

Calendar No. 285

112TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 112-123

TENNESSEE WILDERNESS ACT

JANUARY 13, 2012.—Ordered to be printed

Filed, under authority of the order of the Senate of December 17, 2011

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 1090]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1090) to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 1090 is to designate certain Federal land in the Cherokee National Forest in the State of Tennessee as wilderness.

BACKGROUND AND NEED

The 650,000-acre Cherokee National Forest is located in the Southern Appalachian Mountains of eastern Tennessee. With 650,000 acres, it is the largest tract of public land in the State, and it adjoins the Great Smokey Mountains National Park and other national forests in Virginia, North Carolina, and Georgia.

The first wilderness areas in the Cherokee National Forest were established in 1975, and subsequent additions have extended wilderness designation to 66,637 acres in 11 areas. Through its public forest planning process, the Forest Service recommended in 2004 that additional lands in the Cherokee National Forest be designated as wilderness. Since then, the Forest Service has managed the lands as Wilderness Study Areas to protect their wilderness characteristics.

Consistent with the Forest Service's recommendations, S. 1090 would designate one new wilderness area and expand five existing wilderness areas to add a total of 19,556 acres to the National Wilderness Preservation System. The new wilderness will respond to the public's desire for primitive recreation and ecosystem protection on a portion of the remaining roadless areas within the Cherokee National Forest.

LEGISLATIVE HISTORY

S. 1090 was introduced by Senators Alexander and Corker on May 26, 2011. The Subcommittee on Public Lands and Forests held a hearing on the bill on October 3, 2011. At its business meeting on November 10, 2011, the Committee on Energy and Natural Resources ordered S. 1090 favorably reported without amendment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on November 10, 2011, by a voice vote of a quorum present, recommends that the Senate pass S. 1090. Senators Lee and Paul asked to be recorded as opposing the measure.

SUMMARY OF S. 1090

S. 1090 would designate approximately 19,556 acres of Federal land in the Cherokee National Forest in Tennessee as wilderness, to be administered in accordance with the Wilderness Act of 1964. As generally depicted on referenced maps, the bill would designate approximately 9,038 acres as the new Upper Bald River Wilderness; 348 acres as an addition to the Big Frog Wilderness, 966 acres as additions to the Little Frog Mountain Wilderness; 2,922 acres as an addition to the Sampson Mountain Wilderness; 4,446 acres as an addition to the Big Laurel Branch Wilderness; and 1,836 acres as an addition to the Joyce Kilmer-Slickrock Wilderness.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 1090—Tennessee Wilderness Act of 2011

S. 1090 would designate about 20,000 acres of federal land in Tennessee as wilderness under the Wilderness Act of 1964. Based on information provided by the Forest Service, CBO estimates that implementing the legislation would have no significant impact on the federal budget. Enacting S. 1090 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

The lands to be added by S. 1090 to the National Wilderness Preservation System are already owned by the federal government and are currently being managed to protect their value as wilderness by the Forest Service. CBO expects that designating those areas as wilderness would not increase the costs of managing or protecting them. In addition, because those lands are already managed as wilderness, we expect that they would produce no income from commercial activities over the next 10 years under current law.

S. 1090 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 Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1090.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1090, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1090, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The views of the Administration were included in testimony received by the Committee at the October 3, 2011 hearing, which is provided below.

STATEMENT OF THOMAS TIDWELL, CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Chairman Wyden, Ranking Member Barrasso, and members of the Subcommittee, thank you for the opportunity to appear before you today to provide the Department of Agriculture's views on S. 1344, the "Arizona Wallow Fire Recovery and Monitoring Act" and S. 1090, the "Tennessee Wilderness Act of 2011."

S. 1090, THE TENNESSEE WILDERNESS ACT OF 2011

S. 1090, the "Tennessee Wilderness Act of 2011," would designate seven parcels totaling 19,586 acres as wilderness in the Cherokee National Forest in east Tennessee. The Department strongly supports this legislation.

S. 1090 would create one new wilderness area and expand the boundaries of five existing wilderness areas:

(1) The Upper Bald River Wilderness includes 9,038 acres and contains headwaters of streams that drain into the Tellico River.

(2) The Big Frog Addition to the Big Frog Wilderness includes 348 acres and is a mountain ridge containing the headwaters of Payne Branch, a tributary of Tumbling Creek which is in turn a tributary of the Ocoee River.

(3) The Little Frog Mountain Additions, NW and NE, to the Little Frog Mountain Wilderness include 996 acres including the headwaters of Deweese Creek and portions of Dry Pond Lead Trail.

(4) The Sampson Mountain Addition to the Sampson Mountain Wilderness includes 2,922 acres including a mountain ridge and the Hell Hollow Trail.

(5) The Big Laurel Branch Addition to the Big Laurel Wilderness includes 4,446 acres and portions of the Appalachian National Scenic Trail.

(6) Joyce Kilmer—Slickrock Addition to the Joyce Kilmer—Slickrock Wilderness includes 1,836 acres along a mountain ridge and a portion of the Stiffknee trail.

Wilderness management is an important part of the Forest Service mission. There are currently 11 designated wildernesses covering 66,600 acres in the Cherokee National Forest. The areas proposed for wilderness designation in S. 1090 were recommended for wilderness status by the Forest Service in the development of its comprehensive 2004 Land and Resource Management Plan (Forest Plan) for the Cherokee National Forest and have been managed as recommended wilderness since that time.

Public involvement was an integral part of the Forest Plan revision process. Individuals, groups, other agencies and various organizations took advantage of the opportunities to provide input into the overall management of the Forest, including areas proposed for wilderness designation. The final Forest Plan reflects years of collaboration and public participation. Congressional designation of these areas as wilderness would be the culmination of this process.

Thank you for the opportunity to appear before you today and I look forward to answering any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1090 as ordered reported.