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CARIBBEAN NATIONAL FOREST ACT OF 2005

MARCH 10, 2005.—Ordered to be printed

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

R E P O R T

[To accompany S. 272]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 272) to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, having considered the same, reports favorably thereon with amendments and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, line 2, strike "2004" and insert "2004,".
2. On page 2, line 10, strike "1113" and insert "1131".
3. On page 2, lines 13 and 14, strike "described in" and insert "as generally depicted on".
4. On page 2, line 21, strike "described in" and insert "generally depicted on".
5. Amend the title so as to read: "A bill to designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System.".

PURPOSE OF THE MEASURE

The purpose of S. 272 is to designate approximately 10,000 acres of the Caribbean National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System.

BACKGROUND AND NEED

The Caribbean National Forest (CNF) has long been recognized as a special area that is worthy of protection. The Spanish Crown

proclaimed much of the current CNF as a forest reserve in 1824. One hundred years ago, President Theodore Roosevelt reasserted the protection of the CNF. The CNF has the largest number of species of native trees (with 240) in the National Forest System. It contains 50 varieties of orchids and over 150 species of ferns. The area is also rich in wildlife with over 100 species of vertebrates, including the severely endangered Puerto Rican parrot.

The El Toro Wilderness would be the only tropical forest Wilderness in the National Forest System and the first Wilderness in Puerto Rico. Wilderness designation will ensure that the forest home to these species will remain protected. It also will protect the major watersheds in the CNF which provide water to over 800,000 residents. The designation will enhance protections for the endangered Puerto Rican parrot and permit recovery efforts to continue.

LEGISLATIVE HISTORY

S. 272 was introduced by Senator Clinton for herself and Senator Schumer on February 3, 2005. An identical bill (S. 2334) was introduced by Senator Clinton for herself and Senator Schumer in the 108th Congress. The Subcommittee on Public Lands and Forests held a hearing on July 21, 2004 (S. Hrg. 108–714). The Committee favorably reported S. 2334, without amendment, by a unanimous voice vote of a quorum present, on September 28, 2004 (S. Rept. 108–368). The Senate passed S. 2334 without amendment on October 10, 2004. At its business meeting on February 16, 2005, the Committee on Energy and Natural Resources ordered S. 272 favorably reported, with amendments.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on February 16, 2004, by a voice vote of a quorum present, recommends that the Senate pass S. 272, if amended as described herein.

COMMITTEE AMENDMENTS

During the consideration of S. 272, the Committee adopted several technical and clarifying amendments.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title.

Section 2 defines key terms.

Section 3 designates approximately 10,000 acres of the CNF as the El Toro Wilderness and directs the Secretary of Agriculture to manage the area in accordance to the Wilderness Act of 1964 (16 U.S.C. 1131), subject to valid existing rights. Subsection (d) provides that nothing in the bill precludes the installation and maintenance of certain data collection and remote transmission facilities where the Secretary determines they are essential to the scientific research purposes of the Luquillo Experimental Forest.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

S. 272—Caribbean National Forest Act of 2005

CBO estimates that enacting S. 272 would have no significant impact on the federal budget. Enacting the bill would not affect direct spending or revenues. S. 272 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.

S. 272 would designate as wilderness approximately 10,000 acres of land within the Caribbean National Forest/Luquillo Experimental Forest, located in Puerto Rico. Based on information obtained from the Forest Service, CBO estimates that designating that area as wilderness would not significantly affect the agency's costs to manage it. We also estimate that the proposed designation would have no impact on offsetting receipts from programs to develop federally owned natural resources.

The CBO staff contacts for this estimate are Megan Carroll and Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant 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. 272.

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, if any, additional paperwork would result from the enactment of S. 272.

EXECUTIVE COMMUNICATIONS

The views of the Administration on S. 2334 in the 108th Congress were included in testimony received by the Committee at a hearing on the bill on July 21, 2004, as follows:

STATEMENT OF MARK REY, NATIONAL FOREST SYSTEM, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

> Mr. Chairman, thank you for the opportunity to appear before you today to provide the Department's views on . . . S. 2334 to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System . . .
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> * * * * * * *
>
> S. 2334 would designate approximately 10,000 acres of land in the Caribbean National Forest/Luquillo Experimental Forest in the Commonwealth of Puerto Rico as the El Toro Wilderness and as a component of the National Wilderness Preservation System. The Department supports S. 2334.
>
> The bill would provide that designation of the Wilderness shall not preclude within the area's boundaries: in-

stallation and maintenance of hydrologic, meteorological, climatological, or atmospheric data collection and transmission facilities when they are essential to the scientific research purposes of the Luquillo Experimental Forest.

The Caribbean National Forest encompasses over 28,000 acres of land, making it the largest block of public land on the island of Puerto Rico. The Forest, locally known as El Yunque, is one of the most popular recreation sites in Puerto Rico and the National Forest System. Almost a million tourists, from Puerto Rico, the U.S. mainland, and abroad experience this tropical rain forest environment each year.

It is the only tropical rain forest in the National Forest System and the most accessible in the world. It is also home to the Puerto Rican parrot, one of the 10 most endangered birds in the world, and nearly 240 species of trees and 120 terrestrial animals—four of which are also listed as endangered species.

The 1997 revised Land and Resource Management Plan for the Caribbean National Forest/Luquillo Experimental Forest recommended wilderness designation for the 10,000-acre El Toro area. We believe the designation of the El Toro Wilderness would enhance the area's solitude, scenery and pristine qualities of the area. The El Toro Wilderness would become the only tropical forest in the National Forest Wilderness System and the only wilderness area in Puerto Rico.

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. 272 as ordered reported.

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