AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

111TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 111–291

TO AMEND THE WILD AND SCENIC RIVERS ACT TO DESIGNATE A SEGMENT OF ILLABOT CREEK IN SKAGIT COUNTY, WASHINGTON, AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

OCTOBER 8, 2009.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources, submitted the following

REPORT

[To accompany H.R. 1593]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1593) to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System, 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. DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS.

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:

"(_____) ILLABOT CREEK, WASHINGTON.—

"(A) The 14.3 mile segment from the headwaters of Illabot Creek to the north 1/16 line of section 34, township 35 north, range 10 east, Willamette Meridian, excepting any lands north of a line 200 feet southerly and perpendicular to the southerly right-of-way line of the Rockport-Cascade Road, through lands of the United States, the Washington State Department of Natural Resources, and lands owned by, or administered by agencies of, the City of Seattle, excepting any lands under any private ownership to be administered by the Secretary of Agriculture as follows:

"(i) The 4.3 mile segment from the headwaters of Illabot Creek to the boundary of Glacier Peak Wilderness Area as a wild river.

"(ii) The 10 mile segment from the boundary of Glacier Peak Wilderness to north 1/16 line of section 34, township 35 north, range 10 east, Willamette Meridian, excepting any lands north of a line 200 feet southerly and perpendicular to the southerly right-of-way line of the Rockport-Cascade Road as a recreational river.

"(B) Action required to be taken under subsection (d)(1) for the river segments designated under this paragraph shall be completed through revision of the Skagit Wild and Scenic River comprehensive management plan.".

89–006

PURPOSE OF THE BILL

The purpose of H.R. 1593 is to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System.

BACKGROUND AND NEED FOR LEGISLATION

The U.S. Forest Service studied Illabot Creek for potential Wild and Scenic River designation as part of the Mt. Baker-Snoqualmie National Forest planning process. The study found that the creek possesses "outstandingly remarkable values" due to its fish populations and the presence of extraordinary wildlife in the surrounding habitat. For example, a bald eagle communal night roost is located in the river, and the creek is important habitat for bear, beaver, otter, black-tailed deer, Roosevelt elk, spotted owls, and mountain goats.

Mt. Baker-Snoqualmie National Forest administers the Glacier Peak Wilderness, which contains the upper five miles of the creek. If the creek were to be designated, it would extend the existing designated Skagit National Wild and Scenic River (established in Section 703 of Public Law 95–625).

The bill would designate a 4.3-mile segment as a wild river and a 10-mile segment as a recreational river. Nothing in H.R. 1593 would give the Forest Service authority to regulate the use of private lands.

COMMITTEE ACTION

H.R. 1593 was introduced by Representative Rick Larsen (D–WA) on March 18, 2009. 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 July 8, 2009 the Subcommittee held a hearing on the bill. The administration testified in favor of H.R. 1593.

On September 10, 2009, the Subcommittee was discharged from further consideration of H.R. 1593 and the full Natural Resources Committee met to consider the bill. Subcommittee Chairman Raúl Grijavla (D–AZ) offered an amendment in the nature of a substitute to more specifically describe the segment of the river to be designated. The amendment was agreed to by unanimous consent. The bill, as amended, was then 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.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) 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)(3)(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.

2. 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.

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 amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System.

4. Congressional Budget Office Cost Estimate. 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. 1593—A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System

H.R. 1593 would designate an additional 14.3 miles of the Illabot Creek in Washington State as part of the National Wild and Scenic Rivers System. Based on information provided by the U.S. Forest Service and assuming the availability of appropriated funds, CBO estimates that the Forest Service would spend about $20,000 a year to maintain, protect, and enhance the creek. Enacting H.R. 1593 would not affect direct spending or revenues.

The bill 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 Matthew Pickford. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 1593 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

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 (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

WILD AND SCENIC RIVERS ACT

* * * * * * *

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) * * *

* * * * * * *

(_____) ILLABOT CREEK, WASHINGTON.—

(A) The 14.3 mile segment from the headwaters of Illabot Creek to the north 1/16 line of section 34, township 35 north, range 10 east, Willamette Meridian, excepting any lands north of a line 200 feet southerly and perpendicular to the southerly right-of-way line of the Rockport-Cascade Road, through lands of the United States, the Washington State Department of Natural Resources, and lands owned by, or administered by agencies of, the City of Seattle, excepting any lands under any private ownership to be administered by the Secretary of Agriculture as follows:

(i) The 4.3 mile segment from the headwaters of Illabot Creek to the boundary of Glacier Peak Wilderness Area as a wild river.

(ii) The 10 mile segment from the boundary of Glacier Peak Wilderness to north 1/16 line of section 34, township 35 north, range 10 east, Willamette Meridian, excepting any lands north of a line 200 feet southerly and perpendicular to the southerly right-of-way line of the Rockport-Cascade Road as a recreational river.

(B) Action required to be taken under subsection (d)(1) for the river segments designated under this paragraph shall be completed through revision of the Skagit Wild and Scenic River comprehensive management plan.

* * * * * * *

○