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SAN GABRIEL RIVER WATERSHED STUDY ACT

JUNE 9, 2003.—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 H.R. 519]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 519) to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 519 is to direct the Secretary of the Interior, in consultation with other management and government entities, to conduct a special resource study of portions of the San Gabriel River and its tributaries, and the San Gabriel Mountains in southern California, and provide recommendations for the future coordinated management, protection, and enhancement of these resources.

BACKGROUND AND NEED

H.R. 519 directs a special resource study of portions of the San Gabriel River and the San Gabriel Mountains to determine whether they meet the criteria for addition to the National Park System, and offer alternative recommendations for their protection. The San Gabriel River Watershed runs south from the San Gabriel Mountains through a heavily urbanized part of Los Angeles County.

The study area includes the San Gabriel River and its tributaries north of Santa Fe Springs, and a portion of the San Gabriel Mountains that lies within the jurisdiction of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy. The study would assess low-impact recreation and educational uses, access to urban

open space, habitat quality, wildlife and habitat restoration and protection, and watershed improvements within that area.

The watershed of the San Gabriel River contains important natural resources, which are disappearing throughout Los Angeles County. Continuous greenbelt corridors provided by the river serve as habitat for breeding, feeding, resting or migrating birds and mammals, which allows migration to take place through developed areas.

The area has a rich cultural heritage, which is evident by the large number of historically significant properties within the proposed study area. Among them is the Mission San Gabriel Archangel, founded in 1771 by the Spanish missionaries who were moving up the coast of California.

In addition, the river corridors provide important recreational opportunities, with an estimated 8 million recreational visits each year. The study will look at opportunities for establishing recreational trails between the natural areas and the communities in the region.

LEGISLATIVE HISTORY

H.R. 519 was introduced by Representative Solis on January 31, 2003 and passed the House of Representatives by a voice vote on March 19, 2003. Companion legislation, S. 630, was introduced by Senator Boxer on March 17, 2003. The Subcommittee on National Parks held a hearing on H.R. 519 and S. 630 on May 13, 2003. During the 107th Congress, the Committee reported a similar measure, S. 1865. The text of S. 1865 was included as an amendment to S. 941, which was passed by the Senate on November 19, 2002.

At the business meeting on May 21, 2003, the Committee on Energy and Natural Resources ordered H.R. 519 favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 21, 2003, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 519 as described herein.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the title as the "San Gabriel River Watershed Study Act".

Section 2(a) directs the Secretary of the Interior to conduct a special resource study of the San Gabriel River and tributaries north of Santa Fe Springs and certain portions of the San Gabriel Mountains.

Subsection (b) states that section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) shall apply to the conduct and completion of the study.

Subsection (c) directs the Secretary of the Interior to conduct the study in consultation with the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy and other Federal, State and local government entities.

Subsection (d) identifies considerations in conducting the study and its self explanatory.

Section 3 provides that a report on the findings, conclusions, and recommendations of the study be submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives within 3 fiscal years from the date on which funds are made available.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 27, 2003.

Hon. PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 519, the San Gabriel River Watersheds Study Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 519—San Gabriel River Watersheds Study Act

H.R. 519 would direct the Department of the Interior to conduct a special resource study of the San Gabriel Mountains and the San Gabriel River and its tributaries. The act would direct the department to specifically consider the flood control, drainage, and wastewater treatment needs of the region. H.R. 519 would require the department to report its findings and recommendations within three years of receiving funding for the study.

Assuming the availability of appropriated funds, CBO estimates that it would cost less than \$500,000 over the next three years to complete the required study and report. Enacting this legislation would not affect direct spending or revenues.

H.R. 519 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. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director 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 H.R. 519. 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 H.R. 519, as ordered reported.

EXECUTIVE COMMUNICATIONS

On, May 12, 2003, the Committee on Energy and Natural Resources requested legislative reports from the Department of Interior and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 519. These reports had not been received at the time the report on H.R. 519 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF SUE MASICA, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department's views on S. 630 and H.R. 519. These bills, which are virtually identical, would authorize the Secretary of the Interior to conduct a special resource study of the San Gabriel river Watershed in Southern California. H.R. 519 passed the House on March 19, 2003.

