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Calendar No. 598

107TH CONGRESS, *2d Session* | SENATE | REPORT 107–279

SAN GABRIEL RIVER WATERSHEDS STUDY ACT

SEPTEMBER 13, 2002.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 1865]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1865) to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Lower Los Angles River and San Gabriel River watersheds in the State of California as a unit of the National Park System, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "San Gabriel River Watersheds Study Act of 2002".

SEC. 2. AUTHORIZATION OF STUDY.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary", in consultation with the Secretary of Agriculture and the Secretary of the Army, shall conduct a comprehensive resource study of the following areas:

(1) The San Gabriel River and its tributaries north of and including the city of Santa Fe Springs, and

(2) The San Gabriel Mountains within the territory of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (as defined in section 32603(c)(1)(C) of the State of California Public Resource Code).

(b) STUDY CONDUCT AND COMPLETION.—(1) The Secretary shall conduct a comprehensive evaluation of the area's natural and recreational resources to make recommendations for the future coordinated management, protection and enhancement of these resources and an analysis of the cost of each option. In addition, the study shall consider a system of greenways, scenic roadways, river and trail corridors linking communities within the area.

(2) The study shall be conducted in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) CONSULTATION WITH STATE AND LOCAL GOVERNMENTS.—In conducting the study authorized by this section, the Secretary shall consult with the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy and other appropriate State, county and local government entities.

(d) CONSIDERATIONS.—In conducting the study authorized by this section, the Secretary shall consider regional flood control and drainage needs and publicly owned infrastructure, including, but not limited to, wastewater treatment facilities.

SEC. 3. REPORT.

Not later than 3 years after funds are made available for this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report on the findings, conclusions, and recommendations of the study.

PURPOSE

The purpose of S. 1865, as ordered reported, is to authorize the Secretary of the Interior, in consultation with the Secretary of Agriculture and the Secretary of the Army, to study portions of the San Gabriel and lower Los Angeles rivers, and the San Gabriel Mountains in southern California, and provide recommendations for the future coordinated management, protection, and enhancement of these resources.

BACKGROUND AND NEED

S. 1865 directs a study of portions of the San Gabriel and lower Los Angeles rivers and the San Gabriel Mountains, an area that covers two counties (Los Angeles and Orange), approximately 16 cities, and several unincorporated communities. The area includes private land, State and municipal parks, U.S. Army Corps of Engineers facilities, and part of the Angeles National Forest. The headwaters for both the Los Angeles and San Gabriel Rivers are heavily forested, relatively pristine areas, although the lower portions of the two rivers have been channelized to reduce flooding impacts.

In 1999 the State of California created the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, within the California Resources Agency. The purpose of the Rivers and Mountains Convervancy is to develop a plan to manage the areas covered in S. 1865 to conserve urban open space, preserve existing habitat, provide for low-impact recreational and educational uses, restore wildlife and habtat, and improve water quality in the Lower Los Angeles River and San Gabriel River watersheds. The Rivers and Mountain Conservancy has been aided by over $90 million in State and local funding for the acquisition and restoration of lands along the two rivers.

The needs of this region, however, surpass the capabilities of the State and local governments. Even with the modifications that have been made to both of the rivers and their surrounding corridors, they provide important wildlife habitat, including habitat for about 50 endangered species, and provide biological links to the remaining habitat in the Angeles National Forest.

The area has a rich cultural heritage, including approximately 9 properties on the National Register of Historic Places within the study area boundaries and 96 properties on the California Register of Historic Places. In addition, the river corridors provide important recreational opportunities, with an estimated 8 million rec-

reational visits each year. Several successful efforts have been undertaken to provide bikeways and hiking along the rivers' banks.

S. 1865 would authorize the National Park Service to undertake a comprehensive study of the Lower Los Angeles River and San Gabriel River watersheds in consultation with the Secretary of Agriculture (Forest Service) and the Secretary of the Army (Army Corps of Engineers) and to make recommendations for appropriate management of the area. In addition to assessing the suitability and feasibility of possible designation as a unit of the National Park System, the study would examine other alternatives, including greenways, scenic roadways, and river and trail corridors.

