

RIO GRANDE WILD AND SCENIC RIVER EXTENSION ACT
OF 2008

SEPTEMBER 11, 2008.—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. 6177]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 6177) to amend the Wild and Scenic Rivers Act to modify the boundary of the Rio Grande Wild and Scenic River, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rio Grande Wild and Scenic River Extension Act of 2008”.

SEC. 2. RIO GRANDE WILD AND SCENIC RIVER BOUNDARY ADJUSTMENT.

Paragraph (17) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended to read as follows:

“(17) RIO GRANDE, TEXAS.—

“(A) IN GENERAL.—The segment on the United States side of the river from the west boundary of Big Bend National Park, located at approximately river mile 902.2, downstream to the river mile 651.1 at the Terrell-Val Verde County line; to be administered by the Secretary of the Interior.

“(B) MAP.—The segment described in subparagraph (A) is depicted on the map relating to the Rio Grande Wild and Scenic River titled ‘Proposed Wild & Scenic River Addition’, numbered 192/80,001, and dated March 1, 2007.

“(C) BOUNDARY.—The Secretary shall, within two years after the date of enactment of the Rio Grande Wild and Scenic River Extension Act of 2008, take such action with respect to the segment referred to in this paragraph as is provided for under subsection (b). The action required by subsection (b) shall be undertaken by the Secretary, after consultation with the United States Commissioner, International Boundary and Water Commission, United States and Mexico, and appropriate officials of the State of Texas and its political subdivisions. The development plan required by subsection

(b) shall be construed to be a general management plan only for the United States side of the river and shall include, but not be limited to, the establishment of a detailed boundary which shall include an average of not more than 160 acres per mile.

“(D) TREATIES AND AGREEMENTS.—Nothing in this Act shall be construed to be in conflict with—

“(i) the commitments or agreements of the United States made by or in pursuance of the treaty between the United States and Mexico regarding the utilization of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington, February 1944 (59 Stat. 1219), or

“(ii) the treaty between the United States and Mexico regarding maintenance of the Rio Grande and Colorado River as the international boundary between the United States and Mexico, signed November 23, 1970.

“(E) NO EFFECT ON BORDER FENCE AND THE BORDER PATROL.—Nothing in this paragraph shall prevent or obstruct the planning, construction, operation, or maintenance of a border fence in the area described in subparagraph (A), and nothing in this paragraph shall affect the operations or duties in such area of the Department of Homeland Security, including the Border Patrol, or of State or local law enforcement agencies.”.

PURPOSE OF THE BILL

The purpose of H.R. 6177 is to amend the Wild and Scenic Rivers Act to modify the boundary of the Rio Grande Wild and Scenic River.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 6177 adds approximately 60 miles to the Rio Grande Wild and Scenic River in Texas. The 196-mile stretch of the Rio Grande currently designated as wild and scenic stretches from Mariscal Canyon to the Terrell-Val Verde County line. The river runs along the edge of Big Bend National Park, dividing the U.S. from Mexico and forming the elbow that gives the park its name.

The Rio Grande, as it flows past the national park, features both broad and open floodplains, or vegas, and steep-walled, sometimes narrow canyons. In some spots, the river and its tributaries lie as much as 1,500 feet below the surrounding plateaus. The river corridor supports a wide array of Chihuahuan Desert fauna, including threatened and endangered species that depend on the rare aquatic and riparian habitats of the river.

When Congress considered designating the river in 1978, the National Park Service (NPS) had recommended designating the entire portion of the river that runs along the southeastern and southwestern boundaries of Big Bend National Park. However, the Mexican state of Chihuahua, which lies opposite most of the southwestern edge of the park, objected to the inclusion of that stretch, and Congress declined to designate those 60 miles.

Chihuahua no longer opposes the designation, and the August 2004 NPS general management plan for the river calls for the addition. The additional section will be entirely within the boundaries of the park on the U.S. side of the river.

In addition to the NPS, the bill is supported by a local property rights group, several private landowners in the area and the Texas Parks and Wildlife Department.

COMMITTEE ACTION

H.R. 6177 was introduced on June 4, 2008, by Representative Ciro Rodriguez (D-TX). 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 10, 2008, the Subcommittee held a hearing on the bill, during which the Administration testified in support of the legislation.

On July 23, 2008, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged from further consideration of H.R. 6177. Representative Lamborn (R-CO), on behalf of Representative Gohmert (R-TX), offered an amendment stating that nothing in the bill shall prevent or obstruct planning, construction, operations or maintenance of a border fence in the newly designated section of the river, nor affect the operations or duties of the Department of Homeland Security. The amendment was agreed to by voice vote.

Representative Lamborn then offered an amendment on behalf of Representative Sali (R-ID) to require that all lands within the Rio Grande Wild and Scenic River be exclusively governed by state and local laws regarding possession and use of weapons, including concealed weapons. The amendment was not agreed to by a rollcall vote of 9 yeas and 13 nays, as follows:

COMMITTEE ON NATURAL RESOURCES
U.S. House of Representatives
110th Congress

Date: July 23 , 2008

Convened: 12:31

Adjourned:

Meeting on: H.R. 6177 - Sali #1 Amendment.

