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TESTIMONY OF JEFF SAX, COUNTY COUNCIL MEMBER DISTRICT 5

BEFORE THE
SUBCOMMITTEE ON FORESTS AND FOREST HEALTH
RESOURCES COMMITTEE
UNITED STATES HOUSE OF REPRESENTATIVES

ON
THE WILD SKY WILDERNESS PROPOSAL, H.R. 822

JULY 22, 2004

Good morning, Mr. Chairman, members of the subcommittee, Ladies and Gentlemen. My name is Jeff Sax and I live in Snohomish, Washington, and represent the Fifth Council District on the Snohomish County Council. I am here today on behalf of the Snohomish County Council to enter our concerns about the H.R. 822, the proposed Wild Sky bill.

Much of the proposed Wild Sky area lies in Snohomish County, and in my council district. Snohomish County covers 2,090 square miles and is one of the largest counties in Washington. Snohomish County's varied topography ranges from saltwater beaches, rolling hills and rich river bottom farmlands in the west to dense forest and alpine wilderness in the mountainous east. Looking at the beauty of our county, it is no surprise that you would seek to protect it.

While 106,000 acres may seem like a small proposal, let me put that size into perspective for you. In Washington State, we are required to manage our planning under the Growth Management Act (GMA). The GMA was adopted because the Washington State Legislature found that uncoordinated and unplanned growth posed a threat to the environment, sustainable economic development, and the quality of life in Washington. Known as the GMA, the Act (Chapter 36.70A RCW) was adopted by the Legislature in 1990 and has been amended several times.

GMA requires state and local governments to manage Washington's growth by identifying and protecting critical areas and natural resource lands, designating urban growth areas, preparing comprehensive plans and implementing them through capital investments and development regulations. This approach to growth management is unique among states.

Rather than centralize planning and decision-making at the state level, the GMA built on Washington's strong traditions of local government control and regional diversity. The GMA established state goals, set deadlines for compliance, offered direction on how to prepare local comprehensive plans and regulations and set forth requirements for early and continuous public participation.

Within the framework provided by the mandates of the Act, local governments have many choices regarding the specific content of comprehensive plans and implementing development regulations, all of which are required to be evaluated thru the State Environmental Policy Act (SEPA), Washington State's version of NEPA.

As such, under GMA, we have currently set aside 189 square miles, out of 2,090 total square miles, in our county to be designated for urban growth and intend to add only 11.9 miles to that in planning for the next 20 years of growth, as required by state law. The proposed Wild Sky area encompasses 165.6 square miles, nearly equivalent to all of the area in our county that we will allow growth. Thus, for the nation this is a small impact, for our county the impact is very large. It is an impact that should be evaluated through the NEPA/SEPA process.

However, our primary concern is not so much the size of the proposed designation, but that Wild Sky proposal does not follow the intent of the 1964 Wilderness Act. I have reviewed the letter from Chairman Pombo to Congressman Larsen with my fellow council members and with representatives from neighboring King County. Several of them were original supporters of the Wild Sky bill and remain supportive of some type of protection for the area, however, they too share Chairman Pombo's concerns.

Opposition to the current Wild Sky proposal by Congressman Larsen and Senators Murray and Cantwell is based on the straightforward requirements of federal law. Federal law provides explicit criteria which must be met to justify wilderness area designations. The problem is that this bill doesn't meet these criteria.

In his letter, Chairman Pombo laid out a set of principles that all proposals for wilderness designation must meet before passing out of committee. Among them, proposals should adhere to outstanding Wilderness Study Area recommendations, including those areas deemed unsuitable.

As you know, the National Forest Management Act requires the Forest Service to draft and implement forest plans and revise them every 15 years, analyzing and identifying potential wilderness. Of the 106,000 acres in the Wild Sky proposal, Abigail Kimbell of the US Forest Service reports that currently 16,000 acres are unsuitable for wilderness designation as they include 35 miles of roads that are in predominantly low elevation forests that have been utilized for both timber and mining in the last 80 years. In fact, her proposal suggests that based on the 1994 forest plan only 33,000 acres are truly suitable for wilderness designation.

The Northwest has long relied on the revenue and economic activity produced by management activities on our national forests. As you may know, the Northwest experienced extreme economic, political and social upheaval in the early 1990's following the Endangered Species Act (ESA) listing of the northern spotted owl. As a result, the Clinton Administration developed the Northwest Forest Plan in an attempt to balance the important goals of species protection, management of our national forests and much needed economic activity.

Prior to the ESA listing of the northern spotted owl and the Northwest Forest Plan, nearly one-third of the Northwest's federal timberlands were available and allocated to sustainable management. Today only twelve-percent of the Northwest's federal timberlands are allocated to management activities as "matrix" lands. The current Wild Sky proposal would remove 5,002 acres of matrix suitable/available for scheduled timber harvest, both full and partial yields, from management activities.

