

TO AMEND THE WILD AND SCENIC RIVERS ACT TO DESIGNATE SEGMENTS OF THE MOLALLA RIVER IN OREGON, AS COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM, AND FOR OTHER PURPOSES

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NOVEMBER 16, 2009.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2781]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2781) to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in 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. 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:

“( ) MOLALLA RIVER, OREGON.—The following segments in the State of Oregon, to be administered by the Secretary of the Interior as a recreational river:

“(A) MOLALLA RIVER.—The approximately 15.1 miles from the southern boundary line of section 19, Township 7 south, Range 4 east downstream to the edge of the Bureau of Land Management boundary in section 7, Township 6 south, Range 3 east.

“(B) TABLE ROCK FORK MOLALLA RIVER.—The approximately 6.2 miles from the easternmost Bureau of Land Management boundary line in the northeast quarter of section 4, Township 7 south, Range 4 east downstream to the confluence with the Molalla River.”.

## PURPOSE OF THE BILL

The purpose of H.R. 2781 is to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes.

## BACKGROUND AND NEED FOR LEGISLATION

H.R. 2781 would add two segments of the Molalla River, totaling 21.3 miles, in northwestern Oregon to the National Wild and Scenic Rivers System. The Molalla rises in the Cascade Range, east of Salem. From its headwaters above the Table Rock Wilderness Area, the river flows through cedar, hemlock, and old-growth Douglas fir forests, and basalt rock canyons until it meets the Willamette River near Canby.

Both Canby and the city of Molalla draw their water from the river, and thousands visit the river corridor every year to recreate. There are more than 30 miles of non-motorized trails leading to numerous waterfalls and vistas. This river and its surrounds also contain critical habitat for rare creatures including the northern spotted owl, pileated woodpecker, red tree vole, red-legged frog, and pacific giant salamander.

The upper river and its major tributaries provide critical spawning and rearing habitat for steelhead, salmon and native wild cutthroat trout. Distinct populations of Molalla River steelhead and salmon are listed as threatened under the Endangered Species Act. H.R. 2781 designates two segments of the Molalla as a recreational river: 15.1 miles on the main stem, and 6.2 miles on the Table Rock Fork.

## COMMITTEE ACTION

H.R. 2781 was introduced June 9, 2009, by Representative 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. At an October 1, 2009, hearing before the Subcommittee, a representative of the Department of the Interior testified that the Department supports the bill and recommended technical changes.

On October 28, 2009, the Subcommittee was discharged from further consideration of H.R. 2781 and the full Natural Resources Committee met to consider the bill. Subcommittee Chairman Raúl Grijalva (D-AZ) offered an en bloc amendment to make technical changes to the bill, including specifying that the two segments of the river will be managed as a recreational river, and deleting language that is redundant to the underlying Wild and Scenic Rivers Act. The amendment was agreed to by voice vote.

Rep. Rob Bishop (R-UT) offered an amendment to require the Bureau of Land Management to designate new lands available for timber production to offset any loss of timber lands as a result of the bill. The amendment was ruled non-germane.

The bill, as amended, was then ordered favorably reported to the House of Representatives by a rollcall vote of 23 to 18, as follows:

COMMITTEE ON NATURAL RESOURCES  
U.S. House of Representatives  
111<sup>th</sup> Congress

Date: 10/28/2009

Convened: 10:06

Adjourned: 11:55

Meeting on: **HR 2781 - Favorably reported to the House of Representatives, as amended, by a roll call vote of 23 yeas and 18 nays.**

