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ALPINE LAKES WILDERNESS ADDITIONS AND PRATT AND MIDDLE FORK SNOQUALMIE RIVERS PROTECTION ACT

JANUARY 13, 2012.—Ordered to be printed

Filed, under authority of the order of the Senate of December 17, 2011

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

R E P O R T

[To accompany S. 322]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 322) to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 322 is to designate certain Federal land in the Mount Baker-Snoqualmie National Forest in the State of Washington as wilderness and to designate a segment of the Middle Fork Snoqualmie River and the entire length of the Pratt River as components of the Wild and Scenic Rivers System.

BACKGROUND AND NEED

In 1976, Congress enacted the Alpine Lakes Area Management Act (Public Law 94–357), which established the Alpine Lakes Wilderness. S. 322 would add approximately 22,173 acres to the approximately 390,000-acre Alpine Lakes Wilderness, providing protection for low-elevation forests. Unlike the higher-elevation lands currently in the Alpine Lakes Wilderness, these lower-elevation lands are snow-free much of the year, providing important wildlife habitat when the high country is covered in snow. The valleys in-

cluded in the proposed additions are home to deer and elk populations, as well as cougars and bears.

Located a short distance from Seattle, the Alpine Lakes Wilderness is among the most visited wilderness areas in the Nation, with over 100,000 visits annually. The area is a popular destination for hiking, camping, horseback riding, wildlife viewing, river rafting, and other recreational activities.

S. 322 also would designate two rivers as components of the Wild and Scenic Rivers System. In 1990, the Forest Service recommended both the Middle Fork Snoqualmie River and the Pratt River for designation under the Wild and Scenic Rivers Act, noting their outstanding recreational, fisheries, wildlife, geological, and ecological values.

LEGISLATIVE HISTORY

S. 322 was introduced by Senators Murray and Cantwell on February 10, 2011. The Subcommittee on Public Lands and Forests held a hearing on the bill on May 18, 2011 (S. Hrg. 112–39). At its business meeting on November 10, 2011, the Committee on Energy and Natural Resources ordered S. 322 favorably reported without amendment. The Committee reported an identical bill (S. 721, as amended) by voice vote in the 111th Congress.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on November 10, 2011, by a voice vote of a quorum present, recommends that the Senate pass S. 322. Senators Lee and Paul asked to be recorded as opposing the measure.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title for the bill.

Section 2 designates approximately 22,173 acres of Federal land in the Mount Baker-Snoqualmie National Forest in Washington as additions to the Alpine Lakes Wilderness. The boundaries of the wilderness additions are generally depicted on the referenced map, including a 200-foot set-back from the National Forest boundary adjacent to the Goldmyer Hot Springs property. The boundary of the wilderness also is set-back to provide greater flexibility in managing the Middle Fork Snoqualmie River Trail, which runs parallel to the wilderness outside its boundary, as was suggested by the Department of Agriculture.

Subsection (b) provides for the management of the wilderness additions in accordance with the Wilderness Act and directs the Secretary of Agriculture to prepare and file official maps and legal descriptions of the wilderness additions.

Subsection (c) provides that any land or interests in land that are acquired within the boundary of the wilderness additions shall become part of the Alpine Lakes Wilderness.

Section 3 amends the Wild and Scenic Rivers Act to designate a 27.4-mile segment of the Middle Fork Snoqualmie River and the entirety of the Pratt River as additions to the Wild and Scenic Rivers System. This section would designate the Pratt River and 6.4 miles of the Middle Fork Snoqualmie River as “wild” and would designate the remainder of the Pratt River as “scenic.”

The Committee is aware of the Forest Service's current plans to improve the Middle Fork Snoqualmie River Road, a portion of which runs along the segment of the Middle Fork Snoqualmie River that would be designated as a component of the Wild and Scenic Rivers System by section 3 of the bill. The Forest Service has managed the river corridor to protect its wild and scenic values under the applicable forest plan since 1990, so the designation of the corridor under the Wild and Scenic Rivers Act should not substantively impact the planned improvements to the road or the agency's ability to maintain access to campgrounds and private property in accordance with applicable law.

