this legislation would be negligible. Furthermore, any such changes would be offset by lowered direct spending. For this estimate, CBO assumes that the bill will be enacted before the start of fiscal year 2008 and that the amounts estimated to be necessary will be appropriated near the start of each fiscal year. Estimates of outlays are based on historical spending patterns for similar activities.

Spending subject to appropriation

Based on information provided by the Forest Service, CBO estimates that designating the proposed wilderness would increase the agency's administrative costs by roughly $250,000 to $500,000 a year. We also estimate that the agency would spend $6 million over the 2008–2010 period to remove roads that currently exist within the proposed wilderness; $4 million over the 2008–2010 period to design and implement a system of trails; and up to $7 million over the same period to acquire nonfederal lands and interests within the proposed wilderness.

Direct spending

Designating federal lands as wilderness could result in forgone offsetting receipts if, under current law, those lands would generate income from activities such as timber harvesting and mining. According to the Forest Service, those lands currently generate no significant receipts but do contain timber valued at $6 million that may be harvested in the future. Such sales proceeds can be spent by the Forest Service without further appropriation. Thus, CBO estimates that any net budgetary impact from enacting this legislation would be negligible.

Intergovernmental and private-sector impact: H.R. 886 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: Tyler Kruzich; Impact on State, Local, and Tribal Governments: Marjorie Miller; Impact on the Private-Sector: Tyler Kruzich.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 886 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

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.

DISSENTING VIEWS

We oppose H.R. 886, the proposed Wild Sky Wilderness area located in the Mt. Baker-Snoqualmie National Forest. Presently, almost 42 percent of the forest is congressionally designated Wilderness. Moreover, during the last U.S. Forest Service wilderness evaluation in 1990, approximately 33,000 acres of the proposed 106,000 acres was identified as suitable for wilderness. In 2003, however, the U.S. Forest Service testified that 90,000 acres of the proposed area would be appropriate for wilderness. It also concluded that 16,000 acres were not well-suited for wilderness because it included previously harvested and roaded areas, private land (some with patented mining claims that would be acquired by the Forest Service under HR 886), and vital access roads.

We have several concerns with this legislation and the following remarks highlight the most prominent among them.

First, there is a lack of demonstrated widespread local support. While the sponsors of the legislation in both Houses claim broad public support, during the 109th Congress the Committee received over 200 letters of concern from local officials and community members near Wild Sky. The Committee at that time had also seen a copy of a petition against Wild Sky with close to 2,000 signatures from people living in the affected communities. Due to the restrictions of designated wilderness there are wildfire, land slide, and flood protection measures that would no longer be available to at-risk communities.

Second, the sponsors also have claimed the bill would provide adequate recreational access to the area by maintaining and building new trails. However, the Forest Service has stated that under current management practices and due to ESA and late successional reserve (LSR) requirements it is likely no new trails would be constructed. Additionally, the Forest Service reported that of the visits to the Mt. Baker-Snoqualmie National Forest, only 13 percent of visits were to the wilderness—even though the area is only one hour away from half the population in Washington State.

Finally, HR 886 would remove 14 percent of the lands identified for timber harvest (known as "matrix" lands) in the proposed 106,000 acres and designate them as wilderness. These land allocations were negotiated in good-faith and should be maintained. Such a change would require an amendment to the forest plan and would also reduce the annual allowable cut.

We would like to commend Rep. Larsen for only proposing wilderness in his district and for transparency and community involvement he has shown during this process. However, we cannot support HR 886 with the inclusion of thousands of acres that are not suitable for wilderness designation.

DON YOUNG.
STEVAN PEARCE.
HENRY BROWN.
ROB BISHOP.
DOUG LAMBORN.
JOHN DUNCAN, Jr.

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