

CAHABA RIVER NATIONAL WILDLIFE REFUGE  
ESTABLISHMENT ACT

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JULY 10, 2000.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

REPORT

[To accompany H.R. 4286]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4286) to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama, 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 out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Cahaba River National Wildlife Refuge Establishment Act”.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) The Cahaba River in Alabama is recognized nationally for its unique biological diversity which includes providing habitat for 131 species of fish (more than any other river its size in North America).

(2) The Cahaba River is home to 64 rare and imperiled species of aquatic plants and animals, including fishes, freshwater turtles, mussels, and snails.

(3) The Cahaba River is home to 12 species of fish, mussels, and snails listed as endangered or threatened species.

(4) The Cahaba River is home to 6 terrestrial species of plants and animals listed as endangered or threatened species.

(5) The Cahaba River harbors the largest population in the world of the imperiled shoals lily, known locally as the Cahaba Lily.

(6) The Cahaba River watershed contains extremely rare plant communities that are home to 8 species of plants previously unknown to science and a total of 69 rare and imperiled species of plants.

(7) The Cahaba River is home to at least a dozen endemic aquatic animals that are found nowhere else in the world.

(8) The Cahaba River is the longest remaining free-flowing river in Alabama, flowing through 5 counties in central Alabama.

(9) The Cahaba River is recognized as an Outstanding Alabama Water by the Alabama Department of Environmental Management.

(10) The Cahaba River has high recreational value for hunters, anglers, bird-watchers, canoeists, nature photographers, and others.

(11) The Cahaba River Watershed supports large populations of certain game species, including deer, turkey, and various species of ducks.

(12) The Cahaba River area is deserving of inclusion in the National Wildlife Refuge System.

### SEC. 3. DEFINITIONS.

In this Act:

(1) REFUGE.—The term “Refuge” means the Cahaba River National Wildlife Refuge established by section 4(a).

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

### SEC. 4. ESTABLISHMENT OF REFUGE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in Bibb County, Alabama, the Cahaba National Wildlife Refuge, consisting of approximately 3,500 acres of Federal lands and waters, and interests in lands and waters, within the boundaries depicted upon the map entitled “Cahaba River National Wildlife Refuge—Proposed”, dated April 10, 2000.

(2) BOUNDARY REVISIONS.—The Secretary may make such minor revisions of the boundaries of the Refuge as may be appropriate to carry out the purposes of the Refuge or to facilitate the acquisition of property within the Refuge.

(3) AVAILABILITY OF MAP.—The Secretary shall keep the map referred to in paragraph (1) available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) EFFECTIVE DATE.—The establishment of the Refuge under paragraph (1) of subsection (a) shall take effect on the date the Secretary publishes, in the Federal Register and publications of local circulation in the vicinity of the area within the boundaries referred to in that paragraph, a notice that sufficient property has been acquired by the United States within those boundaries to constitute an area that can be efficiently managed as a National Wildlife Refuge.

### SEC. 5. ACQUISITION OF LANDS AND WATERS.

(a) IN GENERAL.—The Secretary, subject to the availability of appropriations, may acquire up to 3,500 acres of lands and waters, or interests therein, within the boundaries of the Refuge described in section 4(a)(1).

(b) INCLUSION IN REFUGE.—Any lands, waters, or interests acquired by the Secretary under this section shall be part of the Refuge.

### SEC. 6. ADMINISTRATION.

In administering the Refuge, the Secretary shall—

(1) conserve, enhance, and restore the native aquatic and terrestrial community characteristics of the Cahaba River (including associated fish, wildlife, and plant species);

(2) conserve, enhance, and restore habitat to maintain and assist in the recovery of animals and plants that are listed under the Endangered Species Act of 1973 (16 U.S.C. 1331 et seq.);

(3) in providing opportunities for compatible fish- and wildlife-oriented recreation, ensure that hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the priority general public uses of the Refuge, in accordance with section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4)); and

(4) encourage the use of volunteers and to facilitate partnerships among the United States Fish and Wildlife Service, local communities, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the Cahaba River National Wildlife Refuge and the National Wildlife Refuge System and public participation in the conservation of those resources.

### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) such funds as may be necessary for the acquisition of lands and waters within the boundaries of the Refuge; and

(2) such funds as may be necessary for the development, operation, and maintenance of the Refuge.

## PURPOSE OF THE BILL

The purpose of H.R. 4286 is to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama.

