

RIVER PADDLING PROTECTION ACT

FEBRUARY 28, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 3492]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3492) to provide for the use of hand-propelled vessels in Yellowstone National Park, Grand Teton National Park, and the National Elk 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 “River Paddling Protection Act”.

SEC. 2. REGULATIONS SUPERSEDED.

(a) IN GENERAL.—The rivers and streams of Yellowstone National Park and Grand Teton National Park shall be open to hand-propelled vessels as determined by the director of the National Park Service within 3 years of the date of enactment of this Act. Beginning on the date that is 3 years after the date of enactment of this Act, the following regulations shall have no the force or effect regarding closing rivers and streams of Yellowstone National Park and Grand Teton National Park to hand-propelled vessels:

(1) Section 7.13(d)(4)(ii) of title 36, Code of Federal Regulations, regarding vessels on streams and rivers in Yellowstone National Park.

(2) Section 7.22(e)(3) of title 36, Code of Federal Regulations, regarding vessels on lakes and rivers in Grand Teton National Park.

(b) COORDINATION OF RECREATIONAL USE.—The Fish and Wildlife Service shall coordinate any recreational use of hand-propelled vessels on the Gros Ventre River within the National Elk Refuge with Grand Teton National Park to ensure such use is consistent with the requirements of the National Wildlife Refuge Administration Act.

PURPOSE OF THE BILL

The purpose of H.R. 3492 is to provide for the use of hand-propelled vessels in Yellowstone National Park, Grand Teton National Park, and the National Elk Refuge.

BACKGROUND AND NEED FOR LEGISLATION

The rivers and streams of Yellowstone National Park were closed to paddling on the opening day of fishing season in 1950 to reduce fishing pressure exerted on park waters during the post-war period. In 1962 Grand Teton National Park implemented a similar policy prohibiting paddling on all park rivers and streams except the Snake River and the stream connecting Bearpaw Lake and Jackson Lake.

Each park policy was codified in federal regulations which are now over 50 years old, and numerous Americans have been subjected to arrest and fines for paddling these rivers. The National Park Service (NPS) has other common management tools to prevent overfishing, rendering the original purpose of the paddling closures and the regulations moot.

Paddling is typically considered an appropriate activity in National Parks and other protected federal lands, and is typically managed commensurate with other similar forms of recreation. H.R. 3492 restores flexible management discretion to the NPS. Opening the rivers to paddling would encourage the NPS to actively manage paddling as an appropriate and sustainable activity.

COMMITTEE ACTION

H.R. 3492 was introduced on November 14, 2013, by Congresswoman Cynthia M. Lummis (R-WY). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittees on Public Lands and Environmental Regulation and Fisheries, Wildlife, Oceans, and Insular Affairs. On November 21, 2013, the Subcommittee on Public Lands and Environmental Regulation held a hearing on the bill. On January 28, 2014, the Natural Resources Committee met to consider the bill. The Subcommittees on Public Lands and Environmental Regulation and Fisheries, Wildlife, Oceans, and Insular Affairs were discharged by unanimous consent. Congresswoman Lummis offered an amendment designated .029 to the bill; the amendment was adopted by unanimous consent. The bill as amended was then adopted and 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 Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(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. 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:

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H.R. 3492 would nullify, within three years of the bill's enactment, existing regulations prohibiting hand-propelled vessels on streams and rivers in the Yellowstone and Grand Teton National Parks in the states of Wyoming, Montana, and Idaho. The legislation also would direct the Fish and Wildlife Service to coordinate the use of hand-propelled vessels on the Gros Ventre River within the National Elk Refuge in Wyoming. Under existing regulations, the National Park Service (NPS) has prohibited boating on five of the 168 lakes in Yellowstone National Park and a 1,000-foot section of the Snake River in Grand Teton National Park.

Based on information provided by the Department of the Interior, CBO estimates that implementing H.R. 3492 would cost about \$4 million over the 2014–2019 period, subject to the availability of appropriated funds. In the absence of existing regulations, NPS would need to promulgate new regulations concerning the affected streams and rivers and conduct environmental and feasibility studies. Additionally, NPS operating costs would increase to manage boating on the streams and rivers opened by the legislation. Enacting H.R. 3492 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 3492 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of 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. CBO estimates that implementing H.R. 3492 would cost about \$4 million over the 2014–2019 period, subject to the availability of appropriated funds. Enacting H.R. 3492 would not affect direct spending or revenues.

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 provide for the use of hand-propelled vessels in Yellowstone National Park, Grand Teton National Park, and the National Elk Refuge.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

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.

