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MOLALLA RIVER WILD AND SCENIC RIVERS ACT

MARCH 2, 2010.—Ordered to be printed

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

R E P O R T

[To accompany S. 1369]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1369) 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, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 3, strike lines 9 through 24 and insert the following:
mineral materials.”.

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

The purpose of S. 1369 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

The Molalla River originates in the western Cascade Mountains of Oregon and flows for 49 miles to the Willamette River. The watershed is a source of drinking water for local communities and provides important spawning habitat for several fish species, including salmon and steelhead. It also is an important wildlife corridor and contains critical habitat for the northern spotted owl, red-legged frog, pacific giant salamander, and large mammals like bears, cougars, elk, and deer. Located roughly one hour from the Portland metropolitan area, the river is a popular recreation destination for kayaking, rafting, hiking, biking, camping, hunting, and fishing.

The Bureau of Land Management evaluated the Molalla River and the Table Rock Fork of the Molalla River for potential designation under the Wild and Scenic Rivers Act and determined that most of the two rivers should be considered for designation under the Act.

LEGISLATIVE HISTORY

S. 1369 was introduced on June 25, 2009, by Senators Wyden and Merkley. The Subcommittee on National Parks held a hearing on the bill on November 4, 2009. At its business meeting on December 16, 2009, the Committee on Energy and Natural Resources ordered S. 1369 favorably reported with an amendment.

A related bill, H.R. 2781, was introduced in the House of Representatives by Representative Kurt Schrader on June 9, 2009, and was passed by the House of Representatives by a vote of 292–133 on November 19, 2009.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on December 16, 2009, by a voice vote of a quorum present, recommends that the Senate pass S. 1369, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 1369, the Committee adopted an amendment to S. 1369. The amendment deleted unnecessary provisions and added a section that includes a number of technical corrections to section 3(a)(102) of the Wild and Scenic Rivers Act.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title for the bill.

Section 2 amends the Wild and Scenic Rivers Act by adding a paragraph designating approximately 15.1 miles of the Molalla River and 6.2 miles of the Table Rock Fork of the Molalla River in Oregon as recreational components of the National Wild and Scenic Rivers System. This section also withdraws the Federal land within the boundaries of the designations from the public land, mining, and mineral and geothermal leasing laws.

Section 3 makes a number of technical corrections to the names of geographic features used in section 3(a)(102) of the Wild and Scenic Rivers Act, which designated a segment of what was for-

merly known as “Squaw Creek” in the State of Oregon. The name of the river was changed to “Whychus Creek” by the United States Board on Geographic Names in 2005. This section would change the name in the heading of paragraph (102) to “Whychus Creek” to reflect its official new name. In addition, a number of the names of other geographic features used to describe the river segment designated by paragraph (102) also are erroneous. None of the technical corrections alter the river segment that was designated in 1988 or its management under existing law.

COST AND BUDGETARY CONSIDERATIONS

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

S. 1369—Molalla River Wild and Scenic Rivers Act

S. 1369 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.

S. 1369 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.

On November 5, 2009, CBO transmitted a cost estimate for 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. The two versions of the legislation are very similar, and the CBO cost estimates are the same.

The CBO staff contact for this estimate is Deborah Reis. 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. 1369.

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. 1369, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1369, 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 a hearing on S. 1369 on November 4, 2009, which is provided below.

STATEMENT OF THE DEPARTMENT OF THE INTERIOR

Thank you for inviting the Department of the Interior to testify on S. 1369, the Molalla River Wild and Scenic Rivers Act. The Bureau of Land Management (BLM) supports S. 1369.

BACKGROUND

The Molalla River begins its journey to the sea on the western slopes of the Cascade Mountains of Oregon. At an elevation of 4,800 feet, the Molalla flows undammed for 49 miles west and north until it joins the Willamette River. For years, the Molalla suffered from too much negative attention from its visitors, including vandalism. To address these problems, local residents joined together several years ago and formed the Molalla River Alliance (MRA). The MRA, a nonprofit all volunteer organization, has over 45 public and private partners, including Federal, State, and local government agencies, user groups, and conservationists. Working cooperatively with BLM's local field office, the MRA has provided the Molalla the care it needed. Today, we are pleased that this subcommittee is considering designating approximately 21 miles of the river as a component of the National Wild and Scenic Rivers System.

The Molalla River is home to important natural and cultural resources. Protection of this watershed is crucial as the source of drinking water for local communities and the important spawning habitat it provides for several fish species, including salmon and steelhead. Within an hour's drive of the metropolitan areas of Portland and Salem, Oregon, the Molalla watershed provides significant recreational opportunities for fishing, canoeing, mountain biking, horseback riding, hiking, hunting, camping, and swimming. A 20-mile hiking, mountain biking, and equestrian trail system draws over 65,000 visitors annually.

S. 1369

S. 1369 proposes 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. In earlier planning analyses, the BLM evaluated the Molalla River and the Table Rock Fork of the Molalla River and determined that most of these two rivers should be considered for designation as wild and scenic rivers. As a result, the designation called for in S. 1369 would be largely consistent with management currently in place, and would cause few changes to BLM's current administration of most of this area. The 5,500-acre Table Rock Wilderness, designated by Congress in 1984, is embraced by the Molalla and Table Rock Fork, and designation of

these river segments would reinforce the protections in place for the wilderness area.

Wild and scenic rivers are designated by Congress in one of three categories: wild, scenic, or recreational. Differing management proscriptions apply for each of these designations. S. 1369 specifies that these river segments be classified as recreational. This classification is consistent with the strong recreational values of this area, as well as the presence of roads along the course of the river segments and numerous dispersed campsites along its shorelines.

CONCLUSION

Thank you for the opportunity to testify in support of these important Oregon designations. The Department of the Interior looks forward to welcoming these units into the BLM's National Landscape Conservation System.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1369, as ordered 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

(Public Law 90-542; Approved October 2, 1968)

(16 U.S.C. 1271 et seq.)

AN ACT To provide a National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act be cited as the "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:

* * * * *

(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) The 6.6-mile segment and its tributaries from the source to the Three Sisters Wilderness boundary as a wild river; and

(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 chapter 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.

* * * * *

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

(i) *MOLALLA RIVER.*—*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) *TABLE ROCK FORK MOLALLA RIVER.*—*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) *WITHDRAWAL.*—*Subject to valid existing rights, the Federal land within the boundaries of the river segments designated by subparagraph (A) is withdrawn from all forms of—*

(i) *entry, appropriation, or disposal under the public land laws;*

(ii) *location, entry, and patent under the mining laws; and*

(iii) *disposition under all laws relating to mineral and geothermal leasing or mineral materials.*

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