

RATTLESNAKE MOUNTAIN PUBLIC ACCESS ACT OF 2011

DECEMBER 8, 2011.—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. 2719]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2719) to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and 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. 2719 is to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Rattlesnake Mountain is a 3,527-foot, windswept, treeless, subalpine ridge overlooking the Hanford nuclear site in Benton County, Washington. The highest winds recorded on Rattlesnake were around 150 mph. While parts of the western slope of the mountain are privately owned ranch land, the eastern slope has been under federal protection for the past several decades. In 1943, Rattlesnake Mountain was seized by the United States government using its condemnation authority and it became a buffer zone for the Manhattan nuclear project at the Hanford site. In 1956, the Army installed a Nike Ajax missile base on the southeastern end of the ridge and maintained the site until 1960, when it was closed.

On June 9, 2000, President Bill Clinton issued Presidential Proclamation 7319 to establish the 195,000-acre Hanford Reach Na-

tional Monument, managed by the Fish and Wildlife Service (FWS) and the Department of Energy (DOE). The monument became one of only two to be administered by FWS in the United States. Eight years after the designation of the monument, in 2008, FWS published its Hanford Reach National Monument Final Comprehensive Conservation Plan and Environmental Impact Statement.

Public comments submitted to FWS in the development of the 15-year management plan were in favor of increasing public access to specific areas of the Monument, and specifically, to the summit of Rattlesnake Mountain. A paved road leading to the summit already exists and is maintained by DOE due to the presence of communication towers located on the mountain. The summit of Rattlesnake Mountain provides some of the most panoramic views of the region, the Monument and the entire Hanford Site.

FWS, however, made a determination in the management plan that the entire Rattlesnake Mountain Unit should be kept closed to the public “due to resource concerns.” The only exceptions to the ban were individuals who obtain a Special Use Permit, limited to approved ecological research and “environmental education activities.” According to FWS, only two Special Use Permits have been issued since the adoption of the management plan. In October 2010, the FWS announced it would conduct two limited public tours of Rattlesnake Mountain, but abruptly canceled them just days before they were to occur, without explanation.

H.R. 2719 would ensure reasonable access to lands owned by the American people, which has been essentially non-existent in the ten years since the Monument was designated, despite recent indications that FWS supports such access.

H. R. 2719 instructs the Secretary of the Interior to provide public access to the 3,600-foot summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural and other purposes. It allows the Secretary to enter into cooperative agreements with the Secretary of Energy, the State of Washington, any local governmental agency or interested parties to maintain the access road and facilitate guided tours to the summit of Rattlesnake Mountain. The legislation does not dictate how and when public access occurs, but does mandate that some access will be permitted, including motorized access.

COMMITTEE ACTION

H.R. 2719 was introduced on August 1, 2011, by Congressman Doc Hastings (R-WA). The bill was referred to the House Committee on Natural Resources, and within the Committee to the Subcommittees on Fisheries, Wildlife, Oceans, and Insular Affairs and National Parks, Forests and Public Lands. On October 25, 2011, the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs held a hearing on the bill. On November 17, 2011, the Full Resources Committee met to consider the bill. The Subcommittees on Fisheries, Wildlife, Oceans, and Insular Affairs and National Parks, Forests and Public Lands were discharged by unanimous consent. No amendments were offered, and the bill was 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. 2719—Rattlesnake Mountain Public Access Act of 2011

H.R. 2719 would require the Secretary of the Interior to provide access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument in the state of Washington. The legislation would authorize the Secretary of the Interior to enter into cooperative agreements with the Secretary of Energy, the state of Washington, and other entities to maintain an access road and to provide guided tours to the summit.

H.R. 2719 does not specifically authorize appropriations, but it may affect when a public access road to the summit opens. Rattlesnake Mountain is eligible for inclusion in the National Register of Historic Places. Therefore, public access to the site is currently being evaluated by the Fish and Wildlife Service (FWS) in compliance with section 106 of the National Historic Preservation Act. Based on information from the Department of the Interior, this evaluation is scheduled to be completed by the end of fiscal year 2012.

The cost to provide public access to the mountain summit under current law will depend on the outcome of that evaluation and other ongoing FWS studies. The legislation could influence the magnitude and timing of federal expenditures related to Rattlesnake Mountain; however, CBO expects that any change in costs relative to those expected under current law would be minimal. There is an existing road to the summit; however, providing public access to it may require road improvements that would cost a few million dollars according to the agency. Any such costs would be subject to the availability of appropriated funds. H.R. 2719 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 2719 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 Martin von Gnechten. The estimate was approved by Theresa Gullo, Assistant Deputy 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. The cost to provide public access to the Rattlesnake Mountain summit under current law will depend on the outcome of a Fish and Wildlife Service (FWS) evaluation and other ongoing FWS studies. The legislation could influence the magnitude and timing of federal expenditures related to Rattlesnake Mountain; however, CBO expects that any change in costs relative to those expected under current law would be minimal. There is an existing road to the summit; however, providing public access to it may require road improvements that would cost a few million dollars according to the agency. Any such costs would be subject to the availability of appropriated funds.

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 ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes.

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

If enacted, this bill would make no changes in existing law.