

CARIBBEAN NATIONAL FOREST WILD AND SCENIC RIVERS  
ACT OF 2002

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MAY 7, 2002.—Committed to the Committee of the Whole House on the State of the  
Union and ordered to be printed

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Mr. HANSEN, from the Committee on Resources,  
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 3954]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3954) to designate certain waterways in the Caribbean National Forest in the Commonwealth of Puerto Rico as components of the National Wild and Scenic Rivers System, and for other purposes, 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 “Caribbean National Forest Wild and Scenic Rivers Act of 2002”.

**SEC. 2. WILD AND SCENIC RIVER DESIGNATIONS, CARIBBEAN NATIONAL FOREST, PUERTO RICO.**

(a) FINDINGS.—The Congress finds the following:

(1) In the revised land and resource management plan for the Caribbean National Forest/Luquillo Experimental Forest, approved April 17, 1997, and the environmental impact statement prepared as part of the plan, the Secretary of Agriculture examined the suitability of rivers within the Caribbean National Forest/Luquillo Experimental Forest for inclusion in the National Wild and Scenic Rivers System.

(2) Based on such examination, the Rio Icacos, Rio Mameyes, and Rio de La Mina were found to be free flowing waterways and to possess outstandingly remarkable scenic, recreational, geological, hydrological, biological, historical, and

cultural values, and, therefore, to qualify for addition to the National Wild and Scenic Rivers System.

(b) DESIGNATIONS.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

“( ) RIVERS OF CARIBBEAN NATIONAL FOREST, PUERTO RICO.—

“(A) RIO MAMEYES.—The segment of approximately 4.5 miles from its headwaters in the Baño de Oro Research Natural Area to the boundary of the Caribbean National Forest, to be administered by the Secretary of Agriculture as follows:

“(i) As a wild river from its headwaters in the Baño de Oro Research Natural Area to the crossing point of Trail No. 24/11 (approximately 500 feet upstream from the confluence with the Rio de La Mina), a total of approximately 2.1 miles.

“(ii) As a scenic river from the crossing point of Trail No. 24/11 to the access point of Trail No. 7, a total of approximately 1.4 miles.

“(iii) As a recreational river from the access point of Trail No. 7 to the national forest boundary, a total of approximately 1.0 miles.

“(B) RIO DE LA MINA.—The segment of approximately 2.1 miles from its headwaters to its confluence with the Rio Mameyes, to be administered by the Secretary of Agriculture as follows:

“(i) As a recreational river from its headwaters in the El Yunque Recreation Area downstream to La Mina Falls, a total of approximately 0.9 miles.

“(ii) As a scenic river from La Mina falls downstream to its confluence with the Rio Mameyes, a total of approximately 1.2 miles.

“(C) RIO ICACOS.—The segment of approximately 2.3 miles from its headwaters to the boundary of the Caribbean National Forest, to be administered by the Secretary of Agriculture as a scenic river.”.

(c) SPECIAL MANAGEMENT CONSIDERATIONS.—

(1) CERTAIN PERMITTED ACTIVITIES.—Subject to paragraph (2), the amendment made by the subsection (b) and the applicability of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to the river segments added to the National Wild and Scenic Rivers System by the amendment shall not be construed to prevent any of the following activities within the boundaries of the river segments:

(A) Installation and maintenance of hydrologic, meteorological, climatological, or atmospheric data collection and transmission facilities, or any combination of such facilities, when the Secretary of Agriculture determines that such facilities are essential to the scientific research purposes of the Luquillo Experimental Forest.

(B) Construction and maintenance of nesting structures, observation blinds, and population monitoring platforms for threatened and endangered species.

(C) Construction and maintenance of trails to such facilities as necessary for research purposes and for the recovery of threatened and endangered species.

(2) CONDITIONS.—The activities authorized by paragraph (1) shall be subject to such conditions as the Secretary considers desirable. The Secretary shall ensure that the scale and scope of such activities within the boundaries of a river segment added to the National Wild and Scenic Rivers System by the amendment made by the subsection (b) are not detrimental to the characteristics of the river segment that merited its designation as a wild, scenic, or recreational river.

