

## HELLS CANYON WILDERNESS BOUNDARY ADJUSTMENT

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NOVEMBER 4, 1997.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

### R E P O R T

together with

### DISSENTING VIEWS

[To accompany H.R. 799]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 799) to require the Secretary of Agriculture to make a minor adjustment in the exterior boundary of the Hells Canyon Wilderness in the States of Oregon and Idaho to exclude an established Forest Service road inadvertently included in the wilderness, 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. 799 is to require the Secretary of Agriculture to make a minor adjustment in the exterior boundary of the Hells Canyon Wilderness in the States of Oregon and Idaho to exclude an established Forest Service road inadvertently included in the wilderness.

#### BACKGROUND AND NEED FOR LEGISLATION

H.R. 799 would require the Secretary of Agriculture to make a minor adjustment in the exterior boundary of the Hells Canyon Wilderness in the State of Oregon and Idaho to exclude an established Forest Service road inadvertently included in the wilderness.

H.R. 799 corrects an oversight that led to the closure of an access route into the Hells Canyon National Recreation Area (HCNRA) in Oregon. H.R. 799 would reopen this access route, enhancing the public's enjoyment of Hells Canyon while preserving the ecologic value of the adjacent wilderness area.

In 1975, Congress created the HCNRA. The recreational area abuts the eastern border of the Hell's Canyon Wilderness Area and overlooks the Snake River on the Oregon-Idaho border. Forest Service Road 3965 lies along the western rim of Hells Canyon, most of which lies within the recreation area. The road provides access to several hiking trails and to the most scenic overlooks of the canyon.

The legislative history of the 1975 legislation makes clear the Congressional intent to maintain Forest Service Road 3965, the area's most prominent scenic route. However, in 1978, legislation was enacted that changed the eastern boundary of the recreation area by tying it to the canyon's "hydrological divide." For 11 years, Forest Service Road 3965 remained open to motorized vehicles. In October 1989 it was discovered that portions of a 6.5 mile stretch of the road were located on the Snake River side of the hydrological divide, putting it within the wilderness. Despite longstanding practice and the well-established intent of Congress, the Forest Service was compelled to close the road.

H.R. 799 directs the Secretary of Agriculture to revise the map and boundary description of the Hells Canyon Wilderness to exclude Forest Service Road 3965 from the wilderness area. The road will remain an unimproved route navigable only by four-wheel-drive vehicles. While providing limited access, the bill will not affect the total acreage of the wilderness area.

#### COMMITTEE ACTION

H.R. 799 was introduced on February 13, 1997, by Congressman Robert F. Smith (R-OR). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On March 20, 1997, the Subcommittee held a hearing on H.R. 799, where the Administration testified in support of H.R. 799. On June 17, 1997, the Subcommittee met to mark up H.R. 799. No amendments were offered and the bill was then ordered favorably reported to the Full Committee by voice vote. On July 16, 1997, the Full Resources Committee met to consider H.R. 799. No amendments were offered and the bill was then ordered favorably reported to the House of Representatives by a rollcall vote of 22-17, as follows:

**Committee on Resources**  
**U.S. House of Representatives**  
**105th Congress**

Full Committee

Date 7-16-97Roll No. 1Bill No. H.R. 799 Short Title Hells Canyon Wilderness in Oregon and Idaho.Amendment or matter voted on: FINAL PASSAGE

