

108TH CONGRESS
2D SESSION

H. R. 5083

To designate certain lower-elevation Federal lands in the Skykomish River valley of the State of Washington as wilderness, to designate a portion of such lands for management as a backcountry wilderness management area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2004

Mr. NETHERCUTT (for himself, Mrs. JOHNSON of Connecticut, and Ms. DUNN) introduced the following bill; which was referred to the Committee on Resources

A BILL

To designate certain lower-elevation Federal lands in the Skykomish River valley of the State of Washington as wilderness, to designate a portion of such lands for management as a backcountry wilderness management area, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wild Sky Wilderness
5 and Backcountry Wilderness Management Area Act of
6 2004”.

1 **SEC. 2. ADDITION OF WILD SKY WILDERNESS TO NATIONAL**
2 **WILDERNESS PRESERVATION SYSTEM.**

3 (a) DESIGNATION.—Certain Federal lands in the
4 State of Washington comprising approximately 92,722
5 acres, as generally depicted on the map entitled “Wild Sky
6 Wilderness and Backcountry Wilderness Management
7 Area Proposal” and dated September 2004, are hereby
8 designated as wilderness and, therefore, as a component
9 of the National Wilderness Preservation System. The Fed-
10 eral lands designated as wilderness by this subsection shall
11 be known as the Wild Sky Wilderness.

12 (b) MAPS AND LEGAL DESCRIPTIONS.—As soon as
13 practicable after the date of the enactment of this Act,
14 the Secretary of Agriculture shall file a map and a legal
15 description for the Wild Sky Wilderness with the Com-
16 mittee on Energy and Natural Resources of the Senate
17 and the Committee on Resources of the House of Rep-
18 resentatives. The map and legal description shall have the
19 same force and effect as if included in this Act, except
20 that the Secretary of Agriculture may correct clerical and
21 typographical errors in the legal description and map. The
22 map and legal description shall be on file and available
23 for public inspection in the office of the Chief of the Forest
24 Service.

25 (c) ADMINISTRATION.—Subject to valid existing
26 rights, the Secretary of Agriculture shall manage the Wild

1 Sky Wilderness in accordance with the Wilderness Act (16
2 U.S.C. 1131 et seq.) and this Act, except that, with re-
3 spect to the Wild Sky Wilderness, any reference in the
4 Wilderness Act to the effective date of the Wilderness Act
5 shall be deemed to be a reference to the date of enactment
6 of this Act. To fulfill the purposes of this Act and the
7 Wilderness Act and to achieve administrative efficiencies,
8 the Secretary may manage the Wild Sky Wilderness as
9 a comprehensive part of the larger complex of adjacent
10 and nearby wilderness areas.

11 (d) MAINTENANCE AND USE OF CERTAIN STRUC-
12 TURES.—

13 (1) REPEATER SITE.—Within the Wild Sky
14 Wilderness, the Secretary of Agriculture is author-
15 ized to use helicopter access to construct and main-
16 tain a joint Forest Service and Snohomish County
17 repeater site, in compliance with a Forest Service
18 approved communications site plan, for the purposes
19 of improving communication for safety, health, and
20 emergency services.

21 (2) EVERGREEN MOUNTAIN LOOKOUT.—The
22 designation of the Wild Sky Wilderness shall not
23 preclude the operation and maintenance of the Ever-
24 green Mountain Lookout, in the same manner and
25 degree in which the operation and maintenance of

1 the lookout was occurring as of the date of enact-
2 ment of this Act.

3 (e) ACCESS.—

4 (1) PRIVATE INHOLDINGS.—Consistent with
5 section 5(a) of the Wilderness Act (16 U.S.C.
6 1134(a)), the Secretary of Agriculture shall assure
7 adequate access to private inholdings in the Wild
8 Sky Wilderness.

9 (2) FLOAT PLANE ACCESS.—As provided by
10 section 4(d)(1) of the Wilderness Act (16 U.S.C.
11 1133(d)(1)), the use of floatplanes on Lake Isabel in
12 the Wild Sky Wilderness, where such use was estab-
13 lished before the date of enactment of this Act, shall
14 be permitted to continue subject to such reasonable
15 restrictions as the Secretary of Agriculture deter-
16 mines desirable.