Recorded Vote # 4

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Rahall, WV	✓			<i>Mr. Wittman, VA</i>		✓	
<i>Mr. Hastings, WA</i>		✓		Mr. Boren, OK	✓		
Mr. Miller, CA	✓			<i>Mr. Broun, GA</i>		✓	
<i>Mr. Young, AK</i>				Mr. Sablan, MP	✓		
Mr. Markey, MA				<i>Mr. Fleming, LA</i>		✓	
<i>Mr. Gallegly, CA</i>		✓		Mr. Heinrich, NM	✓		
Mr. Kildee, MI				<i>Mr. Coffman, CO</i>		✓	
<i>Mr. Duncan, TN</i>		✓		Mr. Hinchey, NY	✓		
Mr. DeFazio, OR	✓			<i>Mr. Chaffetz, UT</i>		✓	
<i>Mr. Flake, AZ</i>				Mrs. Christensen, VI			
Mr. Faleomavaega, AS				<i>Mrs. Lummis, WY</i>		✓	
<i>Mr. Brown, SC</i>		✓		Ms. DeGette, CO	✓		
Mr. Abercrombie, HI				<i>Mr. McClintock, CA</i>		✓	
<i>Mrs. McMorris Rodgers, WA</i>		✓		Mr. Kind, WI	✓		
Mr. Pallone, NJ	✓			<i>Mr. Cassidy, LA</i>		✓	
<i>Mr. Gohmert, TX</i>		✓		Mrs. Capps, CA	✓		
Mrs. Napolitano, CA	✓			Mr. Inslee, WA	✓		
<i>Mr. Bishop, UT</i>		✓		Mr. Baca, CA	✓		
Mr. Holt, NJ	✓			Ms. Herseth Sandlin, SD	✓		
<i>Mr. Shuster, PA</i>		✓		Mr. Sarbanes, MD	✓		
Mr. Grijalva, AZ	✓			Ms. Shea-Porter, NH	✓		
<i>Mr. Lamborn, CO</i>		✓		Ms. Tsongas, MA			
Mrs. Bordallo, GU	✓			Mr. Kratovil, Jr., MD	✓		
<i>Mr. Smith, NE</i>		✓		Mr. Pierluisi, PR	✓		
Mr. Costa, CA	✓						
				<b>Total</b>	23	18	

Markups - 1/3 to meet (16), 25 to report  
November 12, 2009 (12:36pm)

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 and Article IV, section 3 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 segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes.

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. 2781—A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon as components of the National Wild and Scenic Rivers System*

H.R. 2781 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 two 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.

H.R. 2781 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 Deborah Reis. 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. 2781 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) \* \* \*

\* \* \* \* \*

( ) MOLALLA RIVER, OREGON.—*The following segments in the State of Oregon, to be administered by the Secretary of the Interior as a recreational river:*

(A) MOLALLA RIVER.—*The approximately 15.1 miles from the southern boundary line of section 19, Township 7 south, Range 4 east downstream to the edge of the Bureau of Land Management boundary in section 7, Township 6 south, Range 3 east.*

(B) TABLE ROCK FORK MOLALLA RIVER.—*The approximately 6.2 miles from the easternmost Bureau of Land Management boundary line in the northeast quarter of section 4, Township 7 south, Range 4 east downstream to the confluence with the Molalla River.*

\* \* \* \* \*

## DISSENTING VIEWS

At the October 1, 2009 Subcommittee on National Parks, Forests and Public Lands hearing where H.R. 2781 was considered, Rep. Schrader, the sponsor of the legislation, testified:

Under my bill there is approximately 420 acres of timber management acres or “matrix” lands that would be impacted. While this represents a relatively small amount of impacted timber lands, I am sensitive to the reduction. Therefore, as the committee moves forward, I would ask the Chairman and Ranking Member to work with me and my staff to ensure there will be no net-loss of the acres available for timber management as a result of this legislation.

Mr. Schrader was right to identify a no net-loss provision as an essential part of the bill in light of Oregon’s 11% + unemployment rate and the collapse of the wood products industry that was once a powerful piston in the state’s economic engine. A recent report by the Pew Center on the States cited Oregon as one of nine states that could follow California into a budget abyss. The timber industry is a large part of the tax base in many communities throughout the Northwest. The recent recession has sharply accelerated the decline of the industry but for close to a decade Congress has helped offset the loss of timber receipts by creating and reauthorizing the Secure Rural Schools program which has cost billions of dollars. To simply continue to lock up more and more lands to appease special interest groups without finding other lands to offset these lost acres is not only fiscally and economically irresponsible but environmentally ignorant, as well.

However, the Democrat majority on the Committee not only failed to add the language Mr. Schrader called for in their bill, they also blocked a vote on an offset timber land amendment. By rejecting the amendment, the Democrat majority produced a bill that denies resources to an economy that is languishing as well as a funding source for schools. Each acre that is whittled away is an acre that could have been used to pay for another teacher, needed public infrastructure, or even firefighting equipment.

ROB BISHOP.

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