COST AND BUDGETARY CONSIDERATIONS

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

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S. 322 would add more than 22,000 acres of public land in the state of Washington to the Alpine Lakes Wilderness. The bill also would designate about 27 miles of waterways in the area as wild or scenic rivers. Based on information provided by the Forest Service, which administers most of the affected land, CBO estimates that implementing S. 322 would have no significant impact on the federal budget. Enacting the legislation would not affect revenues or direct spending; therefore, pay-as-you-go procedures do not apply.

The acreage and waterways to be added by the legislation to the National Wilderness Preservation System and the Wild and Scenic Rivers System are currently administered by the Forest Service or owned by the state. CBO estimates that minimal additional resources would be required to manage the affected areas as a result of the new designations. We expect that any costs to revise brochures, maps, and signs would not be significant because most such revisions would take place in conjunction with scheduled reprinting and routine maintenance.

Finally, we estimate that enacting the legislation would have no effect on offsetting receipts because the affected lands, which are already managed for conservation purposes, currently generate no receipts, and CBO expects that they would not generate receipts over the next 10 years.

S. 322 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, 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. 322.

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. 322, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 322, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The views of the Administration were included in testimony received by the Committee at the May 18, 2011 hearing (S. Hrg. 112–39), which is provided below.

STATEMENT OF MARY WAGNER, ASSOCIATE CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the Subcommittee, I am Mary Wagner, Associate Chief of the Forest Service. Thank you for the opportunity to provide the views of the Department of Agriculture on S. 322, the Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act.

This legislation would designate approximately 22,173 acres as a component of the National Wilderness System and approximately 37 miles of river as components the National Wild and Scenic Rivers System on the Mt. Baker-Snoqualmie National Forest in the State of Washington. The Department supports this legislation in concept and we would like to work with the Committee to address some technical issues as outlined below.

We would also like the Committee to be aware that although we have completed suitability studies for the wild and scenic rivers, we have not completed a wilderness evaluation of the area to be designated under this bill. The area that would be designated wilderness is currently managed in an undeveloped manner as late Successional Reserve under the Northwest Forest Plan. A wilderness designation would be compatible in this area. We thank the delegation for its collaborative approach and local involvement that have contributed to this bill.

The proposed additions to the Alpine Lakes Wilderness lie in the valleys of the Pratt River, the Middle and South Forks of the Snoqualmie River. The existing 394,000 acre Alpine Lakes Wilderness is one of the jewels of our wilderness system, encompassing rugged ice carved peaks, over 700 lakes, and tumbling rivers. The lower valleys include stands of old growth forest next to winding rivers with native fish populations. The area is located within minutes of the Seattle metro area. Trails accessing the area are among the most heavily used in the Northwest as they

lead to some exceptionally accessible and beautiful destinations. The proposed additions to the Alpine Lakes Wilderness would expand this area to include the entire heavily forested Pratt River valley and trail approaches to lakes in the wilderness area in the Interstate 90 corridor. These lands have not been analyzed as part of the forest plan to determine their suitability to be designated wilderness. However, the Forest Service would support their designation with a few technical adjustments.

We would like to work with the subcommittee to address some technical aspects of the bill. These include:

- The entire Pratt River Trail #1035 is included within the boundary of the proposed wilderness. The first mile of this trail currently is used by large numbers of people and groups. The trail, which would be a primary access corridor for the newly designated wilderness, is currently undergoing reconstruction by contract and volunteer crews. The Department suggests that the wilderness boundary be drawn to exclude approximately three miles of this trail so that wilderness use limitations relating to solitude do not factor into future management concerns that may limit public access to this area. This change would not alter the wilderness proposal significantly, but would allow the current recreation opportunities for high-use and large groups along this stretch of the Middle Fork Snoqualmie to continue. This adjustment also would reduce operation and maintenance costs along this segment of the Pratt River Trail as it would ease any future reconstruction efforts and allow for motorized equipment to be used in its maintenance.
- The northwestern boundary of the wilderness proposal includes two segments of Washington State Department of Natural Resources lands totaling about 300 acres. We recommend that the boundary of the proposed wilderness be adjusted so that only National Forest System lands are included, as the legislation does not include authority for these lands to be acquired from the State of Washington.
- In T.23 N, R.10 E, Section 24, there are two Forest Development Roads proposed for decommissioning. It is likely that the decommissioning project will require the use of motorized equipment to help restore the wilderness setting. We anticipate analyzing the use of motorized equipment under the Forest Service's minimum requirements analysis process.

