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HOUSE OF REPRESENTATIVES
REPORT
107–509

NEW RIVER GORGE BOUNDARY ACT OF 2002

JUNE 17, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 3858]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3858) to modify the boundaries of the New River Gorge National River, West Virginia, 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. 3858 is to modify the boundaries of New River Gorge National River in West Virginia.

BACKGROUND AND NEED FOR LEGISLATION

The New River Gorge National River was established in 1978 to preserve and protect 53 miles of the New River. The park encompasses 70,000 acres of land along the river between Hinton and Fayettville in Southern West Virginia. The legislation would modify the boundaries by adding six tracts of land held by five owners and totaling 1,962 acres. All are willing sellers. The tracts would add to the scenic values of the park, as well as to help alleviate parking and trespassing concerns associated with a popular rock climbing site. One tract would also help insulate the park from development problems in the area, while including a trail that would remain open to the public. The bill also contains a land exchange provision which would settle an encroachment issue in the vicinity of Beauty Mountain. The property owners have a tract of land immediately adjacent to the park boundary. When the owners constructed a home on the tract, half was constructed on a portion of land within the boundary. The National Park Service purchased

the tract of land from another landowner after construction had already begun on the home. The bill proposes a fee simple land exchange in which a third of an acre would be exchanged for a third of an acre and the boundaries of the park would be modified to remedy this boundary issue.

COMMITTEE ACTION

H.R. 3858 was introduced on March 6, 2002 by Congressman Nick Rahall (D–WV) and was referred to the Committee on Resources. On March 12, 2002, the bill was referred within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands. On May 16, 2002, the Subcommittee held a hearing on the bill. On May 22, 2002, the Full Committee met to mark up the bill. By unanimous consent, the Subcommittee was discharged from further consideration. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

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 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. 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, June 13, 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. 3858, the New River Gorge Boundary Act of 2002.

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

Sincerely,

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

Enclosure.

H.R. 3858—New River Gorge Boundary Act of 2002

H.R. 3858 would modify the boundary of the New River Gorge National River to include an additional 1,962 acres. The bill also would allow the National Park Service (NPS) to exchange a small tract of land within this park unit's existing boundary for an adjacent tract of similar size.

Assuming appropriation of the necessary amounts, CBO estimates that implementing the bill would cost the federal government between $2 million and $3 million over the next few years, mostly to purchase land within the expanded boundary. (CBO expects that most of the new acreage would remain in its natural condition and would not require any development.) Finally, we estimate that the cost of carrying out the proposed land exchange and the annual expense of administering all of the new acreage would not be significant. This estimate is based on information provided by the NPS and local officials.

H.R. 3858 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The 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 (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 1101 OF THE NATIONAL PARKS AND RECREATION ACT OF 1978

SEC. 1101. For the purpose of conserving and interpreting outstanding natural, scenic, and historic values and objects in and around the New River Gorge and preserving as a free-flowing stream an important segment of the New River in West Virginia for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall establish and administer the New River Gorge National River. The Secretary shall administer, protect, and develop this national river in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented; except that any other statutory authority available to the Secretary for the preservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this title. The boundaries of the national river shall be as generally depicted on the drawing entitled "Proposed New River Gorge National River" numbered [NERI–80,028A, dated March 1996] *NERI 80,034, dated May 2001*, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

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