Special resource studies assess resources in the study area, determine whether they meet the criteria for addition to the National Park System, and offer alternative recommendations for their protection. S. 630 and H.R. 519 would authorize the study of the San Gabriel River Watershed, which runs south from the San Gabriel Mountains through a heavily urbanized part of Los Angeles County. The Department supports studying this area. However, because the study area includes a significant amount of United States Forest Service lands, we believe that the bill should be amended to authorize a joint study with the Department of Agriculture.

At first glance, many may view this river as simply a concrete-lined ditch, however, it provides an important opportunity for low-impact recreation for many urban residents. Several successful efforts have already been undertaken to provide bikeways and hiking areas along the banks of the San Gabriel. Additionally, small tracts of green space have been acquired to provide playgrounds, picnic areas, bicycling and walking trails. Native vegetation has been restored, repairing habitats and beautifying the landscape in many areas.

The study area specified by S. 630 and H.R. 519 includes the San Gabriel River and its tributaries north of and including Santa Fe Springs, and the portion of the San Gabriel Mountains that lie within the jurisdiction of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC). The study would assess low-impact recreation and educational uses, access to urban open space, habitat quality, wildlife and habitat restoration and protection, and watershed improvements within that area.

The watershed of the San Gabriel River contains important natural resources, which are disappearing throughout Los Angeles County. Continuous greenbelt corridors provided by the river serve as habitat for breeding, feeding, resting or migration birds and mammals, which allows migration to take place through developed areas. The rugged terrain of the higher reaches of the watershed contains different habitats including rock outcroppings and vegetation native to the Pacific coast foothills.

This area also has a rich cultural heritage, which is evident by the large number of historically significant properties within the proposed study area. Among them is the Mission San Gabriel Archangel, founded in 1771 by the Spanish missionaries who were moving up the coast of California.

The San Gabriel River Watershed contains part of the Angeles National Forest and several state, county and local parks. The proposed study would look at opportunities for establishing recreational trails between these natural areas and the communities in the region. The estimated cost of the study is \$375,000. In FY 2003, about \$1 million was provided for special resource studies. There are 29 studies previously authorized by Congress that are being funded from the special resource study budget, nearly half of which will have at least some funding needs beyond FY 2003. We transmitted 6 special resource studies to Congress in FY 2002, and we expect to transmit about 15 this fiscal year or early next fiscal year. Our highest priority is to complete pending studies, though we expect to start newly authorized studies as soon as funds are made available.

Recognizing the limitation of federal resources for acquiring and managing land, the study would have to examine a number of alternatives for protecting resources in the area. Alternatives to federal management of resources that are often considered in a special resource study for this type of area include national trail designations, national heritage area designations, and the provision of technical assistance to state and local governments for conservation of rivers, trails, natural areas, and cultural resources. A study of an area where land ownership and jurisdictional boundaries are as complex as they are in the San Gabriel River Watershed would likely emphasize public-private partnerships.

In conducting this study, the National Park Service would work closely with the RMC, which was established in 1999 as an independent agency within the Resources Agency of the State of California. The RMC has brought diverse groups together to work in partnership to protect the valuable resources within the area under their jurisdiction.

Consideration of the issues and options available for protecting resources in a large, heavily populated area with stakeholders at all levels of government calls for extensive public meetings, comment periods, and analysis. On April

8, 2003, the Senate passed S. 347, which would authorize a study of the Rim of the Valley Corridor, also in the Los Angeles metropolitan area. That proposed study and the proposed San Gabriel River Watershed study, both of which would affect large, diverse constituencies, would be similar studies conducted in relative close proximity. If both bills are enacted in a close timeframe, the National Park Service would want to coordinate the two studies to achieve efficiencies in costs and staff resources, and to minimize public confusion.

Mr. Chairman, this concludes my testimony. I would be glad to answer any questions you may have.

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 Act H.R. 519, as ordered reported.