S. 322 also would designate two rivers as additions to the National Wild and Scenic Rivers System: approximately 9.5 miles of the Pratt River from its headwaters to its confluence with the Middle Fork Snoqualmie River; and approximately 27.4 miles of the Middle Fork Snoqualmie River from its headwaters to within ½ mile of the Mt. Baker-Snoqualmie National Forest boundary. Each river was studied in the Mt. Baker-Snoqualmie National Forest Plan and determined to be a suitable addition to the National Wild and Scenic Rivers System.

The Pratt River has outstandingly remarkable recreation, fisheries, wildlife and ecological values. The corridor provides important hiking and fishing opportunities in an undeveloped setting. The river supports resident cutthroat trout and its corridor contains extensive deer and mountain goat winter range and excellent riparian habitat. Its corridor retains a diverse riparian forest, including remnant stands of low-elevation old-growth.

The Middle Fork Snoqualmie River also has outstandingly remarkable recreation, wildlife and fisheries values. The river is within an easy driving distance from Seattle and attracts many visitors. It provides important whitewater boating, fishing, hiking and dispersed recreation opportunities. The river corridor contains extensive deer winter range and excellent riparian habitat for numerous wildlife species. This is the premier recreational inland-fishing location on the National Forest due to its high-quality resident cutthroat and rainbow trout populations. Adding these rivers to the National Wild and Scenic Rivers System will protect their free-flowing condition, water quality and outstandingly remarkable values. Designation also promotes partnerships among landowners, river users, tribal nations and all levels of government to provide for their stewardship. We therefore support the designation of these rivers into the National Wild and Scenic River System.

The Department has one concern with the wild and scenic river designations relating to the management of the Middle Fork Snoqualmie River Road. We are currently in the process of improving this road and feel that this work is needed to protect the wild and scenic values associated with this river while improving visitor safety and watershed health. Approximately 20 years ago, the U.S. Forest Service submitted the Middle Fork Road to the Federal Highway Administration for reconstruction via their enhancement program. The project has been approved, design work is approximately 30% complete, and construction is planned for 2013 or 2014. The Federal Highway Administration has already expended approximately $3.2 million to date on the project. We would like to work with the committee to ensure timely completion of the project and assure long-term maintenance of the road.

This concludes my prepared statement and I would be pleased 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, changes in existing law made by the bill S. 322, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

WILD AND SCENIC RIVERS ACT

(Public Law 90–542; Approved October 2, 1968)

(16 U.S.C. 1271 et seq.)

AN ACT To provide a National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act be cited as the "Wild and Scenic Rivers Act".

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SEC. 3(a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

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(208) MIDDLE FORK SNOQUALMIE, WASHINGTON.—The 27.4-mile segment from the headwaters of the Middle Fork Snoqualmie River near La Bohn Gap in NE 1/4 sec. 20, T. 24 N., R. 13 E., to the northern boundary of sec. 11, T. 23 N., R. 9 E., to be administered by the Secretary of Agriculture in the following classifications:

(A) The approximately 6.4-mile segment from the headwaters of the Middle Fork Snoqualmie River near La Bohn Gap in NE 1/4 sec. 20, T. 24 N., R. 13 E., to the west section line of sec. 3, T. 23 N., R. 12 E., as a wild river.

(B) The approximately 21-mile segment from the west section line of sec. 3, T. 23 N., R. 12 E., to the northern boundary of sec. 11, T. 23 N., R. 9 E., as a scenic river.

(209) PRATT RIVER, WASHINGTON.—The entirety of the Pratt River in the State of Washington, located in the Mount Baker-Snoqualmie National Forest, to be administered by the Secretary of Agriculture as a wild river.

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