## BACKGROUND AND NEED FOR LEGISLATION

The Cahaba River watershed is located between the cities of Birmingham and Tuscaloosa in Alabama. It affects five counties in central Alabama including Bibb, Dallas, Jefferson, Perry and Shelby. The Cahaba is the longest free-flowing river in Alabama and it may have the greatest concentration of fish biodiversity per mile for any river in the United States. The Cahaba River, which has no dams in its final 151 miles south of Birmingham, is one of the few rivers that has sustained much of its plant and aquatic life.

This watershed provides essential habitat for 69 rare and imperiled species and 131 species of fish, which is more than any river of its size in North America. There are 13 species found nowhere else in the world but the Cahaba River. Of these, 11 are snails and two are fish, including the endangered Cahaba Shiner. Furthermore, there are 32 aquatic animal and plant species that are protected under the Endangered Species Act. Those listed species include 17 mussels, 10 fish, two turtles, two plants and one snail. Specifically, the Alabama Sturgeon, the Tulotoma Snail and the Aster Georgiannus are federally protected.

Within the 1,870 square mile watershed, there are 12 major tributaries and more species of fresh water fish that are found in the entire state of California. This region also supports healthy populations of certain game species such as white-tailed deer, wild turkeys and wood ducks. Bald eagles, ospreys and many species of neotropical migratory songbirds are frequently seen along the river, and the adjacent woodland tracts provides essentially nesting habitat for these birds.

H.R. 4286 will establish the Cahaba River National Wildlife Refuge. Under the terms of the legislation, the Secretary of the Interior shall administer the refuge to: conserve, enhance and restore the native aquatic and terrestrial community characteristics of the Cahaba River; conserve, enhance and restore habitat to maintain and assist in the recovery of animals and plants listed under the Endangered Species Act of 1973; provide opportunities for compatible fish and wildlife oriented recreation that ensures that hunting, fishing, wildlife observation and photography and environmental education and interpretation are the priority general public users of the refuge; and encourage the use of volunteers and partnerships to promote the public awareness of the Cahaba River National Wildlife Refuge.

The bill directs the Secretary of the Interior to acquire, by purchase or donation, property that will form the basis of the proposed Cahaba River National Wildlife Refuge. Prior to the introduction of the bill, an agreement was reached between the Nature Conservancy, the U.S. Alliance Coosa Pines, private property owners, county, state and federal officials that only those landowners who were willing to sell their property were to be included within the geographical boundaries of the proposed refuge. The bill authorizes such sums as are necessary to acquire the appropriate land and

water, and for the development, operation and maintenance of the refuge.

#### COMMITTEE ACTION

H.R. 4286 was introduced on April 13, 2000, by Congressman Spencer Bachus (R-AL). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans.

On June 20, 2000, the Subcommittee held a hearing on H.R. 4286. On June 20, 2000, after the hearing, the Subcommittee met to mark up the bill. Subcommittee Chairman Jim Saxton (R-NJ) offered an amendment in the nature of a substitute that made a number of technical and clarifying changes. The amendment was adopted by voice vote. The bill, as amended, was reported favorably to the full Resource Committee by voice vote.

On June 28, 2000, the full Resource Committee met to consider the bill. No further amendments were offered and 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 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. *Government Reform Oversight Findings.* Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

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, July 6, 2000.*

Hon. DON YOUNG,  
*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. 4286, the Cahaba River National Wildlife Refuge Establishment Act.

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. 4286—Cahaba River National Wildlife Refuge Establishment Act*

H.R. 4286 would establish the Cahaba River National Wildlife Refuge in Alabama, effective on the date that the U.S. Fish and Wildlife Service (USFWS) determines that it has acquired enough land within the proposed refuge boundary to be managed efficiently. The bill would authorize the agency to acquire land, water, and related interests within the proposed 3,500-acre refuge. In addition to managing this acreage, the agency would restore native species and habitat and provide opportunities for recreational uses such as hunting and fishing. For the purposes of acquiring, developing, and operating the refuge, the bill would authorize the appropriation of whatever sums are necessary.

Assuming appropriation of the necessary amounts, and based on information provided by the USFWS, CBO estimates that it would cost about \$7 million over the next three or four years to acquire and restore all of the acreage for the new refuge. After the refuge has been established, we estimate that the agency would spend about \$600,000 annually to operate it and to make payments to local governments under the Refuge Revenue Sharing Act, assuming availability of the necessary amounts.

H.R. 4286 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. 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

If enacted, this bill would make no changes in existing law.