17 (f) LAND ACQUISITION AUTHORITY.—

18 (1) IN GENERAL.—The Secretary of Agriculture
19 may acquire lands and interests therein in the Wild
20 Sky Wilderness by purchase, donation, or exchange.
21 The Secretary shall give priority consideration to the
22 acquisition of those lands identified as Priority Ac-
23 quisition Lands on the map described in subsection
24 (a).

1 (2) APPRAISAL.—Valuation of private lands
 2 shall be determined without reference to any restric-
 3 tions on access or use that arise out of designation
 4 of the Wild Sky Wilderness or inclusion of adjacent
 5 Federal lands in the Skykomish Backcountry Wil-
 6 derness Management Area under section 3.

7 (3) BOUNDARY ADJUSTMENT.—The boundaries
 8 of the Mt. Baker-Snoqualmie National Forests and
 9 the Wild Sky Wilderness shall be adjusted to reflect
 10 any land acquisitions or exchanges conducted under
 11 this subsection.

12 **SEC. 3. DESIGNATION OF BACKCOUNTRY WILDERNESS**
 13 **MANAGEMENT AREA, SKYKOMISH RIVER VAL-**
 14 **LEY, WASHINGTON.**

15 (a) DESIGNATION.—Certain Federal lands in the
 16 State of Washington comprising approximately 13,278
 17 acres, as generally depicted on the map referred to in sec-
 18 tion 2(a), are hereby designated as the Skykomish
 19 Backcountry Wilderness Management Area for the pur-
 20 pose of conserving, protecting, and enhancing for the ben-
 21 efit and enjoyment of present and future generations the
 22 cultural, archaeological, natural, wilderness, scientific, ge-
 23 ological, historical, biological, wildlife, educational, and
 24 scenic resources of the Federal lands included in the man-
 25 agement area.

1 (b) MAPS AND LEGAL DESCRIPTIONS.—As soon as
2 practicable after the date of the enactment of this Act,
3 the Secretary of Agriculture shall file a map and a legal
4 description for the management area with the Committee
5 on Energy and Natural Resources of the Senate and the
6 Committee on Resources of the House of Representatives.
7 The map and legal description shall have the same force
8 and effect as if included in this Act, except that the Sec-
9 retary of Agriculture may correct clerical and typo-
10 graphical errors in the legal description and map. The
11 map and legal description shall be on file and available
12 for public inspection in the office of the Chief of the Forest
13 Service.

14 (c) ADMINISTRATION.—The Secretary of Agriculture
15 shall manage the Federal lands included in the manage-
16 ment area to preserve their natural character and to pro-
17 tect and enhance water quality.

18 (d) MANAGEMENT PLAN.—Not later than three years
19 after the date of the enactment of this Act, the Secretary
20 of Agriculture shall develop a management plan for the
21 management area. The Secretary shall prepare the man-
22 agement plan in consultation with representatives of the
23 State of Washington, the political subdivisions of the State
24 containing the management area, and other interested
25 persons.

1 (e) WILDLIFE MANAGEMENT.—The designation of
2 the management area neither affects nor diminishes the
3 jurisdiction of the State of Washington with respect to fish
4 and wildlife management, including the regulation of
5 hunting, fishing, and trapping, on Federal lands included
6 in the management area.

7 (f) WITHDRAWAL.—Subject to valid existing rights,
8 the Federal lands included in the management area are
9 withdrawn from all forms of entry, appropriation, and dis-
10 posal under the public land laws, location, entry, and pat-
11 ent under the mining laws, and operation of the mineral
12 leasing, mineral materials, and geothermal leasing laws.

13 (g) MOTORIZED AND MECHANIZED TRAVEL AU-
14 THORIZED.—Motorized and mechanized travel in the man-
15 agement area shall be restricted to designated trails and
16 routes specified in the management plan required by sub-
17 section (d). Pending completion of the management plan,
18 the Secretary of Agriculture may designate the trails and
19 routes in the management area on which motorized and
20 mechanized travel is authorized. Other trails and routes
21 may be used for motorized and mechanized travel when-
22 ever the Secretary considers such use to be necessary for
23 administrative purposes or to respond to an emergency.

