

Legislative Bulletin.....November 18, 2009

Contents:

H.R. 2781—To designate segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System

**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.
(Rep. Schrader, D-OR)**

Order of Business: The bill is expected to be considered on Wednesday, November 18, 2009, under a closed rule ([H.Res.908](#)) providing for one hour of general debate and making in order zero amendments. The rule waives all points of order against consideration of the bill, except the earmark rule and “pay-go” violations. The rule allows one motion to recommit with or without instructions.

Summary: The bill would designate an approximately 15.1-mile segment of the Molalla River, and an approximately 6.2-mile segment of Table Rock Fork Molalla River, as a recreational component of the National Wild and Scenic Rivers System. The Molalla rises in the Cascade Mountain range east of Salem. Established in 1968, the Wild and Scenic Rivers Act encompasses 264 rivers now recognized nationally, including 59 in Oregon. The Wild and Scenic designation creates a buffer from new construction extending one-quarter mile on each side of the river. Additionally, *according to the bill’s sponsor, the designation would affect approximately 420 acres of timber management acres* or the “matrix.”

The [National Wild and Scenic Rivers System](#) allows the Department of Interior to select certain U.S. rivers deemed to have natural, cultural, and recreational values and preserve them and the immediately surrounding areas, in a free-flowing natural condition. The designation can be placed under either a wild, scenic, or recreational category. A recreational designation allows rivers or sections of rivers to be considered for inclusion “that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.”

Conservative Concerns: The designation could prevent adjacent land from being harvested for lumber. With Oregon’s unemployment rate at 11.5%, some conservatives may question the need to designate these lands that could instead be harvested and create jobs.

Representative Bishop (R-UT) offered an amendment in the Rules Committee to rename the legislation the “School Children and Jobs Left Behind Act” because some conservatives may

feel it is a more accurate title for the bill. For example, timber receipts from the jobs created and sale of lumber could go to fund authorizations under the Secure Rural Schools Program.

Additionally, many conservatives have voiced concern that a designation under the “wild and scenic” system imposes federal jurisdiction on the area, involves land acquisition authority and imposes land use restrictions on the impacted waterway; including construction in the area (roads, dams, pipelines, ect.) and motorized vehicle activity.

Democrat Inconsistency Alert!

Twisted Priorities: Despite stating they are serious about assisting in providing funding for rural schools and promoting job creation in the Pacific Northwest, House Democrats have demonstrated they are more willing to embrace the values of extreme environmentalists by restricting logging through this designation. In committee, House Democrats rejected efforts to remove the logging restrictions despite the fact ***the bill’s sponsor testified he wanted to “ensure there will be no net-loss of the acres available for timber management as a result of this legislation.”***

Committee Action: On June 9, 2009, the bill was introduced and referred to the Committee on Natural Resources. On October 28, 2009, the committee held a mark-up and ordered the bill to be reported, as amended, by a vote of 23 – 18.

Administration Position: No Statement of Administration Position is available.

Cost to Taxpayers: Based on information provided to CBO by the Bureau of Land Management, H.R. 2781 “would have no effect on the federal budget.”

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: According to Committee Report 111-336, “H.R. 2781 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(t) of rule XXI.”

Constitutional Authority: The Natural Resources Committee cites Article I, Section 8 of the Constitution and Article IV, Section 3, but fails to cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution”

RSC Staff Contact: Bruce F. Miller, bruce.miller@mail.house.gov, (202)-226-9720.