

GREEN MOUNTAIN LOOKOUT HERITAGE PROTECTION
ACT

JANUARY 23 (legislative day of JANUARY 21), 2014.—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

[To accompany H.R. 908]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 908) to preserve the Green Mountain Lookout in the Glacier Peak Wilderness of the Mount Baker-Snoqualmie National Forest, 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. 908 is to preserve the Green Mountain Lookout in the Glacier Peak Wilderness of the Mount Baker-Snoqualmie National Forest.

BACKGROUND AND NEED FOR LEGISLATION

The Green Mountain Lookout was constructed in 1933 on the summit of Green Mountain in Washington state for the purposes of fire detection. It was also used to look for enemy aircraft during World War II. While the lookout has not been used for fire detection for decades, it has become a favorite destination for day hikers.

Green Mountain Lookout was included within the boundary of the Glacier Peak Wilderness Area, established by the Washington State Wilderness Act of 1984, and was also listed, along with seven other lookouts within the Mt. Baker Snoqualmie National Forest, in the National Register of Historic Places in 1987. In June 2002, the U.S. Forest Service discovered that the lookout's foundation had failed as a result of heavy snowfall that winter. That August,

the Forest Service disassembled and removed the lookout by helicopter with the intent to replace the foundation and reassemble the lookout. Due to funding and other issues, the foundation was not replaced until 2009 and the lookout was finally reassembled again using helicopters.

In 2010, the advocacy group “Wilderness Watch” filed a lawsuit claiming that the Forest Service’s repairs to the lookout violated both the Wilderness Act and the National Environmental Policy Act, and sought an injunction that would require removal of the lookout. In March 2012, the United States District Court for the Western District of Washington ruled in favor of Wilderness Watch and instructed the Forest Service to remove the lookout. On May 2, 2013, the Forest Service published notice in the Federal Register of its intent to begin preparing an environmental impact statement in compliance with the National Environmental Policy Act, expecting to begin removing the lookout in summer 2014.

H.R. 908 would preserve the Green Mountain Lookout by amending the Washington State Wilderness Act of 1984 to retroactively ensure that the wilderness designation does not “preclude the operation and maintenance of the Green Mountain Lookout.” The legislation would also prohibit the Forest Service from moving the lookout unless the agency determines that it is necessary “to preserve the lookout or to ensure the safety of individuals on or around Green Mountain.”

COMMITTEE ACTION

H.R. 908 was introduced on February 28, 2013, by Congresswoman Suzan K. DelBene (D-WA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On July 23, 2013, the Subcommittee held a hearing on the bill. On July 31, 2013, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. No amendments were offered, and the bill was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

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 section 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. 908—Green Mountain Lookout Heritage Protection Act

H.R. 908 would prevent the Forest Service from removing a building from the Glacier Peak Wilderness Area in Washington state unless the agency determines that the structure is unsafe for visitors. Based on information provided by the Forest Service, CBO estimates that implementing the legislation would have no significant net impact on the federal budget. Enacting H.R. 908 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

In 2012, a federal court ordered the Forest Service to remove a lookout structure from Green Mountain, located in the wilderness area. Under the bill, the agency would be authorized to remove the structure only if it poses a risk to public safety. Because the lookout was recently reconstructed, CBO expects that, under the bill, the agency would allow the structure to remain on the mountain for several years. As a result, CBO estimates, the Forest Service would not need to spend about \$200,000 in appropriated funds to remove the structure; the amounts required to maintain the structure over the next five years would be minimal.

H.R. 908 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 Jeff LaFave. 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 budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the Forest Service, CBO estimates that implementing the legislation would have no significant net impact on the federal budget.

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 preserve the Green Mountain Lookout in the Glacier Peak Wilderness of the Mount Baker-Snoqualmie National Forest.

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.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

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 (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):

SECTION 4 OF THE WASHINGTON STATE WILDERNESS ACT OF 1984

SEC. 4. (a) * * *

(b) Subject to valid existing rights, each wilderness area designated by section 3 of this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 governing areas designated by that Act as wilderness areas, except that with respect to any area designated in section 3 of this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act)**[.]**, *and except that with respect to the lands described in section 3(5), the designation of such lands as a wilderness area shall not preclude the operation and maintenance of Green Mountain Lookout.*

* * * * *