(d) PRESERVATION OF COMMONWEALTH AUTHORITY.—Nothing in this section or the amendment made by this section shall be construed to limit the authority of the Commonwealth of Puerto Rico over waters and natural channels of public domain pursuant to the laws of the Commonwealth of Puerto Rico.

## PURPOSE OF THE BILL

The purpose of H.R. 3954 is to designate certain waterways in the Caribbean National Forest in the Commonwealth of Puerto Rico as components of the National Wild and Scenic Rivers System, and for other purposes.

## BACKGROUND AND NEED FOR LEGISLATION

The National Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.) established three river classes: (1) wild rivers, free from im-

poundments (dams, diversions, etc.), generally inaccessible except by trail, with generally primitive water-sheds and undeveloped shorelines; (2) scenic rivers, free from impoundments in generally undeveloped areas, but accessible in places by roads; and (3) recreational rivers, readily accessible by road, with some shoreline development and possibly some impoundment or diversion in the past. To date, 155 rivers totaling 10,896 miles have been included in the National Wild and Scenic Rivers System.

The principal protection of the wild and scenic river designation is the prohibition of water resource projects which may divert or hinder the flow of the river. Management of permitted use varies with the class of the designated river. Congress directed the federal agencies which oversee the designated rivers to protect and enhance the values that led to the designation, but also specified that most other land uses not be limited unless they "substantially interfere with public use and enjoyment of these values." Road building, hunting, fishing, and mining and mineral leasing may be permitted in some instances, depending on the classification and whether the activities are consistent with the values of the area being protected and with other state and federal laws.

In the revised land and resource management plan for the Caribbean National Forest/Luquillo Experimental Forest, approved April 17, 1997, and the environmental impact statement prepared as part of the plan, the Secretary of Agriculture examined the suitability of rivers within the Caribbean National Forest/Luquillo Experimental Forest for inclusion in the National Wild and Scenic Rivers System. Based on this examination, Rio Mameyes, the Rio de La Mina, and Rio Icacos were found to be free flowing waterways and to possess outstandingly remarkable scenic, recreational, geological, hydrological, biological, historical, and cultural values, and, therefore, to qualify for addition to the National Wild and Scenic Rivers System.

The area being considered under this legislation for the Rio Mameyes runs for 4.5 miles and is judged as eligible as a wild, scenic, or recreational river in parts based on its outstanding scenic, biological and recreation values. This portion of the river, from its headwaters to the confluence with the Rio de la Mina, is remote and isolated. The stream course consists of a mass of boulders, and numerous small waterfalls and pools. Below the confluence with the La Mina, the Rio Mameyes enters a narrow, very scenic gorge of about one mile in length. Along this gorge run the Carrillo and La Coca Trails. Along the Mameyes, at the Puento Roto crossing, lies the most popular water play area in the Caribbean National Forest (CNF).

The Rio Mameyes watershed covers nearly 7 square miles within the CNF, or 10.4% of the Forest. Water quality is optimum, since the entire corridor is located within the Baño do Oro Natural Area, and no development exists. Due to steep slopes, no significant flood plains occur. The Rio Mameyes provides important habitat for the Puerto Rican Parrot and Puerto Rican Boa, both endangered species. The Mameyes system boasts the highest natural aquatic diversity and species richness of any CNF watershed.

The Rio de la Mina segment being considered runs 2.1 miles from its confluence with the Rio Mameyes to its headwaters located east of PR 191. This river is judged as eligible based on its out-

standing scenic, recreation, biological and historic values. The river is strewn with boulders of various sizes which form rapids, small waterfalls, and frequent pools. La Mina Falls, a spectacular attraction, is within this area. As part of the Rio Mameyes watershed, the Rio de la Mina covers an area of 2.7 square miles or 6.1% of the CNF. Water quality is good, affected somewhat by nearby picnic areas. Because of steep grades and a dense network of ephemeral channels, no significant flood plains are found. Endangered animal and plant species are found along this segment.