Member	Yea	Nay	Pres	Member	Yea	Nay	Pres
Mr. Young (Chairman)				Mr. Miller		X	
Mr. Tauzin	X			Mr. Markey			
Mr. Hansen	X			Mr. Rahall		X	
Mr. Saxton	X			Mr. Vento		X	
Mr. Gallegly				Mr. Kildee		X	
Mr. Duncan				Mr. DeFazio		X	
Mr. Hefley	X			Mr. Faleomavaega		X	
Mr. Doolittle	X			Mr. Abercrombie		X	
Mr. Gilchrest				Mr. Ortiz			
Mr. Calvert	X			Mr. Pickett			
Mr. Pombo	X			Mr. Pallone			
Mrs. Cubin	X			Mr. Dooley	X		
Mrs. Chenoweth	X			Mr. Romero-Barcelo		X	
Mrs. Linda Smith	X			Mr. Hinchey		X	
Mr. Radanovich	X			Mr. Underwood		X	
Mr. Jones	X			Mr. Farr		X	
Mr. Thornberry				Mr. Kennedy		X	
Mr. Shadegg				Mr. Adam Smith		X	
Mr. Ensign	X			Mr. Delahunt		X	
Mr. Bob Smith	X			Mr. John		X	
Mr. Cannon	X			Ms. Green		X	
Mr. Brady	X			Mr. Kind		X	
Mr. Peterson	X			Mr. Doggett			
Mr. Hill	X						
Mr. Schaffer	X						
Mr. Gibbons	X						
Mr. Crapo	X			<b>TOTAL</b>	22	17	

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on 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 grant Congress the authority to enact H.R. 799.

## COST OF THE LEGISLATION

Clause 7(a) 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 H.R. 799. However, clause 7(d) 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 403 of the Congressional Budget Act of 1974.

## COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 799 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 799.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI 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 H.R. 799 from the Director of the Congressional Budget Office.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 23, 1997.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 799, a bill to require the Secretary of Agriculture to make a minor adjustment in the exterior boundary of the Hells Canyon Wilderness in the states of Oregon and Idaho to exclude an established Forest Service road inadvertently included in the wilderness.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria V. Heid.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

*H.R. 799—A bill to require the Secretary of Agriculture to make a minor adjustment in the exterior boundary of the Hells Canyon Wilderness in the states of Oregon and Idaho to exclude an established Forest Service road inadvertently included in the wilderness*

Enacting H.R. 799 would have no significant effect on the federal budget. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures do not apply. H.R. 799 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would have no impact on the budgets of state, local, or tribal governments.

H.R. 799 would direct the Secretary of Agriculture to adjust the boundary of the Hells Canyon Wilderness to exclude about 6.5 miles of Forest Service Road 3965 currently within the wilderness area. Enacting the bill would allow motorized vehicles to use the road. Based on information from the Forest Service, CBO estimates that enacting H.R. 799 would have no effect on the agency's offsetting receipts. The Forest Service would incur small administrative expenses to implement the boundary adjustment, such as changing maps and signs, but we estimate that any increase in discretionary spending would be insignificant.

The CBO staff contact for this estimate is Victoria V. Heid. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 799 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 799 would make no changes in existing law.

## DISSENTING VIEWS

H.R. 799 has been presented as “minor” boundary adjustment to correct an “inadvertent” error. However, as we learned in the 104th Congress, this bill is anything but minor. In fact the bill is quite controversial and is opposed by a broad array of public and private interests concerned about the bill’s impact on wildlife and the wilderness character of the area.

Letters have been made part of the record in opposition to this legislative proposal from the Governor of Oregon, the Oregon Department of Fish and Wildlife, the Nez Perce Tribe, as well as the Oregon Hunters Association, the largest hunting organization in the State. In addition, environmental groups oppose the change. We have even heard from local ranchers that they do not favor this legislation.

H.R. 799 will not correct an “inadvertent mapping error” because there was no error. We are convinced that the authors of the Hells Canyon Wilderness were quite specific in setting the wilderness boundary along the hydrological divide. The Forest Service’s own review of the legalative history failed to turn up any evidence that congressional intent was to exclude the road. In fact, three Forest Service studies and two acts of Congress placed the road inside the wilderness.

The road in question was an unimproved fire road, built in the early 1970’s, and in fact was only open seasonally. Since the wilderness was established, every Forest Service survey or study has found overwhelming opposition to increased motorized use of the area. There are already a number of paved roads to and on the Canyon Rim. In fact, 76 percent of the canyon rim is roaded.

We believe that part of this impressive canyon rim should be free of vehicles. We join with the Governor of Oregon, the Nez Perce Tribe, and a broad array of hunting groups and environmental organizations in opposing H.R. 799 as unwarranted legislation that deserves to be set aside.

GEORGE MILLER.  
MAURICE D. HINCHEY.  
PETER DEFazio.  
BRUCE F. VENTO.

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