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Calendar No. 255

110TH CONGRESS
1st Session

SENATE

REPORT
110–121

WILD SKY WILDERNESS ACT OF 2007

JUNE 28, 2007.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 886]

The Committee on Energy and Natural Resources, to which was referred the Act (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, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

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 in the Mt. Baker-Snoqualmie National Forest.

BACKGROUND AND NEED

H.R. 886 designates approximately 106,000 acres of National Forest lands in the Mt. Baker-Snoqualmie National Forest in Washington State as the Wild Sky Wilderness. The Wild Sky Wilderness is located just a few hours from over half of Washington's population and will provide key recreational opportunities to the booming population of the Puget Sound region as well as creating a vital link to other wilderness areas in the Cascade Range.

Designation of the Wild Sky Wilderness will also place forest lowlands into the wilderness system in Washington State. Current wilderness areas in western Washington State are primarily high-elevation and, while important, do not reflect a wide range of eco-

logical systems. Included within the Wild Sky Wilderness are large Douglas Fir and Cedar trees. The North Fork Skykomish River and its tributaries provide important habitat for salmon and steelhead and surrounding forest contains a wide variety of wildlife, including spotted owls, pileated woodpeckers, bald eagles, pine martens, deer, and cougars.

LEGISLATIVE HISTORY

H.R. 886, sponsored by Representative Larsen, passed the House of Representatives by a voice vote on April 17, 2007. Senators Murray and Cantwell introduced a companion measure, S. 520, on February 7, 2007.

During the 109th Congress, Senators Murray and Cantwell introduced a similar bill, S. 152. The Committee on Energy and Natural Resources ordered S. 152 favorably reported, with amendments on March 10, 2005 (S. Rept. 109–28). S. 152 passed the Senate by unanimous consent on July 26, 2005. No further action occurred in the House of Representatives on either S. 152, or the House companion measure, H.R. 851, sponsored by Representative Larsen.

Senators Murray and Cantwell also introduced a Wild Sky Wilderness bill in the 108th Congress, S. 391. The Subcommittee on Public Lands and Forests held a hearing on S. 391 on June 4, 2003 (S. Hrg. 108–68). The bill was favorably reported by the Committee on Energy and Natural Resources, with amendments on July 23, 2003 (S. Rept. 108–131). S. 391 passed the Senate by unanimous consent on November 24, 2003.

The Committee first considered the Wild Sky Wilderness proposal in the 107th Congress, when Senators Murray and Cantwell introduced S. 2565. The Subcommittee on Public Lands and Forests held a hearing on S. 2565 on July 30, 2002 (S. Hrg. 107–846). The Committee ordered the bill favorably reported on October 8, 2002 (without written report). The text of the bill passed the Senate on November 20, 2002, as Title V of S. 2222, the Cape Fox Land Entitlement Adjustment Act of 2002.

At its business meeting on May 23, 2007, the Committee on Energy and Natural Resources ordered H.R. 886 favorably reported, without amendment.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on May 23, 2007, by a unanimous voice vote of a quorum present, recommends that the Senate pass H.R. 886.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the "Wild Sky Wilderness Act of 2007."

Section 2(a) designates approximately 106,000 acres of National Forest lands in the State of Washington as wilderness, as depicted on the referenced map.

Subsection (b) directs the Secretary of Agriculture to file a map and legal description of the wilderness area as soon as practicable after the date of enactment with the Committee on Energy and Natural Resources and the House Committee on Natural Resources. The map and legal description are also required to be

available for public inspection in office of the Chief of the Forest Service.

Section 3(a) provides that the lands designated as wilderness under this Act shall be managed by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), subject to valid existing rights. The subsection authorizes the Secretary of Agriculture to manage the Wild Sky Wilderness as a comprehensive part of the larger complex of adjacent and nearby wilderness.

Subsection (b) directs the Secretary to consult with interested parties and to establish a trail plan for Forest Service lands in order to develop a system of hiking and equestrian trails within the Wild Sky Wilderness in a manner consistent with the Wilderness Act, and to develop a system of trails adjacent to or to provide access to the Wild Sky Wilderness.

Subsection (c) authorizes the Secretary of Agriculture to use helicopter access to construct and maintain a joint Forest Service and Snohomish County telecommunications repeater site, in compliance with a Forest Service approved communications site plan.

Subsection (d) restates a provision in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1131(d)(1)) that allows for the continued use of float planes within wilderness areas, where such use has already become established. Within the Wild Sky Wilderness, the specific site referenced in the subsection for continued float plane access is Lake Isabel.

