

AUTHORIZING THE SECRETARY OF THE INTERIOR TO ADJUST THE BOUNDARY OF THE STEPHEN MATHER WILDERNESS AND THE NORTH CASCADES NATIONAL PARK IN ORDER TO ALLOW THE REBUILDING OF A ROAD OUTSIDE OF THE FLOODPLAIN WHILE ENSURING THAT THERE IS NO NET LOSS OF ACREAGE TO THE PARK OR THE WILDERNESS, AND FOR OTHER PURPOSES

JUNE 15, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 2352]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2352) to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the 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. 2352 is to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness.

BACKGROUND AND NEED FOR LEGISLATION

The Stephen Mather Wilderness was designated in 1988 as part of the Washington Park Wilderness Act (Public Law 100-668). Excluded from the wilderness area was a 100-foot corridor for a pre-

existing dirt road that followed the Stehekin River for 23 miles from Lake Chelan into the wilderness, providing limited vehicle access to trails and campgrounds in that portion of the wilderness. The road dead-ended at a campground and trailhead to a scenic basin and pass. The action to ensure continuance of the road in this legislation was careful and deliberate, and was taken to ensure public access in an area that would have more limited access options due to the wilderness designation.

Until 2003, the park provided shuttle service along the road for hikers and campers, who could only reach the road by passenger ferry or floatplane. Local residents, who retained property and small businesses inside the park and the adjoining Lake Chelan National Recreation Area, also used the road for recreation.

Damage to the road from a 1995 flood was repaired, except for a 2.5 mile section at the very end of the road, but in 2003 and again in 2006 major flooding along the river washed out significant portions of the road in the upper valley. Since these floods, the road has been impassible for vehicles above what used to be the halfway point. The public access specifically provided for and protected by the 1988 law has been voided by the destruction of the road.

Due to the wilderness designation, the Secretary of the Interior says that the U.S. Park Service is unable to rebuild the road. H.R. 2352 is necessary to simply allow the Secretary of the Interior the ability to rebuild an adequate road that can be successfully maintained, thereby upholding the promise made in 1988.

COMMITTEE ACTION

H.R. 2352 was introduced on June 24, 2011, by Congressman Doc Hastings (R-WA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On September 15, 2011, the Subcommittee held a hearing on the bill. On October 5, 2011, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Raúl Grijalva (D-AZ) offered amendment designated .977; the amendment was withdrawn. The bill was then ordered favorably reported to the House of Representatives by voice vote.

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.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(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 sec-

tion 402 of the Congressional Budget Act of 1974. 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. 2352—A bill to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes

H.R. 2352 would allow the Secretary of the Interior to redraw the boundary of the Stephen Mather Wilderness (which makes up more than 90 percent of the North Cascades National Park in Washington) to exclude a 100-foot wide corridor. The National Park Service (NPS) would use the corridor (which would remain in the park) to reroute a flood-damaged portion of the Stehekin Valley Road.

Based on information provided by the NPS and assuming appropriation of the necessary amounts, CBO estimates that completing the rerouting project would cost about \$3 million over the next five years. Of this amount, about \$500,000 would be spent to conduct an environmental impact study of the boundary change and the construction project. About \$2.5 million would be spent to build the new road segment and restore the remaining portion of the existing road. Enacting H.R. 2352 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of 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 credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the National Park Service and assuming appropriation of the necessary amounts, CBO estimates that completing the rerouting project would cost about \$3 million over the next five years. Of this amount, about \$500,000 would be spent to conduct an environmental impact study of the boundary change and the construction project. About \$2.5 million would be spent to build the new road segment and restore the remaining portion of the existing road.

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 authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

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 MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

WASHINGTON PARK WILDERNESS ACT OF 1988

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TITLE II—NORTH CASCADES NATIONAL PARK SERVICE COMPLEX WILDERNESS

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SEC. 207. BOUNDARY ADJUSTMENTS FOR ROAD.

(a) *IN GENERAL.*—The Secretary may adjust the boundaries of the North Cascades National Park and the Stephen Mather Wilderness in order to provide a 100-foot-wide corridor along which the Stehekin Valley Road may be rebuilt—

(1) *outside of the floodplain between milepost 12.9 and milepost 22.8;*

(2) *within the boundaries of the North Cascades National Park; and*

(3) *outside of the boundaries of the Stephen Mather Wilderness.*

(b) *NO NET LOSS OF LANDS.*—The boundary adjustments made under this section shall be such that equal acreage amounts are exchanged between the Stephen Mather Wilderness and the North Cascades National Park, resulting in no net loss of acreage to either the Stephen Mather Wilderness or the North Cascades National Park.

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ADDITIONAL VIEWS

H.R. 2352 is a limited bill that allows for continued public access to the North Cascades National Park from the community of Stehekin, Washington.

