105TH CONGRESS 1st Session } HOUSE OF REPRESENTATIVES { REPORT 105–378

RIVER CRAFT IN HELLS CANYON NATIONAL RECREATION AREA

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

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. 838]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 838) to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area, 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. 838 is to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area, and for other purposes.

BACKGROUND AMD NEED FOR LEGISLATION

H.R. 838 would require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area.

59–006

The use of jet boats in Hells Canyon has long been controversial. In 1987 Wallowa-Whitman National Forest Supervisor Robert Richmond initiated a review and revision of the river management portion of the comprehensive management plan for the forest which surrounds the canyon. The outcome of the review was a provision to close the heart of Hells Canyon to motorized river craft for three days a week in July and August, the peak of the recreation season.

In 1995, the Regional Forester overturned the proposal to exclude jet boats from Hells Canyon after the Forest Service received many appeals, thus postponing implementation of the provision to limit motorized craft in the canyon.

The history of the Hells Canyon portion of the Snake River is different than most rivers included in the Wild and Scenic River System. This is a high volume river with a long history of motorized river craft. The first paying passengers in a motorized river craft date back to 1865. The use of jet boats in Hells Canyon has continued since 1865, with over 80 percent of all recreationists in the Hells Canyon segment of the Snake River accessing the river by way of jet boats today.

The amended Wild and Scenic Rivers Act requires the establishment of a carrying capacity for each river segment in the Wild and Scenic Rivers System, and most agree that this is important to maintaining an enjoyable experience for all users. Most feel that this issue will not be resolved until legislation is enacted. H.R. 838 clarifies Congressional intent in a manner that avoids any future misunderstanding with regard to the use of jet boats in the Hells Canyon National Recreation Area.

COMMITTEE ACTION

H.R. 838 was introduced on February 26, 1997, by Congressman Helen Chenoweth (R–ID). 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. 838, where the Administration testified in opposition to H.R. 838. On June 17, 1997, the Subcommittee met to mark up H.R. 838. 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. 838. No amendments were offered and the bill was then ordered favorably reported to the House of Representatives by a rollcall vote of 21–20, as follows:

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

Full Committee

Date 7-16-97

Roll No. 1

Bill No. H.R. 838 Short Title Hells Canyon National Recreation Area

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	X			*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*		X	
Mrs. Cubin	X			*Mr. Dooley*		X	
Mrs. Chenoweth	X			*Mr. Romero-Barcelo*		X	
Mrs. Linda Smith				*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*		X	
Mr. Hill	X						
Mr. Schaffer	X						
Mr. Gibbons	X						
Mr. Crapo	X			**TOTAL**	21	20	

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rule 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. 838.

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. 838. 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(l)(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. 838 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of H.R. 838 could affect offsetting receipts in 1998, but the bill would have no significant impact on the federal budget.

2. With respect to the requirement of clause 2(l)(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. 838.

3. With respect to the requirement of clause 2(l)(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. 838 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 24, 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. 838, a bill to require adoption of a management plan for the Hells Canyon National

Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area, and for other purposes.

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. 838—A bill to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area, and for other purposes

CBO estimates that enacting this bill would have no significant impact on the federal budget. Because H.R. 838 could affect offsetting receipts in 1998, pay-as-you-go procedures would apply; however, CBO estimates that any such effects would be neglibile. H.R. 838 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and wou8ld impose no costs on state, local, or tribal governments.

Enacting H.R. 838 would require the Secretary of Agriculture to adopt rules and regulations for managing the Hells Canyon National Recreation Area that recognize the use of motorized and nonmotorized river craft as a valid and appropriate use of the Snake River within the recreation area and that permit such river craft access to, and use of, the entire river within the recreation area throughout the year. The U.S. Forest Service is currently planning to adopt a river management plan for the area that would revise certain restrictions on the use of river craft and place new restrictions on the use of motorized river craft. Enacting H.R. 838 would prohibit the Forest Service from implementing some of the planned restrictions. Because outfitters pay recreation use fees to the federal government based on a percentage of their gross revenue and their revenues might decrease if the Forest Service implemented operational limitations, enacting the bill could result in greater receipts to the federal government. However, CBO estimates that any such effects on federal offsetting receipts would be negligible.