LEGISLATIVE HISTORY

S. 1865 was introduced by Senator Boxer on December 20, 2001. The Subcommittee on National Parks held a hearing on S. 1865 on July 18, 2002. At the business meeting on July 31, 2002, the Committee on Energy and Natural Resources ordered S. 1865, as amended, favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 31, 2002, by a voice vote of a quorum present, recommends that the Senate pass S. 1865, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 1865, the Committee adopted a substitute amendment which made several clarifying and conforming changes. In addition, the amendment requires the Secretary of the Interior to conduct the study in consultation with the Secretary of Agriculture and the Secretary of the Army, to reflect the inclusion of lands managed by the Forest Service and the Army Corps of Engineers within the study area.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the short title as the "San Gabriel River Watersheds Study Act of 2002".

Section 2 directs the Secretary of the Interior, in consultation with the Secretary of Agriculture and the Secretary of the Army, to conduct a comprehensive resources study of the Lower Los Angeles River and San Gabriel River watersheds, sets forth requirements for conducting the study, consultation and considerations.

Section 3 provides that a report on the findings, conclusions, and recommendations of the study be submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives within 3 fiscal years from the date on which funds are made available.

COST AND BUDGETARY CONSIDERATION

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 12, 2002.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1865, the San Gabriel River Watersheds Study Act of 2002.

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

Sincerely,

ROBERT A. SUNSHINE
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1865—San Gabriel River Watersheds Study Act of 2002

S. 1865 would direct the Department of the Interior to study the natural and recreational resources of segments of the San Gabriel Mountains and the San Gabriel River and its tributaries. The study would evaluate options for future management and protection of the two areas. The bill would required the department to report its findings and recommendations within three years of receiving funding for the study.

Assuming the availability of appropriated funds, CBO estimates that it would cost less than $500,000 over the next three years to complete the required study and report. Enacting the bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 1865 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On July 31, 2002, CBO transmitted a cost estimate for H.R. 2534, the San Gabriel River Watershed Study Act of 2002, as ordered reported by the House Committee on Resources on July 24, 2002. H.R. 2534 and S. 1865 are very similar, and the estimated costs of the two pieces of legislation are identical.

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

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1865. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, is any, additional paperwork would result from the enactment of S. 1865, as ordered reported.

EXECUTIVE COMMUNICATIONS

On, July 30, 2002, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 1865. These reports had not been received at the time the report on S. 1865 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department's views on S. 1865, a bill to study the lower Los Angeles River and San Gabriel watersheds in the Los Angeles Basin. On June 13, 2002, the Department testified before the Subcommittee of National Parks, Recreation and Public Lands, of the House Committee on Resources, on an identical bill, H.R. 2534, which had been introduced by Congresswoman Hilda Solis.

The Department does not oppose the bill. However, the Department did not request additional funding for this study in Fiscal Year 2003. We believe that any funding requested should be directed towards completing previously authorized studies. Presently, there are 34 studies pending, of which we expect to transmit 4 to Congress by the end of 2002. To meet the President's Initiative to eliminate the deferred maintenance backlog, we must continue to focus our resources on caring for existing areas in the National Park System. Thus, we have concerns about adding new funding requirements for new park units, national trails, wild and scenic rivers or heritage areas at the same time that we are trying to reduce the deferred maintenance backlog. As such, the Department will identify all acquisition, one-time and operational costs of the proposed site. At this time, those costs are unknown.

In addition to S. 1865, Senator Feinstein has introduced S. 2571, a bill to evaluate and study the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of Santa Monica Mountains National Recreation Area. These bills affect nearly adjacent territories in the Los Angeles basin and affect nearly identical large constituencies. As any study would include a public involvement component, combining the planning effort to evaluate both areas would not only be less confusing to the public but also more cost-effective for the government. Since a study of the San Gabriel and Lower Los Angeles Rivers is estimated to cost approximately $500,000, there could be considerable efficiencies gained by combining and narrowing the focus of these two proposed studies.