The Rio Icacos segment being considered as a scenic river runs for 2.3 miles from the confluence with the Rio Cubuy to its headwaters  $\frac{1}{2}$  mile from the gate on PR 191. The river is judged as eligible based on its outstanding scenic, historical and cultural values, and ecological values. The Rio Icacos has some of the most varied terrain of any of the CNF's rivers. The upper stream exhibits a unique sandy bed due to its granodirite origin in this upper, flatter section. Contrasting with this area is the lower segment, which is similar to other rivers in the forest with a steep gradient, boulders, and rapids. The palm forest type is very conspicuous along the bank, more so than any other major river on the CNF lands. Water quality is high within the area, and this river provides great enjoyment to the visitors to the CNF. Numerous endangered animal and plant species exist along the proposed segment. The low gradient upper segment provides a unique and rich environment to the CNF.

#### COMMITTEE ACTION

H.R. 3954 was introduced on March 13, 2002, by Congressman Anibal Acevedo-Vila (D-PR). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On April 10, 2002, the Subcommittee held a hearing on the bill. On April 24, 2002, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. Mr. Acevedo-Vila offered a technical amendment to clarify the implementation of the bill and the availability of maps to conform with Wild and Scenic Rivers Act procedures. It was adopted by voice vote. 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 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 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 compari-

son 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. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

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:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 6, 2002.*

Hon. JAMES V. HANSEN,  
*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. 3954, the Caribbean National Forest Wild and Scenic Rivers Act of 2002.

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

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 3954—Caribbean National Forest Wild and Scenic Rivers Act  
of 2002*

CBO estimates that H.R. 3954 would have no significant impact on the federal budget. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. This bill contains no intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

H.R. 3954 would designate certain segments of three rivers in the Caribbean National Forest/Luquillo Experimental Forest as wild, scenic, and recreational rivers under the Wild and Scenic Rivers Act. Based on information from the Forest Service we estimate that changing the designation of those rivers would not significantly affect the agency's costs to manage them.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

## 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 (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

**SECTION 3 OF 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:

(1) \* \* \*

\* \* \* \* \*

( ) *RIVERS OF CARIBBEAN NATIONAL FOREST, PUERTO RICO.—*

(A) *RIO MAMEYES.—The segment of approximately 4.5 miles from its headwaters in the Baño de Oro Research Natural Area to the boundary of the Caribbean National Forest, to be administered by the Secretary of Agriculture as follows:*

(i) *As a wild river from its headwaters in the Baño de Oro Research Natural Area to the crossing point of Trail No. 24/11 (approximately 500 feet upstream from the confluence with the Rio de La Mina), a total of approximately 2.1 miles.*

(ii) *As a scenic river from the crossing point of Trail No. 24/11 to the access point of Trail No. 7, a total of approximately 1.4 miles.*

(iii) *As a recreational river from the access point of Trail No. 7 to the national forest boundary, a total of approximately 1.0 miles.*

(B) *RIO DE LA MINA.—The segment of approximately 2.1 miles from its headwaters to its confluence with the Rio Mameyes, to be administered by the Secretary of Agriculture as follows:*

(i) *As a recreational river from its headwaters in the El Yunque Recreation Area downstream to La Mina Falls, a total of approximately 0.9 miles.*

(ii) *As a scenic river from La Mina Falls downstream to its confluence with the Rio Mameyes, a total of approximately 1.2 miles.*

(C) *RIO ICACOS.—The segment of approximately 2.3 miles from its headwaters to the boundary of the Caribbean National Forest, to be administered by the Secretary of Agriculture as a scenic river.*

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#### ADDITIONAL VIEWS OF CONGRESSMAN ACEVEDO-VILÁ

I want to thank Chairman Hansen, Ranking Member Rahall, Subcommittee Chairman McInnis, Subcommittee Ranking Member Inslee and all of my colleagues on the Resources Committee who have supported this laudable legislation.

