

TO PROVIDE THAT THE OZARK NATIONAL SCENIC RIVERWAYS SHALL BE
ADMINISTERED IN ACCORDANCE WITH THE GENERAL MANAGEMENT
PLAN FOR THAT UNIT OF THE NATIONAL PARK SYSTEM, AND FOR
OTHER PURPOSES

SEPTEMBER 15, 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

together with

DISSENTING VIEWS

[To accompany H.R. 4182]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4182) to provide that the Ozark National Scenic Riverways shall be administered in accordance with the general management plan for that unit of the National Park System, 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. 4182 is to provide that the Ozark National Scenic Riverways shall be administered in accordance with the general management plan for that unit of the National Park System.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 4182 directs the Secretary of the Interior to manage the Ozark National Scenic Riverways in such a way as to provide for maximum access to the rivers, and to require that new management procedures be no more restrictive than current practice.

Created in 1964, the Ozark National Scenic Riverways (ONSR) was the first national park unit to protect a river system, and became the demonstration river for the Wild and Scenic Rivers pro-

gram. The park is home to hundreds of freshwater springs, caves, trails and historic sites.

In November 2013, the National Park Service (NPS) released a new Draft General Management Plan that would close public access points to the rivers in the park, close down 65 miles of horse trails, ban motorized vessels in areas of the park where they are currently allowed, and recommend new federal wilderness designations within the ONSR.

Despite objections from the community, the Missouri State Legislature, and Members of Congress, NPS appears likely to approve the new plan. H.R. 4182 would ensure that the park continues to operate in the visitor-focused manner that it has for the last 30 years under the existing 1984 General Management Plan, with additional protections for private property rights and public access to the park.

H.R. 4182 allows maximum public access points for traditional recreational activities such as fishing, canoeing, kayaking, boating, swimming, gigging, and floating while prohibiting the requirement for permits for river baptisms. Under the legislation, NPS will not manage lands within the ONSR as wilderness, and the bill protects the use of motorized vessels in a manner that is not more restrictive than policies in effect on November 21, 2013. Finally, H.R. 4182 would prevent the ONSR from being included in a “National Blueway” or other similar federal program.

COMMITTEE ACTION

H.R. 4182 was introduced on March 6, 2014, by Congressman Jason Smith (R–MO). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On June 10, 2014, the Subcommittee held a hearing on the bill. On July 30, 2014, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. No amendments were offered, and the bill was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 25 to 15, as follows:

Committee on Natural Resources

U.S. House of Representatives

113th Congress

Date: July 30, 2014

Recorded Vote #: 1

Meeting on / Amendment on: **H.R. 4182 - TO REPORT**. Adopted and favorably reported to the House of Representatives by a roll call vote of 25 yeas and 15 nays.

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Hastings, WA, Chairman	X			Mr. Duncan of SC	X		
<i>Mr. DeFazio, OR, Ranking</i>		X		<i>Mr. Cardenas, CA</i>			
Mr. Young, AK	X			Mr. Tipton, CO	X		
<i>Mr. Faleomavaega, AS</i>				<i>Mr. Huffman, CA</i>		X	
Mr. Gohmert, TX	X			Mr. Gosar, AZ	X		
<i>Mr. Pallone, NJ</i>				<i>Mr. Ruiz, CA</i>		X	
Mr. Bishop, UT	X			Mr. Labrador, ID	X		
<i>Mrs. Napolitano, CA</i>		X		<i>Ms. Shea-Porter, NH</i>		X	
Mr. Lamborn, CO	X			Mr. Southerland, FL	X		
<i>Mr. Holt, NJ</i>		X		<i>Mr. Lowenthal, CA</i>		X	
Mr. Wittman, VA	X			Mr. Flores, TX	X		
<i>Mr. Grijalva, AZ</i>		X		<i>Mr. Garcia, FL</i>		X	
Mr. Broun, GA	X			Mr. Runyan, NJ	X		
<i>Ms. Bordallo, GU</i>		X		<i>Mr. Cartwright, PA</i>		X	
Mr. Fleming, LA	X			Mr. Mullin, OK	X		
<i>Mr. Costa, CA</i>		X		<i>Ms. Clark, MA</i>		X	
Mr. McClintock, CA	X			Mr. Daines, MT	X		
<i>Mr. Sablan, CNMI</i>				Mr. Cramer, ND			
Mr. Thompson, PA	X			Mr. LaMalfa, CA	X		
<i>Ms. Tsongas, MA</i>		X		Mr. Smith, MO	X		
Mrs. Lummis, WY	X			Mr. McAllister, LA	X		
<i>Mr. Pierluisi, PR</i>		X		Mr. Byrne, AL	X		
Mr. Benishek, MI	X			<i>Vacancy</i>			
<i>Ms. Hanabusa, HI</i>							
				TOTALS	25	15	

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:

H.R. 4182—A bill to provide that the Ozark National Scenic Riverways shall be administered in accordance with the general management plan for that unit of the National Park System, and for other purposes

H.R. 4182 would direct the National Park Service (NPS) to manage the Ozark National Scenic Riverways in the state of Missouri in accordance with the existing general management plan that was developed in 1984. Based on information provided by NPS, CBO estimates that implementing the legislation would have no significant effect on the federal budget.