Stehekin, located at the western end of Lake Chelan, is the gateway to the North Cascades National Park and is accessible only by boat, floatplane, or a multi-day hike. From the town of Stehekin, the Stehekin Valley Road has long allowed residents and visitors to access some of the most beautiful scenery in the North Cascades in what is now the Park's Stephen Mather Wilderness.

At a July 30, 2009 hearing before the Subcommittee on National Parks, Forests and Public Lands, the Subcommittee heard testimony from local officials on how flood damage to the upper Stehekin Road has limited public recreational access to the North Cascades National Park Complex. This reduced access has been particularly painful for the small, tourist-dependent community of Stehekin which serves as the gateway to the Park.

Recognizing its value to Park visitors and local residents, the Road was specifically protected when the Park and Wilderness areas were created. Stehekin Road has for many years been maintained and run by Park officials, but following extreme flooding and subsequent changes in the course of the river, much of the Road bed is now under water. Because the Road occupies a narrow corridor within the borders of the Wilderness Area, congressional approval is required to modify the corridor prior to the Park Service rebuilding the road.

During legislative consideration of the Park's creation in 1988, Congress determined that Stehekin Road would remain exempt from the restrictions of other wilderness areas. Otherwise, no cars, mountain bikes or other mechanized vehicles would have been allowed to transport area residents or Park visitors to the wilderness areas north of the Stehekin community. Former U.S. Senator and Washington Governor Dan Evans, the author of the 1988 Act creating the Park, submitted written testimony to the 2009 Subcommittee hearing that it was Congress' intent to allow for continued road access into the Park.

As the Stehekin River has shifted and damaged the road, the Park Service has been unable to rebuild the road out of the path of the river because of the narrow road corridor in the original Park designation. H.R. 2352 would simply allow the Secretary limited authority to adjust the road corridor out of the path of the Stehekin River, with no net loss of land to either the Park or the Stephen Mather Wilderness. These changes and road rebuilding would still be subject to review and comment under the National Environmental Policy Act.

Approval of H.R. 2352 will serve as a reminder to the Park Service that ensuring public access to the National Park System re-

mains a high priority and it will ensure that we keep our nation's commitment to the residents of Stehekin. Moreover, H.R. 2352 accomplishes these goals without any net loss to the Park or the Wilderness, and ensures adequate public and environmental review before any changes take place. Promises made during the creation of wilderness areas must be upheld, or the possible designation of new wilderness will become all the more difficult.

DOC HASTINGS.

SEATTLE, WA, *July 7, 2009.*

Hon. RAÚL M. GRIJALVA,
Chairman, Subcommittee on National Parks, Forests and Public Land, Committee on Natural Resources, Washington, DC.

DEAR MR. CHAIRMAN: I am pleased to write in favor of H.R. 2806 sponsored by Representative Doc Hastings of the state of Washington. I believe his proposal for reconstruction of the Upper Stehekin road is both desirable and vital for appropriate access to portions of the North Cascade National Park.

Before speaking on the particulars of the road reconstruction let me establish my credentials for testifying on this measure. I served as United States Senator for the state of Washington from 1983 to 1989. During that time I served as a member of the Energy and Natural Resources Committee of the Senate, which has jurisdiction over our National Park system. While on the committee I initiated and became prime sponsor of a bill to create wilderness areas within the three national parks of Washington state, Olympic, Rainier, and North Cascades. It was my intent to ensure that undue development would not occur within those national parks. I also recognized that access to trails and vistas within those parks was vital and carefully excluded those road rights-of-way from wilderness boundaries. Normally, road reconstruction and minor relocation would be accommodated within these 100 foot right of ways but on rare occasions natural catastrophes could require modification of wilderness boundaries to allow road relocations.

For almost 70 years I have hiked and climbed in the National Parks of Washington state and have a strong and continuing desire to maintain their integrity. I am very familiar with the area in question and have ridden the road from Stehekin to trailheads where I have embarked on extensive hiking and climbing trips. If this road is not rebuilt, access to extraordinary wilderness experiences will be substantially more difficult. Almost a full days' hike will be necessary to reach what once were trailheads giving mountain access.

I believe very strongly that continued protection of our wilderness National Parks depends on the active support of visitors, hikers, and climbers who act as champions for our National Parks. If we make access substantially more difficult we reduce the number of visitors and ultimately the numbers of citizens and taxpayers who know enough about these parks to want to protect them.

It was my intent when I sponsored the Park Wilderness Bill of 1988 to protect the unique features of these splendid Parks but not

to make access more difficult for those seeking the unusual experience of a wilderness Park. I believe that in this instance an alternative route along the Old Wagon Road would maintain the appropriate access and that portions of the current road could revert to wilderness category with no net loss of wilderness area. I strongly urge the passage of H.R. 2806 and believe it is compatible with the original bill I sponsored in 1988.

I thank you for your attention to this matter and hope that it can be resolved promptly and successfully.

Sincerely,

DANIEL J. EVANS,
U.S. Senator 1983-1989.