Subsection (e) clarifies that the designation of the Wild Sky Wilderness shall not preclude the operation of the existing Evergreen Mountain Lookout in the same manner and degree in which the operation and maintenance of the lookout was occurring as of the date of enactment.

Section 4(a) authorizes the Secretary of Agriculture to acquire lands and interests therein by purchase, donation, or exchange, with priority consideration for acquiring lands identified as such on the official map. The boundaries of the National Forest and the wilderness area are to be modified to reflect the inclusion of any acquired lands.

Subsection (b) directs the Secretary of Agriculture to ensure adequate access to inholdings within the Wild Sky Wilderness, consistent with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)).

Subsection (c) provides that valuation of lands acquired under this Act shall be determined without reference to any restrictions on access or use which arise out of designation of the wilderness under this Act.

Section 5 directs the Secretary of Agriculture to enter into a land exchange with the Chelan County Public Utility District as depicted on the referenced map, and sets out the procedures and requirements for the exchange. Under the exchange, the Utility District would convey approximately 372 acres of lands to the Forest Service within the Mt. Baker-Snoqualmie National Forest in exchange for a permanent easement, including helicopter access, consistent with use levels as of the date of enactment, to maintain an existing telemetry site to monitor snow pack on 1.82 acres on the Wenatchee National Forest.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 30, 2007.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 886, the Wild Sky Wilderness Act of 2007.

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

Sincerely,

PETER R. ORSZAG, *Director.*

Enclosure.

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 act 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 receipts and direct spending, but we estimate that any such effects would be negligible. Enacting the legislation 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 legislation 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.

Previous estimate: On March 28, 2007, CBO transmitted a cost estimate for H.R. 886 as ordered reported by the House Committee on Natural Resources on March 7, 2007. The versions of the legislation are identical, as are the CBO cost estimates.

Estimate prepared by: Federal Costs: Tyler Kruzich; Impact on State, Local, and Tribal Governments: Marjorie Miller; Impact on the Private-Sector: Amy Petz.

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

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 886. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 886, as ordered reported.

EXECUTIVE COMMUNICATIONS

Because H.R. 886 is similar to legislation considered by the Committee in the 109th, 108th, and 107th Congresses, the Committee did not request Executive Agency views. The testimony provided by the Department of Agriculture at the Subcommittee hearing on S. 391 in the 108th Congress follows:

STATEMENT OF MARK REY, UNDER SECRETARY, DEPARTMENT OF AGRICULTURE

* * * * * * *

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today. I am Mark Rey, Natural Resources and Environment Under Secretary for the United States Department of Agriculture. I am here today to provide the Administration's comments on S. 391—Wild Sky Wilderness Act of 2003 and S. 1003—Outfitter Hunting Camps on the Salmon River.

S. 391—The Wild Sky Wilderness Act of 2003

S. 391 would designate approximately 106,000 acres of additional wilderness on the Mt. Baker-Snoqualmie National Forest in the State of Washington. It directs the Secretary to assure adequate access to private in-holdings within the Wild Sky Wilderness and establish a trail plan for hiking and equestrian trails within and adjacent to the wilderness. The bill authorizes the use of helicopter access to construct and maintain a joint Forest Service and Snohomish County repeater site to provide improved communication for safety, health, and emergency services.

S. 391 also requires the Secretary to exchange specified lands with the Chelan County Public Utility District if the District offers to the Secretary approximately 371.8 acres within the Mt. Baker-Snoqualmie National Forest, in exchange for a permanent easement, including helicopter access, consistent with such levels as used as of the date of this bill's enactment, to maintain an existing snotel site on 1.82 acres on the Wenatchee National Forest. The snotel site is currently used to monitor the snow pack for calculating expected runoff into hydroelectric projects. If, after the exchange occurs, Chelan County notifies the Secretary that they no longer need to maintain the snotel site, the easement will be extinguished and all rights conveyed by this exchange would revert to the United States.

The Department does not oppose the designation of the Wild Sky Wilderness as a component of the National Wilderness Preservation System. We recognize and commend the delegation for its collaborative approach and local involvement that contribute to bipartisan support for this bill. However, the Department would like to work with the Committee to improve S. 391.

While the vast majority of the lands described in S. 391 are appropriate for wilderness designation, the Department has significant concerns with approximately 16,000 acres. These acres would not be considered suitable for wil-

derness designation under the provisions of the 1964 Wilderness Act or under existing Forest Service regulations and planning direction. The Department believes that the current allocation of these lands under the Mt. Baker-Snoqualmie Forest Plan continues to be the most suitable designation for these acres.

