

## RATTLESNAKE MOUNTAIN PUBLIC ACCESS ACT

JUNE 6, 2013.—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. 1157]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1157) 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. 1157 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 ownership 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 the first 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 Rattlesnake Mountain and its summit. 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. Other areas of Rattlesnake Mountain are also of historic, ecological and scenic interest that should be accessible to the public.

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.” Such permits have been extremely limited and do not afford proper public access.

H.R. 1157 would ensure reasonable access to lands owned by the American people, access that has been essentially non-existent in the over one dozen years since the Monument was designated, despite recent indications that FWS supports such access.

H. R. 1157 instructs the Secretary of the Interior to provide public access to 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. 1157 was introduced on March 14, 2013, by Congressman Doc Hastings (R-WA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs. On April 24, 2013, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs 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. 1157—Rattlesnake Mountain Public Access Act*

H.R. 1157 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. 1157 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.

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. 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. The legislation could influence the magnitude and timing of such expenditures; however, CBO expects that any change in costs relative to those expected under current law would be minimal. Furthermore, any such costs would be subject to the availability of appropriated funds. H.R. 1157 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 1157 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 on-

going FWS studies. 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. The legislation could influence the magnitude and timing of such expenditures; however, CBO expects that any change in costs relative to those expected under current law would be minimal.

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.

#### 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

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