While some familiar with the Lower Los Angeles River and San Gabriel River watersheds may think of them as concrete-lined ditches, the rivers provide an important op-

portunity for low-impact recreation for many urban residents in adjacent communities. Several successful efforts have already been undertaken to provide bikeways and hiking areas along the river's banks. Additionally, small tracts of green space have been acquired to provide outdoor recreation opportunities in the form of playgrounds for children, picnic areas, benches for rest and respite from the urban environment and for areas to walk and bicycle. Many areas have been replanted with a variety of native vegetation to enhance the local environment.

This study will assess habitat quality, access to urban open space, low-impact recreation and educational uses, wildlife and habitat restoration and protection and watershed improvements along the Los Angeles and San Gabriel watersheds as well as the Valley of the Rim corridor surrounding the San Fernando and La Crescenta Valleys. This latter corridor consists of portions of the Santa Monica Mountains, Santa Susanna Mountains, San Gabriel Mountains, Verdugo Mountains, San Rafael Hills and the connector to Los Padres and San Bernardino National Forests.

The National Park Service has some familiarity with the region and these watersheds. Our National Park Service Rivers and Trails Conservation Assistance Program continues to have interaction with communities along the Los Angeles River and has provided technical assistance for outdoor recreation potential. Additionally, the Santa Monica Mountains National Recreation Area protects for 153,750 acres while providing recreational opportunities for approximately 530,000 visitors annually.

The watershed of the Los Angeles and San Gabriel Rivers contains important natural resources, which are disappearing in Los Angeles County. The continuous greenbelt corridors serve as habitat for breeding, feeding, resting or migrating birds and mammals, while allowing migration to take place around and amongst the urban areas. The higher reaches of the watershed also contain significant examples of rock outcroppings, as well as native vegetation.

This area has a rich cultural heritage, which is evident by the approximately 9 properties within the boundaries of the study area on the National List of Historic Places and 96 properties on the state register of historic places. These properties weave a rich tapestry of the cultural history of the area and include Mission San Gabriel Archangel, the mission founded in 1771 by the Spanish missionaries who were moving up the coast of California; Mission San Fernando Rey de Espana, founded in 1797; Merced Theatre, the first building built expressly for theatrical purposes in Los Angeles, dating back to 1870; Lummis House, constructed by Charles F. Lummis, an author, editor, poet, athlete, librarian, historian and archeologist during his life from 1859–1928; Los Encinos State Historic Park, used as a headquarters by the Franciscan padres before they built Mission San Fernando; Angeles Flight Railway, which was

an incline railway built in 1901 to carry residents up the hill from the downtown shopping district; and Alvarado Terrace Historic District, which includes 12 buildings displaying prime examples of architecture and social history from 1900–1924.

The Los Angeles River and San Gabriel River watershed is adjacent to the Angeles National Forest and contains state, county and local parks within. The recreational experience would be heightened by the establishment of trail connections and linkages for the urban populations of Los Angeles, as well as for visitors. These connections would also allow users to leave the populated areas and connect to the prime natural areas in the region. These trails would be used for hiking, mountain biking, nature study and bird watching.

A study will outline public-private partnerships, which are core to preserving large tracts of open space such as are included in this study. The San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) was established as an independent State agency within the Resources Agency of the State of California in 1999. It was established to preserve urban space and habitats in order to provide for low-impact recreation and educational uses, wildlife and habitat restoration and protection and watershed improvements. The RMC has brought diverse groups together to work in partnership to protect the precious resources within these two watersheds.

Any study that is undertaken along the San Gabriel and Lower Los Angeles Rivers will involve extensive public meetings, extended comment periods and more complex analyses because issues and options in a large, urban area with such a diverse and extensive group of stakeholders at all levels of government would be considered.

This concludes my testimony. Thank you for the opportunity to discuss this issue and I would be willing to answer any questions you may have on this issue.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1865, as ordered reported.

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