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REPORT
109–587

CAHABA RIVER NATIONAL WILDLIFE REFUGE EXPANSION ACT

JULY 20, 2006.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 4947]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4947) to expand the boundaries of the Cahaba River National Wildlife Refuge, 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 "Cahaba River National Wildlife Refuge Expansion Act".

SEC 2 DEFINITIONS.

In this Act:

(1) REFUGE.—The term "Refuge" means the Cahaba River National Wildlife Refuge and the lands and waters in such refuge in Bibb County, Alabama, as established by the Cahaba River National Wildlife Refuge Establishment Act (Public Law 106–331).

(2) SECRETRY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. EXPANSION OF BOUNDARIES.

(a) EXPANSION.—The boundaries of the Refuge are expanded to include land and water in Bibb County, Alabama, depicted as "Proposed National Wildlife Refuge Expansion Boundary" on the map entitled "Cahaba River NWR Expansion" and dated March 14, 2006.

(b) AVAILABILITY OF MAP.—The Secretary shall make the map referred to in subsection (a) available for inspection in appropriate offices of the United States Fish and Wildlife Service.

SEC. 4. ACQUISITION OF LAND AND WATER IN EXPANDED BOUNDARIES.

(a) IN GENERAL.—Subject to subsection (b), the Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange the land and water, and interests in land and water (including conservation easements), with the boundaries of the Refuge as expanded by this Act.

(b) MANNER OF ACQUISITION.—All acquisitions of land or waters under this section shall be made in a voluntary manner and shall not be the result of forced takings.

(c) INCLUSION IN REFUGE; ADMINISTRATION.—Any land, water, or interest acquired by the Secretary under this section—

(1) shall be part of the Refuge; and

(2) shall be administered by the Secretary in accordance with—

(A) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.);

(B) the Cahaba River National Wildlife Refuge Establishment Act; and

(C) this Act.

PURPOSE OF THE BILL

The purpose of H.R. 4947 is to expand the boundaries of the Cahaba River National Wildlife Refuge, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The National Wildlife Refuge System is comprised of federal lands that have been acquired or reserved for the conservation of fish and wildlife. Totaling about 95 million acres, the System provides habitat for hundreds of fish and wildlife species. The System is also designed to offer priority public wildlife-dependent uses for compatible hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

The Cahaba River National Wildlife Refuge was legislatively created with the enactment of Public Law 106–331. The Secretary of the Interior was directed to acquire by purchase or donation approximately 3,800 acres of land and adjacent waters for inclusion within the Refuge which was officially established on September 25, 2002. To date, the U.S. Fish and Wildlife Service has acquired title to 3,414 acres of land at a cost of $5,680,418. In each case, the property was acquired from a willing seller and the money to finance the purchase was obtained from the Land and Water Conservation Fund.

The Cahaba River watershed is located between the cities of Birmingham and Tuscaloosa in Alabama and affects five counties in central Alabama. The River 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. The Cahaba River has been recognized as an Out-

standing Alabama Waterway by the Alabama Department of Environmental Management. This watershed is home to 12 aquatic animal species listed as endangered or threatened under the Endangered Species Act and the largest population of the imperiled Cahaba Lily. It also provides habitat for 64 rare and threatened species and 131 species of fish—more than any river of its size in North America.

Under the terms of H.R. 4947, the Secretary of the Interior would be authorized to acquire up to 3,600 acres of additional lands and waters, or interests therein, for inclusion within the boundaries of the Refuge. The Secretary would manage the expanded Refuge to conserve, enhance and restore the native aquatic and terrestrial community characteristics of the Cahaba River. In addition, the bill stipulates that all acquisitions of land or water shall be made in a voluntary manner and shall not be the result of forced takings.

COMMITTEE ACTION

H.R. 4947 was introduced on March 14, 2006, by Congressman Spencer Baucus (R–AL). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries and Oceans. On May 10, 2006, the Subcommittee held a hearing on the bill. On June 21, 2006, the Full Resources Committee met to consider the bill. The Subcommittee on Fisheries and Oceans was discharged from further consideration of the bill by unanimous consent. Chairman Richard W. Pombo (R–CA) offered an amendment in the nature of a substitute that clarified that the map entitled "Cahaba River NWR Expansion" is dated March 14, 2006. It was adopted by unanimous consent. The bill, as amended, was then 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, clause 3 and Article IV, section 3, clause 2 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:

H.R. 4947—Cahaba River National Wildlife Refuge Expansion Act

H.R. 4947 would expand the boundary of the Cahaba River National Wildlife Refuge in Alabama to include an additional 3,600 acres. The bill would authorize the U.S. Fish and Wildlife Service (USFWS) to acquire the added acreage by donation, purchase, or exchange. Based on information obtained from the USFWS and assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 4947 would cost about $6 million. Most of this amount would be used by the agency to purchase land from private property owners and nonprofit organizations over the next five to seven years. Enacting the bill would not affect direct spending or revenues.

The legislation 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 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.

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