1 (h) PROHIBITION ON COMMERCIAL TIMBER HAR-
2 VESTING.—The Secretary of Agriculture shall not permit
3 the commercial harvest of timber in the management area.

4 (i) LAND ACQUISITION AUTHORITY.—

5 (1) IN GENERAL.—The Secretary of Agriculture
6 may acquire lands and interests therein in the man-
7 agement area by purchase, donation, or exchange.
8 The Secretary shall give priority consideration to the
9 acquisition of those lands identified as Priority Ac-
10 quisition Lands on the map described in section
11 2(a).

12 (2) APPRAISAL.—Valuation of private lands
13 shall be determined without reference to any restric-
14 tions on access or use that arise out of inclusion of
15 adjacent Federal lands in the management area or
16 designation of the Wild Sky Wilderness.

17 (3) BOUNDARY ADJUSTMENT.—The boundaries
18 of the Mt. Baker-Snoqualmie National Forests and
19 the management area shall be adjusted to reflect
20 any land acquisitions or exchanges conducted under
21 this subsection.

22 **SEC. 4. DEVELOPMENT AND IMPLEMENTATION OF TRAIL**
23 **PLAN.**

24 (a) TRAIL PLAN REQUIRED.—The Secretary of Agri-
25 culture shall establish, in consultation with interested par-

1 ties, a trail plan for National Forest System lands de-
2 scribed in this paragraph in order to develop the following:

3 (1) A system of hiking and equestrian trails in
4 the Wild Sky Wilderness in a manner consistent
5 with section 2 and the Wilderness Act (16 U.S.C.
6 1131 et seq.).

7 (2) A system of hiking and equestrian trails in
8 the Backcountry Wilderness Management Area in a
9 manner consistent with section 3.

10 (3) A system of trails adjacent to the Wild Sky
11 Wilderness or the Backcountry Wilderness Manage-
12 ment Area to provide access to such areas.

13 (b) IMPLEMENTATION REPORT.—Within two years
14 after the date of the enactment of this Act, the Secretary
15 of Agriculture shall submit to Congress a report on the
16 implementation of the trail plan. The report shall include
17 the identification of those trails regarding which develop-
18 ment is a priority.

19 **SEC. 5. LAND EXCHANGES, CHELAN COUNTY PUBLIC UTIL-**
20 **ITY DISTRICT, WASHINGTON.**

21 (a) LAND EXCHANGES REQUIRED.—In accordance
22 with this section, the Secretary of Agriculture shall carry
23 out a land exchange with the Chelan County Public Utility
24 District in the State of Washington to exchange lands and
25 interests in lands, as generally depicted on the map enti-

1 tled “Chelan County Public Utility District Exchange”
2 and dated May 22, 2002.

3 (b) ACCEPTANCE OF LANDS.—If, within 90 days
4 after the date of enactment of this Act, the Chelan County
5 Public Utility District offers to the Secretary of Agri-
6 culture approximately 371.8 acres of lands held by the
7 Utility District in the Mt. Baker-Snoqualmie National
8 Forests in the State of Washington, the Secretary shall
9 accept such lands if the title is acceptable to the Secretary
10 and there is no hazardous material on such lands, which
11 is objectionable to the Secretary.

12 (c) CONVEYANCE OF EASEMENT.—Upon acceptance
13 of title by the Secretary of Agriculture under subsection
14 (b), the Secretary shall convey to the Chelan County Pub-
15 lic Utility District a permanent easement, including heli-
16 copter access, consistent with such levels as used as of
17 the date of enactment of this Act, to maintain an existing
18 snowtel site on 1.82 acres of Federal land in the
19 Wenatchee National Forest in the State of Washington.

20 (d) REVERSION.—As a condition on the conveyance
21 under subsection (c), the Chelan County Public Utility
22 District shall notify the Secretary of Agriculture if the
23 Utility District determines that there is no longer a need
24 to maintain a snowtel site on the lands subject to the ease-
25 ment conveyed under subsection (c) to monitor the snow

1 pack for calculating expected runoff into the Lake Chelan
2 hydroelectric project and the hydroelectric projects in the
3 Columbia River Basin. Upon receipt of such notice, the
4 easement shall be extinguished and all rights conveyed
5 under such subsection shall revert to the United States.