Snohomish County and Washington State also rely on timber harvesting revenues. Harvested timber in Washington State yields revenues that fund our education system and public service agencies, including city and county government. The Department of Natural Resources is the steward of approximately 3 million acres of state uplands in Washington State. As such, we have a vested interest in ensuring that access is maintained to property held by the county and the state Department of Natural Resources.

These trust lands also provide revenue from the sales of timber, leases, and other resources. In the last fiscal year, DNR generated \$260 million in non-tax revenue, including \$67.9 million for statewide school construction and \$58.2 million for counties and other local taxing districts.

If we are not allowed to maximize our abilities to access and harvest these lands, forecasted revenue and programs funded by those monies are affected. Furthermore, wildfire, floods, insects and disease simply do not recognize federal-state land boundaries and any inability to manage our federal forestlands only puts state, local and private lands at greater danger from the risks of catastrophic events. I submit to you a breakdown from our Public Works department outlining the damage and cost of repair from a flood that took place on October 19, 2003.

The city of Index, population 157, which lies in my district and would be nearly surrounded by the proposed Wilderness Area, is one example of a local jurisdiction partially funded by timber revenue. This raises two curious questions. First, how would a community so small be able to absorb any impacts from lost timber harvest dollars? Second, and following on another concern raised by Chairman Pombo in his criteria, is risk assessment. How would the city of Index be able to mitigate fire and protect their city when they are surrounded almost entirely by a wilderness area?

All large federal government projects normally go thru the NEPA process to determine impacts. Wilderness legislation does not require the NEPA process as was required in the Interstate 90 Land Exchange Act of 1998. I have not seen plans that call for risk assessment in my district, which must be consistent with fire management plans and allow for appropriate mechanized access for wildfire containment or disease control. Given our region's current drought condition and numerous fires already this year, this principle must be addressed.

Abigail Kimbell, Associate Deputy Chief, US Forest Service and John Phipps, Mt. Baker Snoqualmie National Forest Supervisor, have both raised questions about Wild Sky's adherence to the original 1964 Wilderness Act, bringing attention to the issue of man's already noticeable imprint in the area.

To remove that imprint, John Phipps, Mt. Baker Snoqualmie National Forest Supervisor wrote to Congresswoman Jennifer Dunn on June 5, 2002, "...the estimated cost to restore these roads to a wilderness character and convert 12 miles to trail is estimated at \$6.5 million." The Congressional Budget office estimated that the total cost of Wild Sky between 2004 and 2008 will be \$18 million.

As an elected official, I cannot justify using hard earned taxpayer dollars to remove infrastructure that they already paid for. Our state is starved for transportation infrastructure dollars and it just doesn't make sense to take \$18 million to remove roads in order to restore "wilderness character."

Rather, I would suggest that you consider removing these questionable areas from the legislation and dedicate funds to improving access to the area. It would make more sense to use those dollars for improvements in the Cascade Scenic Loop, namely US Highway 2, so that visitors could more easily and more safely access the proposed wilderness area.

The need for safety improvements in that corridor has been stated time and time again. Multiple appeals have come to Congress from our local mayors, State Representatives Kirk Pearson and Dan Kristiansen and State Senator Val Stevens. I am asking you today to consider funding a corridor study for US Highway 2 between the city of Snohomish and Stevens Pass, the area bordering the proposed Wild Sky area and serves as its only access road. This is the initial step needed in a process to improve safety and capacity on this highway.

Snohomish is the third most populous county in the state, and one of the fastest growing. The county's population as of April, 2001 was 618,600. Between 1990 and 2000, Snohomish County population grew by about 30%. The unincorporated (outside cities) population is 294,088 and the incorporated (inside cities) population is 324,512. According to the Puget Sound Regional Council (1995), the population forecast for Snohomish County for year 2010 is 706,959, and for 2020 is 833,661.

We are in the process of laying out plans now, in accordance with the Growth Management Act, to accommodate an estimated 250,000 new residents to our county over the next twenty years. Much of that new growth will be in the cities near Wild Sky and one of the biggest obstacles we face is providing transportation infrastructure.

Senator Murray has publicly commented that the intent of this legislation is to protect the area for outdoor enthusiasts. In Washington State, outdoor recreation is indeed more than just a leisure activity it is also a key part of our economy. If the estimates quoted by Senator Murray are indeed accurate, this wilderness designation will bring nearly 2.3 million visitors and untold numbers tourists to the Wild Sky area. We simply can't accommodate this projected traffic.