The lands that we believe are appropriate for designation under the Wilderness Act, approximately 90,000 acres, consist of all of the Eagle Rock Roadless Area and portions of Glacier Peak A, B, K, and L. These areas retain their undeveloped character and are largely without permanent improvements or human habitation. Limiting the wilderness designation to these lands would address many of the Department's concerns.

The areas we propose for exclusion from wilderness designation include low elevation forests that have been utilized for timber harvest and mining over the last 80 years, still showing visible evidence of road building, logging and mining activities. The areas also include approximately 27 miles of existing roads, some of which are all-weather, drivable, and graveled. Several of the roads receive significant visitor use associated with recreation opportunities. The Rapid River Road is such a travel way and we recommend excluding it, in its entirety, from wilderness designation. The types of recreation experiences enjoyed by users along the Rapid River Road corridor include driving for pleasure, nature photography, fishing, picnicking and dispersed camping at a number of pull-off sites along the road. In the winter snowmobiles use this road as a part of the snowmobile trail system, traveling to its end point.

Another concern lies with roads, both outside and adjacent to the proposed wilderness boundary that have narrow corridors subject to landslide and river bank erosion. This situation poses significant public access and resource management issues, as the proximity of the proposed boundary could result in constraints related to necessary repairs and road reconstruction work. We would like to work with the Committee on more appropriate boundaries.

Further, we propose the exclusion of most of the approximately 2,400 acres of private patented mining claims and private timberlands. A boundary adjustment in the Silver Creek drainage would remove most of the private lands from the proposed Wilderness.

Finally, the approach to naming these disconnected areas of land collectively as the Wild Sky Wilderness may cause public confusion, particularly since some of the areas proposed for designation are immediately adjacent to the existing Henry M. Jackson Wilderness. In order to minimize administrative costs and reduce public confusion, the Department suggests designating only Eagle Rock Roadless Area as Wild Sky Wilderness. The Glacier Peak Roadless Areas A, B, K, and L should become additions to the adjacent Henry M. Jackson Wilderness.

The Department supports the administrative provisions in the bill, particularly provisions for a repeater site to

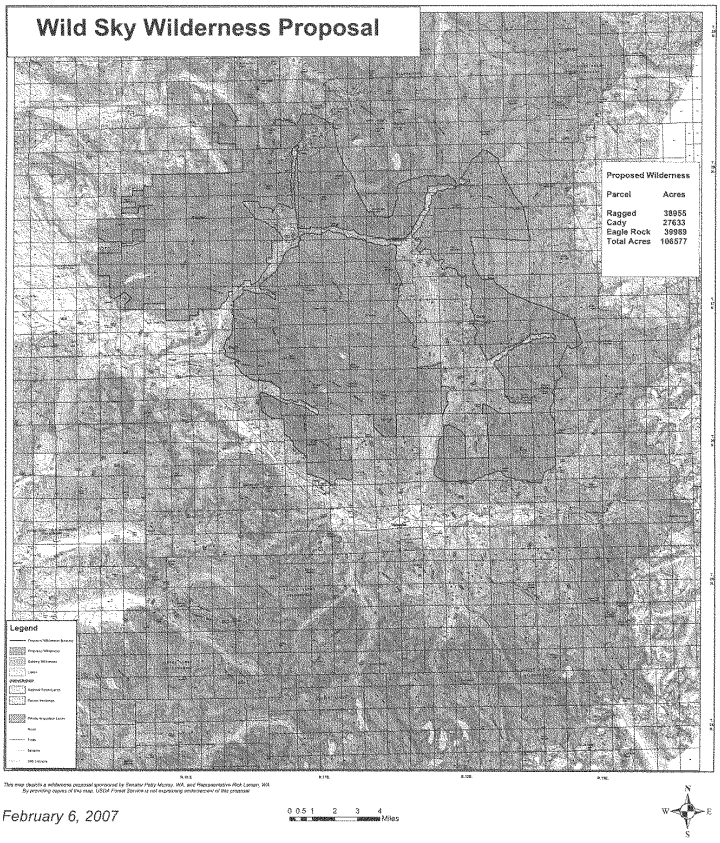
provide improved communications for safety and health purposes. The Department also supports the provisions for land exchange in the Glacier Peak Wilderness and provisions for management of the existing snowtel site in that wilderness.

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This concludes my statement. I would be happy to answer your questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 886, as ordered reported.


Wild Sky Wilderness Proposal
Proposed Wilderness
Parcel Acres
Ragged 38955
Cady 27633
Eagle Rock 39989
Total Acres 106577
Legend
This map depicts a wilderness proposal sponsored by Senator Patty Murray, WA, and Representative Rick Larsen, WA
By providing copies of this map, USDA Forest Service is not expressing endorsement of this proposal
February 6, 2007
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