

MOLALLA RIVER WILD AND SCENIC RIVERS ACT

DECEMBER 31, 2012.—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. 752]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 752) to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Molalla River Wild and Scenic Rivers Act”.

SEC. 2. DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS, MOLALLA RIVER, OREGON.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“() MOLALLA RIVER, OREGON.—

“(A) The following segments in the State of Oregon, to be administered by the Secretary of the Interior as a recreational river:

“(i) The approximately 15.1-mile segment from the southern boundary line of T. 7 S., R. 4 E., sec. 19, downstream to the edge of the Bureau of Land Management boundary in T. 6 S., R. 3 E., sec. 7.

“(ii) The approximately 6.2-mile segment from the easternmost Bureau of Land Management boundary line in the NE¼ sec. 4, T. 7 S., R. 4 E., downstream to the confluence with the Molalla River.

“(B) The Secretary of the Interior may not acquire by condemnation any land or interest in land within the boundaries of the river segments designated by subparagraph (A).

“(C) Nothing in this paragraph—

“(i) establishes or authorizes the establishment of a protective perimeter or buffer zone around the boundaries of the river segments designated by subparagraph (A); or

“(ii) prohibits an activity from being conducted outside such boundaries, including an activity that can be seen or heard from within such boundaries.

“(D) Private or non-Federal public property shall not be included within the boundaries of the river segments designated by subparagraph (A), unless the owner of that property has consented in writing to having that property included in such boundaries.”.

SEC. 3. TECHNICAL CORRECTIONS.

Section 3(a)(102) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(102)) is amended—

(1) in the heading, by striking “SQUAW CREEK” and inserting “WHYCHUS CREEK”;

(2) in the matter preceding subparagraph (A), by striking “McAllister Ditch, including the Soap Fork Squaw Creek, the North Fork, the South Fork, the East and West Forks of Park Creek, and Park Creek Fork” and inserting “Plainview Ditch, including the Soap Creek, the North and South Forks of Whychus Creek, the East and West Forks of Park Creek, and Park Creek”; and

(3) in subparagraph (B), by striking “McAllister Ditch” and inserting “Plainview Ditch”.

PURPOSE OF THE BILL

The purpose of H.R. 752, as ordered reported, is to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon as components of the National Wild and Scenic Rivers System.

BACKGROUND AND NEED FOR LEGISLATION

The Molalla River Wild and Scenic Rivers Act would amend the Wild and Scenic Rivers Act to designate 15.1 miles of the Molalla River and 6.2 miles of the Table Rock Fork of the Molalla as components of the National Wild and Scenic Rivers System, and make a number of technical corrections to existing designations. According to testimony from the Department of the Interior, management of the river section after designation would be largely consistent with management currently in place.

During Natural Resources Committee consideration, the Committee adopted an amendment offered by Rob Bishop (R-UT) to strike language withdrawing the designated area from mineral and geothermal leasing, and to include language to protect private property rights within and outside of the designated area. The amendment was adopted by unanimous consent.

COMMITTEE ACTION

H.R. 752 was introduced on February 17, 2011, by Congressman Kurt Schrader (D-OR). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On March 8, 2012, the Subcommittee held a hearing on the bill. On December 5, 2012, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered amendment designated .086 to the bill; the amendment was adopted by unanimous consent. The bill, as amended, 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. 752—Molalla River Wild and Scenic Rivers Act

H.R. 752 would designate two segments of the Molalla River in Oregon as a recreational river within the National Wild and Scenic Rivers System. Based on information provided by the Bureau of Land Management, which administers the river segments that would be affected by the proposed designation, implementing the bill would have no effect on the federal budget. The affected segments, which total about 21 miles, are already protected for wilderness values, and the proposed designation would not significantly affect the way they are administered. Enacting H.R. 752 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 752 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.

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. H.R. 752 would designate two segments of the Molalla River in Oregon as a recreational river within the National Wild and Scenic Rivers System. Based on information provided by the Bureau of Land Management, which administers the river segments that would be affected by the proposed designation, implementing the bill would have no effect 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, as ordered reported, is to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State

of Oregon as components of the National Wild and Scenic Rivers System

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 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):

WILD AND SCENIC RIVERS ACT

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SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) * * *

* * * * *

(102) [SQUAW CREEK] *WHYCHUS CREEK*, OREGON.—The 15.4-mile segment from its source to the hydrologic Gaging Station 800 feet upstream from the intake of the [McAllister Ditch, including the Soap Fork Squaw Creek, the North Fork, the South Fork, the East and West Forks of Park Creek, and Park Creek Fork] *Plainview Ditch, including the Soap Creek, the North and South Forks of Whychus Creek, the East and West Forks of Park Creek, and Park Creek*; to be administered by the Secretary of Agriculture as follows:

(A) * * *

(B) the 8.8-mile segment from the boundary of the Three Sisters Wilderness Area to the hydrologic Gaging Station 800 feet upstream from the intake of the [McAllister Ditch] *Plainview Ditch* as a scenic river: *Provided*, That nothing in this Act shall prohibit the construction of facilities necessary for emergency protection for the town of Sisters relative to a rapid discharge of Carver Lake if no other reasonable flood warning or control alternative exists.

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() *MOLALLA RIVER*, OREGON.—

(A) *The following segments in the State of Oregon, to be administered by the Secretary of the Interior as a recreational river:*

(i) *The approximately 15.1-mile segment from the southern boundary line of T. 7 S., R. 4 E., sec. 19, downstream to the edge of the Bureau of Land Management boundary in T. 6 S., R. 3 E., sec. 7.*

(ii) *The approximately 6.2-mile segment from the easternmost Bureau of Land Management boundary line in the NE¹/₄ sec. 4, T. 7 S., R. 4 E., downstream to the confluence with the Molalla River.*

(B) *The Secretary of the Interior may not acquire by condemnation any land or interest in land within the boundaries of the river segments designated by subparagraph (A).*

(C) *Nothing in this paragraph—*

(i) *establishes or authorizes the establishment of a protective perimeter or buffer zone around the boundaries of the river segments designated by subparagraph (A); or*

(ii) *prohibits an activity from being conducted outside such boundaries, including an activity that can be seen or heard from within such boundaries.*

(D) *Private or non-Federal public property shall not be included within the boundaries of the river segments designated by subparagraph (A), unless the owner of that property has consented in writing to having that property included in such boundaries.*

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