It is essential that we improve access to the area if this bill becomes law, particularly US Route 2, which is part of the Cascade Scenic Loop, encompassing three federal highways, US-2, I-90 and I-405. Doing so will make it easier for visitors to enjoy the area and support the local economy by purchasing goods and services in neighboring communities.

I have met with members of the Highway 2 Safety Coalition and they too share my concerns about this corridor. This coalition is comprised of local elected officials, businesspersons, administrators and concerned citizens working in partnership with the Washington Department of Transportation, Snohomish County, and all five city officials in the area.

In the past 20 years, Washington State Department of Transportation statistics indicate a total of 7,454 collisions with approximately 113 deaths, and 5,135 persons injured in the corridor between Snohomish and Stevens Pass. The average daily vehicle flow through Monroe is approximately 44,000; through Sultan 24,000 and Goldbar 12,000. These figures increase substantially on special and holiday weekends to over 104,000 vehicles in Sultan alone.

US Highway 2 is a two-lane roadway known locally as "the highway of death." In the past 35 years, there have been no capacity improvements to this highway, yet East Snohomish County—my district—has grown and will continue to grow substantially.

I would like to submit for your review letters from our Washington State Senator Val Stevens, Representative Dan Kristiansen, Representative Kirk Pearson, the Highway 2 Safety Coalition, Snohomish County Committee for Improved Transportation, Snohomish County Economic Development Council, local chambers of commerce, local business leaders and constituents in support of the corridor study.

Another question that still lingers with the legislation is allowances for property protections if they exist within or adjacent to a potential wilderness area. It is my understanding, again from Chairman Pombo's correspondence, that all exceptions, such as those for snowmobile use, should be specifically called for in the legislation. Currently they are not. The area is frequented by snowmobiles, off road vehicles and private property holdings accessed by float plane. While it is my understanding that these stakeholders have been assured access, I cannot find those exceptions in the legislation as it is currently drafted.

Finally, Chairman Pombo calls for community involvement, approval from the entire congressional delegation and adequate notice and local public hearings. To date, despite requests from the public and the Snohomish

County Council, not a single Congressional hearing has been held in the district to collect input from the citizens it would affect. Meetings that were held were based on pending legislation, not the actual bill and maps before you. In the past few weeks, we've read about possible compromises in the newspaper, but have yet to see the alternatives on a map or in writing.

Most disconcerting is the fact that the bill's sponsor, Congressman Larsen, a former member of the Snohomish County Council, has yet to ask for the opinion of the Council on this bill. Neither has Senator Murray or Senator Cantwell. Senator Murray promised last year at a Wild Sky Senate hearing on June 4th that she would seek local input and yet we've seen no efforts put toward that promise. In fact, neither Senator Murray or Cantwell, nor Congressman Larsen have responded to letters sent by our Council to their offices. Our new young executive, Aaron Reardon, who is here to testify on behalf of the County, also has yet to discuss this matter with the Council. Clearly this is not community involvement, involvement that would have come thru NEPA & the EIS process.

However, we hear regularly from Forests for People, who have over 1,400 members directly impacted by this legislation, about their opposition to Wild Sky in their backyard. The Snohomish County Farm Bureau as well as the Washington State Farm Bureau Board of Directors has also contacted my office in opposition to Wild Sky. One of the bill's original proponents, King County Council Representative Kathy Lambert, whose district would also include the Wild Sky area, has taken a second look at the current bill and raised the same questions as I have before you today in opinion editorials in our state. Many who are listed on the proponents list are taking a second look at the legislation.

The original intent of the Act, which we would like to see preserved, says among other things that Wilderness is "...an area where the earth and its community of life are untrammled by man,...an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation..., ...with the imprint of man's work substantially unnoticeable."

This is not to say that there aren't lands in the Mount Baker-Snoqualmie eligible under the 1964 Wilderness Act that would help meet the goals of Wild Sky. I am not opposed to that. In fact, limiting the designation to these boundaries is an alternative that should be considered, along with ensuring a transportation infrastructure that is safe and can accommodate Senator Murray's predicted increase in traffic as we open this wilderness to 2.3 million local residents and untold tourists. Perhaps the 16,000 acres in question by the US Forest Service could be maintained as national forest, or a national recreation area or other designation as a means of compromise – one that allows this bill to become reality.

With all of the flaws in the proposal duly noted, it is not wholly impossible to revise the legislation so that it can meet the requirements of federal law and gain true bipartisan support at the local, state and federal government levels. I ask you today to consider suitable alternatives that may be worked out in order to achieve true bipartisan support of Wild Sky and bring forward a bill that meets the intent of the Wilderness Act, allows access to the area and, above all, allows the voice of the community to be heard.

Mr. Chairman, that concludes my written testimony. I appreciate the opportunity to be here to today and welcome any questions you or the committee may have.