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REPORT
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# ILLABOT CREEK WILD AND SCENIC RIVERS

APRIL 22, 2013.—Ordered to be printed

Mr. WYDEN, from the Committee on Energy and Natural Resources, submitted the following

# R E P O R T

[To accompany S. 383]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 383) to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

## PURPOSE

The purpose of S. 383 is to amend the Wild and Scenic Rivers Act to designate a 14.3-mile segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System.

## BACKGROUND AND NEED

The 14.3-mile segment of Illabot Creek to be designated by S. 383 is a tributary of the Skagit River, which was added to the National Wild and Scenic Rivers System in 1978. It is located on the Mt. Baker-Snoqualmie National Forest, approximately 100 miles northeast of Seattle, and flows from the glaciers of the North Cascades into the upper Skagit River, the largest tributary to the Puget Sound.

Illabot Creek provides an important spawning and rearing habitat for several species of salmon and trout, including Puget Sound chinook salmon, sockeye salmon, coho salmon, and native steelhead, and supports the highest density of chum salmon, pink salmon, and bull trout in the Skagit River watershed. Illabot Creek

also provides important winter habitat for one of the largest concentrations of bald eagles in the continental United States.

Designation of the 14.3-mile segment of Illabot Creek under the Wild and Scenic Rivers Act will help protect the free-flowing condition and clean water that Illabot Creek provides for multiple fish species, and will complement salmon recovery efforts in the Skagit basin.

## LEGISLATIVE HISTORY

S. 383 was introduced by Senators Murray and Cantwell on February 26, 2013. At its business meeting on March 14, 2013, the Committee ordered S. 383 favorably reported.

Similar legislation, S. 888, was introduced in the 112th Congress by Senators Murray and Cantwell on May 5th, 2011. The Subcommittee on National Parks held a hearing on S. 888 on July 28, 2011 (S. Hrg. 112–214). At its business meeting on November 10, 2011, the Committee on Energy and Natural Resources ordered S. 888 favorably reported (S. Rpt. 112–119).

The Committee also considered similar legislation during the 111th Congress, H.R. 1593 passed by the House of Representatives on October 13, 2009 by a voice vote and was favorably reported by the Committee at its business meeting on December 16, 2009 (S. Rept. 111–151).

## COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session March 14, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 383.

## SECTION-BY-SECTION ANALYSIS

*Section 1* amends section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) to designate a 14.3-mile segment of Illabot Creek as a component of the National Wild and Scenic Rivers System. The Secretary of Agriculture is directed to administer a 4.3-mile segment as a wild river and a 10-mile segment as a recreational river.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

*S. 383—A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System*

S. 383 would designate an additional 14.3 miles of the Illabot Creek in Washington State as part of the National Wild and Scenic Rivers System. Based on information provided by the Forest Service and assuming the availability of appropriated funds, CBO estimates that the agency would spend about $250,000 within two years to complete a management plan for the affected waterways. Enacting S. 383 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 383 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, 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 S. 383.

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 S. 383, as ordered reported.

## CONGRESSIONALLY DIRECTED SPENDING

S. 383, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

## EXECUTIVE COMMUNICATIONS

Executive Communications were not requested by the Senate Committee on Energy and Natural Resources in the 113th Congress. The following Administration testimony references similar legislation introduced in the 112th Congress.

The testimony provided by Forest Service at the July 28, 2011, hearing on S. 888 follows.

STATEMENT OF JOEL HOLTROP, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

The Wild and Scenic Rivers Act, Public Law 90–542 (16 U.S.C. 1271–1287, as amended) protects the free-flowing condition, water quality, and outstandingly remarkable natural, cultural, and recreational values of some of our most precious rivers. It also provides an opportunity to build partnerships among landowners, river users, tribal nations, and all levels of government.

S. 888 amends Sec. 3(a) of the Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System. It adds 14.3 miles in two segments: 4.3 miles from the headwaters to the Glacier Peak Wilderness boundary classified as wild, and 10 miles from the Glacier Peak Wilderness boundary to approximately 1000 feet south of the Rockport-Cascade road classified as recreational.

We strongly support the legislation.

The segment to be designated by S. 888 is a tributary of the Skagit River, which was added to the National Wild and Scenic Rivers System in 1978. It is located on the Mt. Baker-Snoqualmie National Forest, approximately 100 miles northeast of Seattle, Washington and flows from the glaciers of the North Cascades into the upper Skagit River, the largest tributary to Puget Sound.

Illabot Creek provides exceptional spawning and rearing habitat for summer and fall Chinook, coho, chum and pink salmon; native steelhead; and, one of the largest populations of bull trout in the Skagit River watershed. Puget Sound Chinook, steelhead and bull trout are listed under the Endangered Species Act. Illabot Creek also supports the highest density of chum and pink salmon in the Skagit River watershed and provides habitat for wintering bald eagles. Eagles using the Illabot roost are a part of one of the largest concentrations of wintering bald eagles in the continental United States.

Mr. Chairman, we recommend the Subcommittee consider designating all of Illabot Creek, from its headwaters to its confluence with the Skagit River (16.3 miles) as recommended in the Mt. Baker-Snoqualmie National Forest Plan (June 1990). This includes the lower 2 miles, classified as a recreational river, of which approximately 1.4 miles is in the Skagit Wild and Scenic River Corridor. With the designation of Illabot Creek as proposed in H.R. 1740, only 0.6 mile is not included in either Illabot Creek Wild and Scenic River or the existing Skagit Wild and Scenic River corridor. The lower 2 miles includes some of the most important fish spawning habitat and an important foraging and roosting area for wintering bald eagles. Much of this area is in the Skagit River Bald Eagle Natural Area and dedicated to resource protection.

## CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 383 as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## WILD AND SCENIC RIVERS ACT

(Public Law 90–542; Approved March 30, 1968)

**[16 U.S.C 1271 Et Seq.]**

AN ACT To provide a National Wild and Scenic Rivers System, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act be cited as the "Wild and Scenic Rivers Act."*

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**THE FOLLOWING RIVERS AND THE LAND ADJACENT THERETO ARE HEREBY DESIGNATED AS COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM:**

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SEC. 3. (a)

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*(208) ILLABOT CREEK, WASHINGTON.—*

*(A) The 14.3 mile segment from the headwaters of Illabot Creek to the northern terminus as generally depicted on the map titled 'Illabot Creek Proposed WSR—Northern Terminus', dated September 15, 2009, to be administered by the Secretary of Agriculture as follows:*

*(i) The 4.3 mile segment from the headwaters of Illabot Creek to the boundary of Glacier Peak Wilderness Area as a wild river.*

*(ii) The 10 mile segment from the boundary of Glacier Peak Wilderness to the northern terminus as generally depicted on the map titled 'Illabot Creek Proposed WSR—Northern Terminus', dated September 15, 2009, as a recreational river.*

*(B) Action required to be taken under subsection (d)(1) for the river segments designated under this paragraph shall be completed through revision of the Skagit Wild and Scenic River comprehensive management plan.*

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