

WILSON CREEK, NORTH CAROLINA, NATIONAL SCENIC  
RIVER

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FEBRUARY 29, 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

R E P O R T

[To accompany H.R. 1749]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1749) to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System, 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. DESIGNATION OF WILSON CREEK IN NORTH CAROLINA AS A WILD, SCENIC, AND RECREATIONAL RIVER.**

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

“(161) WILSON CREEK, NORTH CAROLINA.—(A) The 23.3 mile segment of Wilson Creek in the State of North Carolina from its headwaters to its confluence with Johns River, to be administered by the Secretary of Agriculture in the following classifications:

“(i) The 2.9 mile segment from its headwaters below Calloway Peak downstream to the confluence of Little Wilson Creek, as a scenic river.

“(ii) The 4.6 segment from Little Wilson Creek downstream to the confluence of Crusher Branch, as a wild river.

“(iii) The 15.8 segment from Crusher Branch downstream to the confluence of Johns River, as a recreational river.

“(B) The Forest Service or any other agency of the Federal Government may not undertake condemnation proceedings for the purpose of acquiring public right-of-way or access to Wilson Creek against the private property of T. Henry Wilson, Jr., or his heirs or assigns, located in Avery County, North Carolina (within the area 36°, 4 min., 21 sec. North 81°, 47 min., 37° West and 36°, 3 min., 13 sec. North

and 81° 45 min. 55 sec. West), in the area of Wilson Creek designated as a wild river.”.

#### PURPOSE OF THE BILL

The purpose of H.R. 1749 is to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System.

#### BACKGROUND AND NEED FOR LEGISLATION

Wilson Creek in North Carolina is a 23.3 mile free-flowing mountain stream that starts on Calloway Peak near Grandfather Mountain and empties into Johns River. It is home to a multitude of fish species and plant life, and serves as habitat for thousands of animals which live along its banks.

In 1990, the Forest Service began conducting a study to determine eligibility of Wilson Creek as a potential component of the National Scenic and Rivers System. The result was that Wilson Creek was eligible and suitable as a wild and scenic river “based on its outstanding remarkable scenic, recreational, geologic, fishery, botanical, historical, and cultural values.”

There is a great deal of local support. Both the Avery and Caldwell County Commissioners have formally approved a resolution in support of the designation for Wilson Creek. Congressional action is required for a Wild and Scenic River designation.

#### COMMITTEE ACTION

H.R. 1749 was introduced on May 11, 1999, by Congressman Cass Ballenger (R-NC). The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on Forests and Forest Health. The Subcommittee held a hearing on August 3, 1999, where Mr. Ballenger and the U.S. Forest Service testified in support of the bill. On November 2, 1999, the Subcommittee met to consider the bill. Chairman Helen Chenoweth-Hage (R-ID) offered an amendment to correct the name of an individual mentioned in the bill. The amendment was adopted by voice vote, and the bill, as amended, was favorably reported to the Full Committee on Resources by voice vote. On February 16, 2000, the Full Committee met to consider the bill. No further amendments were offered and the bill, as amended, was 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. At the time of filing this report, the Committee on Resources had not received a cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974; the Committee will print the cost estimate in the Congressional Record when it becomes available. The Committee believes that enactment of the bill will entail no costs and that it will have no effect on the federal budget as a whole.

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.

## 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 MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

**SECTION 3 OF THE WILD AND SCENIC RIVERS ACT**

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) \* \* \*

\* \* \* \* \*

*(161) WILSON CREEK, NORTH CAROLINA.—(A) The 23.3 mile segment of Wilson Creek in the State of North Carolina from its headwaters to its confluence with Johns River, to be administered by the Secretary of Agriculture in the following classifications:*

*(i) The 2.9 mile segment from its headwaters below Calloway Peak downstream to the confluence of Little Wilson Creek, as a scenic river.*

*(ii) The 4.6 segment from Little Wilson Creek downstream to the confluence of Crusher Branch, as a wild river.*

*(iii) The 15.8 segment from Crusher Branch downstream to the confluence of Johns River, as a recreational river.*

*(B) The Forest Service or any other agency of the Federal Government may not undertake condemnation proceedings for the purpose of acquiring public right-of-way or access to Wilson Creek against the private property of T. Henry Wilson, Jr., or his heirs or assigns, located in Avery County, North Carolina (within the area 36°, 4 min., 21 sec. North 81°, 47 min., 37° West and 36°, 3 min., 13 sec. North and 81° 45 min. 55 sec. West), in the area of Wilson Creek designated as a wild river.*