

CHERRY VALLEY NATIONAL WILDLIFE REFUGE STUDY  
ACT

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JULY 10, 2006.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 5232]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 5232) to direct the Secretary of the Interior to initiate and complete an evaluation of lands and waters located in Northeastern Pennsylvania for their potential acquisition and inclusion in a future Cherry Valley National Wildlife Refuge, and for other purposes, 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. 5232 is to direct the Secretary of the Interior to initiate and complete an evaluation of lands and waters located in Northeastern Pennsylvania for their potential acquisition and inclusion in a future Cherry Valley 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.

Cherry Valley is located in northeastern Pennsylvania in Monroe County. It is a small limestone valley and watershed that drains

into the Delaware River. The Cherry Creek watershed covers 13,314 acres or 20.8 square miles. The topography of this region is comprised of hillside seeps, limestone fen wetlands and a bat hibernaculum. Due to its location on the Kittatinny Ridge, it is considered a prime North American bird migration corridor for raptors such as bald eagles, golden eagles and broad-winged hawks.

According to the Fish and Wildlife Service, there are six listed federal species that reside in Cherry Valley including the bog turtle, the bald eagle and the Indiana bat. The Valley provides habitat for nearly 80 species of national and regional concern including the Cerulean warbler, Wood Thrush, American Black Duck and spreading globeflower. The idea of creating the Cherry Valley National Wildlife Refuge has been endorsed by a number of locally elected organizations and the Nature Conservancy and the Pocono Heritage Land Trust have protected 628 acres of critical habitat and buffer lands in Cherry Valley. The total cost for this land was \$2.3 million.

Under the terms of H.R. 5232, the Secretary of the Interior is authorized to evaluate the fish and wildlife habitat and aquatic and terrestrial communities as identified in a February 24, 2005, map for potential inclusion within a new national wildlife refuge. The Secretary of the Interior is also directed to consult with appropriate State and local officials, private conservation organizations and other interested parties. This study is to be initiated within 30 days after enactment of the legislation.

Within 12 months, the Secretary shall submit a report to the House Resources Committee and the Senate Environment and Public Works Committee. This report should include an identification of priority lands, waters and interests for possible acquisition, an assessment of the conservation benefits of creating a national wildlife refuge, a federal cost estimate for any land acquisition, an estimate of potentially available funds from non-federal sources and an acquisition boundary for a Cherry Valley National Wildlife Refuge that may not exceed 30,000 acres. The legislation authorizes an appropriation of \$200,000 to complete this study.

#### COMMITTEE ACTION

H.R. 5232 was introduced on April 27, 2006, by Congressman Paul E. Kanjorski (D-PA). 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. 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 IV, section 3, clause 2 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. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to direct the Secretary of the Interior to initiate and complete an evaluation of lands and waters located in Northeastern Pennsylvania for their potential acquisition and inclusion in a future Cherry Valley National Wildlife Refuge, and for other purposes.

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. 5232—Cherry Valley National Wildlife Refuge Study Act*

H.R. 5232 would direct the Secretary of the Interior to conduct a study of the Cherry Valley area of Pennsylvania to determine whether the area is suitable for a national wildlife refuge. The study would include an assessment of fish and wildlife habitat over approximately 30,000 acres in the northeastern part of the state. Under the bill, the department would transmit to Congress a report of its findings, along with a map delineating a possible refuge boundary and an estimate of the costs of acquiring land within that boundary, within 12 months of the bill's enactment. For these purposes, the bill would authorize the appropriation of \$200,000.

Assuming appropriation of the authorized amount, CBO estimates that the U.S. Fish and Wildlife Service would spend \$200,000 during fiscal year 2007 to complete the study and report required by H.R. 5232. We estimate that enacting the bill would have no effect on revenues or direct spending.

H.R. 5232 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.

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.

