

UPPER ELK RIVER WILD AND SCENIC STUDY ACT

SEPTEMBER 21, 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

R E P O R T

[To accompany H.R. 3113]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3113) to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 3113 is to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The five-mile section of the Upper Elk River detailed in H.R. 3113 runs from the confluence of the Old Field Fork and the Big Spring Fork in Pocahontas County, West Virginia, to the Randolph County line. The river is known by both international and local fishermen for its abundance of naturally reproducing wild trout, including Brook, Brown, and Rainbow. A combination of undeveloped state and federal lands abut the river segment.

In February 2009, the Pocahontas County Commissioners requested a wild and scenic rive study be conducted on this portion

of the river, which is known as the “Slaty” segment of the Elk River.

COMMITTEE ACTION

H.R. 3113 was introduced by Natural Resources Committee Chairman Nick Rahall (D–WV) on July 7, 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 30, 2009, the Subcommittee on National Parks, Forests and Public Lands held a hearing on the bill. The Forest Service testified in favor of H.R. 3113.

On September 10, 2009, the full Natural Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the legislation. The bill was 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 the Elk River in the State of West Virginia for study for potential addition to 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. 3113—Upper Elk River Wild and Scenic Study Act

H.R. 3113 would require the Secretary of Agriculture to study a 5-mile segment of the Elk River for potential addition to the Wild and Scenic Rivers System. The segment lies within the Monongahela National Forest in Virginia. Assuming the availability of appropriated funds, CBO estimates that preparing the study required by H.R. 3113 would cost about \$300,000 over the next three years. Enacting the legislation would not affect revenues or direct spending.

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 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. 3113 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) 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

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SEC. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

(1) * * *

() *ELK RIVER, WEST VIRGINIA.—The approximate 5-mile segment of the Elk River from the confluence of the Old Field Fork and the Big Spring Fork in Pocahontas County to the Pocahontas and Randolph County line.*

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(b)(1) * * *

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() *ELK RIVER, WEST VIRGINIA.—Not later than 3 years after funds are made available to carry out this paragraph, the Secretary of Agriculture shall complete the study of the 5-mile segment of the Elk River, West Virginia, designated for study in subsection (a), and shall submit to Congress a report containing the results of the study. The report shall include an analysis of*

the potential impact of the designation on private lands within the 5-mile segment of the Elk River, West Virginia, or abutting that area.

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