It is with great pride that I have worked to support and move toward enactment H.R. 3954—The Caribbean National Forest Wild and Scenic Rivers Act of 2002. The Caribbean National Forest, commonly known in Puerto Rico as El Yunque, is the only tropical rain forest within the U.S. National Forest System. El Yunque is a natural wonder and unique resource that we must preserve and protect forever. El Yunque is the only managed rain forest on earth, and with this distinction comes heightened responsibility in my opinion, to fully protect this important resource. The enactment of this bill, along with the wilderness legislation (H.R. 3955) approved by the Committee last month, will help ensure that the natural integrity of El Yunque is preserved for the 1 million annual visitors to the CNF for generations to come.

H.R. 3954 would preserve and protect three rivers that flow within the boundaries of El Yunque. It is the intent of the Wild and Scenic Rivers Act of 1968 to preserve rivers and sections thereof to protect the water quality of such rivers and to fulfill other vital national conservation purposes. It is within this intent that I have introduced this bill, and I am fully committed to the preservation of these beautiful rivers. While there are additional rivers within El Yunque that have received wild and scenic designation recommendations, the areas of these rivers are covered under H.R. 3955 through wilderness designation, or are within the existing Baño de Oro Natural Area. Therefore, I have followed recommendations to focus on rivers running outside of the proposed El Toro Wilderness Area and outside of existing natural areas.

The three rivers that would be designated under this act were all recommended for inclusion under the National Wild and Scenic Rivers System by the revised land and resource management plan for the CNF, approved April 17, 1997. This management plan was the basis for the introduction of this bill, and I ask for your support during its consideration.

The three rivers include the Rio Mameyes, the Rio Icacos, and the Rio de La Mina. All three have outstanding characteristics and make up an integral part of the experience when visiting the forest.

The Rio Mameyes offers outstanding scenic, biological and recreational values to visitors. It flows over large boulders and numerous waterfalls, forming enjoyable pools. Trails run along gorges that descend through the forest. The water quality along the upper segment is optimum, with no interference from human encroachment.

The Rio Mameyes provides important habitat for the Puerto Rican Parrot and Puerto Rican Boa, both endangered species. Furthermore, the endangered Broad-winged and Sharp-shinned Hawks, and the threatened Peregrine Falcon, are also known to use this area. The Mameyes system enjoys the highest natural aquatic diversity and species richness of any forest watershed. The Mameyes remains the only uninterrupted, free flowing river in Puerto Rico.

The Rio de la Mina is judged as eligible based on its outstanding scenic, recreation, biological and historic values. Like the Mameyes, the Rio de La Mina descends over boulders and waterfalls, forming rapids and pools. Trails parallel the river and provide for numerous recreation areas, including picnic areas that are among the most popular tourist destinations within the CNF. The most spectacular waterfalls in the forest exist along the Rio de la Mina. These falls, known as La Mina Falls, play an important role in promoting Puerto Rico as a prime vacation destination. The water quality is good within the proposed designation area. The Rio de la Mina also provides habitat for endangered animal and plant species.

The Rio Icacos is judged as eligible based on its outstanding scenic, historic, cultural and ecological values. The Rio Icacos has some of the most varied terrain of any of El Yunque's rivers. Near the headwaters, the gradient is less steep than further downstream where it also descends over boulders and waterfalls. In the upper section, the streambed exhibits a unique sandy bed due to its origin in the upper, flatter section. The palm forest is very striking along the bank, more so than in any other area of the forest. Water quality is high within the proposed designation area. Endangered animal and plant species are present within the proposed area.

With the support of the House of Representatives and the Senate, these wild and scenic river designations in El Yunque can become a reality this year. I encourage all of my colleagues to visit Puerto Rico and to spend worthwhile time visiting the Caribbean National Forest. Puerto Ricans take great pride in El Yunque, and I assure you it is worth the trip to visit. With your support, we can help protect the pristine natural wonders of El Yunque forever.

ANÍBAL ACEVEDO-VILÁ.