✓ Recorded Vote

Vote # 2

Total: Yeas: 9

Nays: 13

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Rahall, WV		✓		Mr. Gohmert, TX			
Mr. Young, AK				Mrs. Bordallo, GUAM		✓	
Mr. Miller, CA		✓		Mr. Cole, OK			
Mr. Saxton, NJ				Mr. Costa, CA	✓		
Mr. Markey, MA				Mr. Bishop, UT			
Mr. Gallegly, CA				Mr. Boren, OK			
Mr. Kildee, MI		✓		Mr. Shuster, PA			
Mr. Duncan, TN				Mr. Sarbanes, MD		✓	
Mr. DeFazio, OR		✓		Mr. Sali, ID	✓		
Mr. Gilchrest, MD				Mr. Hinchey, NY			
Mr. Faleomavaega, AS				Mr. Lamborn, CO	✓		
Mr. Cannon, UT				Mr. Kennedy, RI		✓	
Mr. Abercrombie, HI		✓		Ms. Fallin, OK			
Mr. Tancredo, CO	✓			Mr. Kind, WI			
Mr. Ortiz, TX				Mr. Adrian Smith, NE	✓		
Mr. Flake, AZ				Mrs. Capps, CA		✓	
Mr. Pallone, NJ		✓		Mr. Wittman, VA	✓		
Mr. Pearce, NM	✓			Mr. Inslee, WA		✓	
Mrs. Christensen, VI				Vacancy			
Mr. Brown, SC				Mr. Mark Udall, CO			
Mrs. Napolitano, CA		✓		Mr. Baca, CA	✓		
Mr. Fortuño, PR				Ms. Solis, CA			
Mr. Holt, NJ				Ms. Herseth Sandlin, SD	✓		
Mrs. McMorris Rodgers, WA				Mr. Shuler, NC			
Mr. Grijalva, AZ		✓					
				Total	9	13	

Markups - 1/3 to meet (16), 25 to report
August 27, 2008 (12:19pm)

The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

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 modify the boundary of the Rio Grande Wild and Scenic River.

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. 6177—Rio Grande Wild and Scenic River Extension Act of 2008

H.R. 6177 would designate an additional 60 miles of the Rio Grande River in Texas as a wild and scenic river. Based on information provided by the National Park Service (NPS), CBO estimates that implementing the bill would have no effect on the federal budget. The segment of the Rio Grande that would be affected by the bill is within the boundary of the Big Bend National Park and is already administered by the NPS.

H.R. 6177 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of 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. 6177 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 (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

* * * * *

SEC. 3.(a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) * * *

* * * * *

[(17) RIO GRANDE, TEXAS.—The segment on the United States side of the river from river mile 842.3 above Mariscal Canyon downstream to river mile 651.1 at the Terrell-Val Verde County line; to be administered by the Secretary of the Interior. The Secretary shall, within two years after the date of enactment of this paragraph, take such action with respect to the segment referred to in this paragraph as is provided for under subsection (b). The action required by such subsection (b) shall be undertaken by the Secretary, after consultation with the United States Commissioner, International Boundary and Water Commission, United States and Mexico, and appropriate officials of the State of Texas and its political subdivisions. The development plan required by subsection (b) shall be construed to be a general management plan only for the United States side of the river and such plan shall include, but not be limited to, the establishment of a detailed boundary which shall include an average of not more than 160 acres per mile. Nothing in this Act shall be construed to be in conflict with—

[(A) the commitments or agreements of the United States made by or in pursuance of the treaty between the United States and Mexico regarding the utilization of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington, February 1944 (59 Stat. 1219), or

[(B) the treaty between the United States and Mexico regarding maintenance of the Rio Grande and Colorado

River as the international boundary between the United States and Mexico, signed November 23, 1970. For purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph, there are authorized to be appropriated such sums as may be necessary, but not more than \$1,650,000 for the acquisition of lands and interests in lands and not more than \$1,800,000 for development.】

(17) *RIO GRANDE, TEXAS.*—

(A) *IN GENERAL.*—*The segment on the United States side of the river from the west boundary of Big Bend National Park, located at approximately river mile 902.2, downstream to the river mile 651.1 at the Terrell-Val Verde County line; to be administered by the Secretary of the Interior.*

(B) *MAP.*—*The segment described in subparagraph (A) is depicted on the map relating to the Rio Grande Wild and Scenic River titled “Proposed Wild & Scenic River Addition”, numbered 192/80,001, and dated March 1, 2007.*

(C) *BOUNDARY.*—*The Secretary shall, within two years after the date of enactment of the Rio Grande Wild and Scenic River Extension Act of 2008, take such action with respect to the segment referred to in this paragraph as is provided for under subsection (b). The action required by subsection (b) shall be undertaken by the Secretary, after consultation with the United States Commissioner, International Boundary and Water Commission, United States and Mexico, and appropriate officials of the State of Texas and its political subdivisions. The development plan required by subsection (b) shall be construed to be a general management plan only for the United States side of the river and shall include, but not be limited to, the establishment of a detailed boundary which shall include an average of not more than 160 acres per mile.*

(D) *TREATIES AND AGREEMENTS.*—*Nothing in this Act shall be construed to be in conflict with—*

(i) the commitments or agreements of the United States made by or in pursuance of the treaty between the United States and Mexico regarding the utilization of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington, February 1944 (59 Stat. 1219), or

(ii) the treaty between the United States and Mexico regarding maintenance of the Rio Grande and Colorado River as the international boundary between the United States and Mexico, signed November 23, 1970.

(E) *NO EFFECT ON BORDER FENCE AND THE BORDER PATROL.*—*Nothing in this paragraph shall prevent or obstruct the planning, construction, operation, or maintenance of a border fence in the area described in subparagraph (A), and nothing in this paragraph shall affect the operations or duties in such area of the Department of Homeland Se-*

curity, including the Border Patrol, or of State or local law enforcement agencies.

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