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. 838 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 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 (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):

SECTION 10 OF THE ACT OF DECEMBER 31, 1975

AN ACT To establish the Hells Canyon National Recreation Area in the States of Oregon and Idaho, and for other purposes

SEC. 10. [The Secretary] *(a) RULES AND REGULATIONS.—The Secretary* shall promulgate, and may amend, such rules and regulations as he deems necessary to accomplish the purposes of this Act. Such rules and regulations shall include, but are not limited to—

[(a)] *(1)* standards for the use and development of privately owned property within the recreation area, which rules or regulations the Secretary may, to the extent he deems advisable, implement with the authorities delegated to him in section 9 of this Act, and which may differ among the various parcels of land within the recreation area;

[(b)] *(2)* standards and guidelines to insure the full protection and preservation of the historic, archeological, and paleontological resources in the recreation area;

[(c)] *(3)* provision for the control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of any Federal land within the recreation area;

[(d) provision for the control of the use and number of motorized and nonmotorized river craft: *Provided*, That the use of such craft is hereby recognized as a valid use of the Snake River within the recreation area; and]

(4) subject to subsection (b), provision for control of the use and number of motorized and nonmotorized river craft as necessary, but only to the extent necessary to ensure that such uses are compatible with this Act; and

[(e)] *(5)* standards for such management, utilization, and disposal of natural resources on federally owned lands, including but not limited to, timber harvesting by selective cutting, mining, and grazing and the continuation of such existing uses and developments as are compatible with the provisions of this Act.

(b) USE OF MOTORIZED AND NONMOTORIZED RIVER CRAFT.—For the purposes of subsection (a)(4)—

(1) the use of motorized and nonmotorized river craft is recognized as a valid and appropriate use of the Snake River within the recreation area;

(2) motorized and nonmotorized river craft shall be permitted access to, and use of, the entire river within the recreation area at all times during the year;

(3) concurrent use of the river within the recreation area by motorized and nonmotorized river craft shall not be considered to be a conflict;

(4) use of commercial and private motorized and nonmotorized river craft shall be allowed to continue on the entire Snake River within the recreation area throughout each year at levels that optimize the opportunity of the American people to utilize the recreation area within the reasonable capacity of the resources to sustain that use, recognizing as acceptable established daily and seasonal use patterns and considering the economic well-being of surrounding communities; and

(5) use of motorized or nonmotorized river craft on the Snake River within the recreation area by owners of private property for the purpose of traveling to or from their property in their usual and accustomed manner shall not be restricted.

DISSENTING VIEWS

We join with the administration and others in opposing H.R. 838. Contrary to the express language of H.R. 838, we cannot legislate that motorized and nonmotorized use shall not be considered a conflict. There is a long history that these uses have been in conflict and the Forest Service has taken steps to address that conflict. These steps include developing a river management plan with public participation, doing an environmental impact statement on the plan, and addressing appeals to the plan.

For nearly 20 years, nonmotorized use of the river has been regulated, while at the same time there has been no regulation of motorized use of the river. The Forest Service plan that this bill seeks to overturn addresses that disparity. While providing some regulation of commercial motorized use, it places no limits on private, noncommercial motorized use. After numerous delays it is time the Forest Service plan to be implemented.

In addition to the conflict on motorized and nonmotorized use, there is another inherent contradiction in H.R. 838. On one hand the bill says the Forest Service may regulate use of the river within the reasonable capacity of the resources to sustain that use. At the same time the bill undercuts any regulation of use by placing numerous caveats on such regulation, including the requirement that "river craft shall be permitted access to, and use of, the entire river in the recreation area at all times during the year."

We don't believe it is appropriate to send the Forest Service back to the drawing board, especially in a manner that ties their hands on river management.

Rather than settle any issues, H.R. 838 is only likely to inflame the controversies associated with motorized and nonmotorized use of the river. We oppose the bill and urge our colleagues to do likewise.

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

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