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SENATE

{ REPORT
108-23

MOUNT NAOMI WILDERNESS BOUNDARY ADJUSTMENT ACT

MARCH 19, 2003.—Ordered to be printed

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

R E P O R T

[To accompany S. 278]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 278) to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

S. 278 adjusts the boundaries of the Mount Naomi Wilderness by removing 31 acres of land and by adding another 31 acres. Subject to valid existing rights, the Utah Wilderness Act of 1984 will apply to the land added to the Mount Naomi Wilderness.

BACKGROUND AND NEED

The Mount Naomi Wilderness Area (MNWA), located to the northeast of Logan, Utah, was created by the Utah Wilderness Act of 1984 (Public Law 98-428). Encompassing approximately 44,523 acres in the Wasatch-Cache National Forest, the MNWA is one of the largest wilderness areas in the State of Utah and provides many recreational opportunities for the residents of Cache County.

The close proximity of portions of the MNWA to Logan City limits creates difficulty for the Forest Service to manage these lands for wilderness uses, and also presents potential problems for the city. In one area of approximately 31 acres, the MNWA's southwestern boundary abuts the Logan City limits. Within this small area is a utility corridor with several utility, power and communication lines that existed prior to the designation of the wilderness area. Maintenance of these facilities is extremely difficult because

no motorized or mechanized equipment may be operated within a wilderness area. Adjusting the boundaries of the wilderness area to exclude this small area would provide a common-sense solution both to the utility corridor's maintenance problem and the Forest Service's management problem.

The 31-acre adjustment would provide a manageable, natural boundary for the wilderness area. It allows the boundary to follow the natural contour lines at the base of Mount Naomi rather than arbitrary boundary lines on a map. The area to be adjusted was chosen and agreed upon by the Forest Service, Logan City, and Cache County, and is the smallest area necessary to complete this adjustment and realign the boundary.

Additionally, a small portion of the Bonneville Shoreline Trail has been proposed within this 31-acre area adjacent to the Logan City limits. This portion of the trail would connect with a number of other trails in the Bonneville Shoreline Trail system, and would provide outstanding recreational opportunities to thousands of people each year. The trail would be approximately eight feet wide and accessible to pedestrian, biking, and equestrian traffic. Adjusting the boundary around this 31-acre area would serve to eliminate a potential non-conforming use in the wilderness area. This is the only portion of this trail that lies within the wilderness area.

In order to prevent a net loss of wilderness due to this boundary adjustment, the Forest Service, in consultation with the city of Logan and Cache County, identified a separate 31-acre parcel with wilderness characteristics located adjacent to the southern boundary of the wilderness area. This parcel would be added to the wilderness area by this legislation. Thus, there would be no net loss of wilderness.

LEGISLATIVE HISTORY

S. 278 was introduced by Senator Bennett on February 4, 2003. The Public Lands and Forests Subcommittee held a hearing on S. 278 on February 27, 2003. At the business meeting on March 12, 2003, the Committee on Energy and Natural Resources ordered S. 278 favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on March 12, 2003, by a voice vote of a quorum present, recommends that the Senate pass S. 278.

SECTION-BY-SECTION ANALYSIS

Section 1 provides a short title for the bill, "The Mount Naomi Wilderness Boundary Adjustment Act."

Section 2 adjusts the boundaries of the Mount Naomi Wilderness by removing 31 acres of land depicted on the map as "Land Excluded" and by adding 31 acres of land, depicted on the map as "Land Added". Subject to valid existing rights the Utah Wilderness Act of 1984 shall apply to the land added to the Mount Naomi Wilderness.

Section 3 provides a map of reference and authorizes the Secretary of Agriculture to make technical corrections.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 13, 2003.

Hon. PETE V. DOMENICI,
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 S. 278, the Mount Naomi Wilderness Boundary Adjustment Act.

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

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

S. 278—Mount Naomi Wilderness Boundary Adjustment Act

CBO estimates that enacting S. 278 would have no significant impact on the federal budget. The bill would not affect direct spending or receipts. S. 278 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local or tribal governments.

S. 278 would adjust the existing boundary of the Mount Naomi Wilderness in the Wasatch-Cache National Forest in Utah. The adjustment would exclude from the wilderness area about 31 acres of land and, subject to valid existing rights, would add 31 acres of other national forest land. Based on information from the Forest Service, CBO estimates that the proposed change would not significantly affect the agency's costs to manage those lands.

The CBO staff contact for this estimate is Megan Carroll. This estimate was 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 S. 278. The bill 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 S. 278, as ordered reported.

EXECUTIVE COMMUNICATIONS

On, March 12, 2003, the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth Ex-

ecutive agency recommendations on S. 278. These reports had not been received at the time the report on S. 278 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the U.S. Forest Service at the Subcommittee hearing follows:

STATEMENT OF JIM REAVES, DIRECTOR, VEGETATION MANAGEMENT AND PROTECTION RESEARCH, FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE

Mr. Chairman and Members of the Subcommittee, Thank you for the opportunity to appear before you today. I am Jim Reaves, Director, Vegetation Management and Protection Research. With me today is David Cleaves, National Program Leader for Fire Systems Research. I would like to present the Administration's views on S. 278—the Mount Naomi Wilderness Boundary Act.

The Department supports S. 278, a bill that would adjust the boundary of the Mount Naomi Wilderness in the Wasatch-Cache National Forest in Utah. We believe the boundary adjustment will create a higher level of wilderness value by improving the area's solitude, scenery, and pristine qualities. We supported similar legislation that was considered during the 107th Congress.

The boundary adjustment would exclude approximately 31 acres of land currently part of the Mount Naomi Wilderness and, subject to with valid existing rights, would add 31 acres to the wilderness area. The bill also requires the Secretary to manage the 31 additional acres pursuant to the Utah Wilderness Act of 1984 (Public Law 98-428).

The adjustment would allow for the alignment of the Bonneville Shoreline trail, which is a multi-county recreational trail. The trail is designed predominately for heavy non-motorized use, which does not conform to use as a wilderness trail. The boundary adjustment would also eliminate the need for a power line easement within the wilderness area, which is also a non-conforming use.

This concludes my statement and we look forward to working with the Subcommittee. I would be happy to answer any questions you may have.

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 bill S. 278, as ordered reported.