The NPS is currently in the process of updating the general management plan for the Ozark riverways unit; however, CBO expects the legislation would not significantly affect costs for operations or maintenance. Enacting H.R. 4182 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 4182 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 Martin von Gnechten. The estimate was approved by Peter H. Fontaine, 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. Based on information provided by NPS, CBO estimates that implementing the legislation would have no significant effect on the federal budget.

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 that the Ozark National Scenic Riverways shall be administered in accordance with the general management plan for that unit of the National Park System.

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 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 *italic*, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 88-492

AN ACT To provide for the establishment of the Ozark National Scenic Riverways in the State of Missouri, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of conserving and interpreting unique scenic and other natural Establishment values and objects of historic interest, including preservation of portions of the Current River and the Jacks Fork River in Missouri as free-flowing streams, preservation of springs and caves, *preservation of historical recreational activities*, management of wildlife, and provisions for use and enjoyment of the outdoor recreation resources thereof by the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall designate for establishment as the Ozark National Scenic Riverways the area (hereinafter referred to as "such area") generally depicted on map numbered NR OZA 7002 entitled "Proposed Ozark National Rivers" dated December 1963 which map is on file for public inspection in the office of the National Park Service, Department of the Interior: Provided, That the area so designated shall not include more than sixty-five thousand acres of

land now in private ownership and that no lands shall be designated within two miles of the present boundaries of the municipalities of Eminence and Van Buren, Missouri. The Secretary, with the concurrence of the State, shall designate for inclusion in the Ozark National Scenic Riverways, the lands composing Rig Springs, Alley Springs, and Round Spring State Parks, and the Secretary is hereby directed to negotiate with the State for the donation and the inclusion of such park lands in the Ozark National Scenic Riverways.

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SEC. 5(a). In furtherance of the purposes of this Act, the Secretary is authorized to cooperate with the State of Missouri, its political subdivisions, and other Federal agencies and organizations in formulating comprehensive plans for the Ozark National Scenic Riverways and for the related watershed of the Current and Jacks Fork Rivers in Missouri, and to enter into agreements for the implementation of such plans. Such plans may provide for land use and development programs, for preservation and enhancement of the natural beauty of the landscape, and for conservation of outdoor resources in the watersheds of the Current and Jacks Fork Rivers.

(b) The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the Ozark National Scenic Riverways area in accordance with applicable Federal and State laws. The Secretary may designate zones where, and establish periods when, no hunting shall be permitted, for reasons of public safety, administration, or public use and enjoyment and shall issue regulations after consultation with the Conservation Commission of the State of Missouri.

(c) *ZONES.*—*Except as provided by subsection (b), the Secretary may not designate management zones in the Ozark National Scenic Riverways, including but not limited to “Developed”, “Resource-based Recreation”, “Natural”, “Primitive”, “Mixed-use River”, “Seasonal Mixed-Use River”, and “Nonmotorized River” zones.*

(d) *HORSEBACK RIDING.*—*The Secretary shall manage the Ozark National Scenic Riverways in a manner that allows the public to engage in recreational horseback riding in areas of the park traditionally used for that purpose.*

(e) *ACCESS TO THE RIVER.*—*The Secretary shall manage the Ozark National Scenic Riverways in a manner that—*

(1) allows maximum public access points to the riverways within the park for traditional recreational activities such as fishing, canoeing, kayaking, boating, swimming, gigging, and floating;

(2) does not require a permit for a river baptism;

(3) does not include the Ozark National Scenic Riverways as part of a “National Blueway,” or other similar program, as described in Secretarial Order No. 3321 issued by the Secretary of the Interior on May 24, 2012, with respect to the establishment of a National Blueways System; and

(4) does not manage lands within the Ozark National Scenic Riverways as though they were specifically designated as wilderness by Federal law absent such a designation.

(f) *USE OF MOTORIZED VESSELS.*—*The Secretary—*

(1) shall manage the Ozark National Scenic Riverways to allow the use of motorized vessels in a manner that is not more restrictive than the use restrictions in effect on November 21, 2013; and

(2) may manage the Ozark National Scenic Riverways to allow the use of motorized vessels in a manner that is less restrictive than the use restrictions in effect on November 21, 2013.

(g) CONGRESSIONAL WILDERNESS DESIGNATION.—No area contained within the Ozark National Scenic Riverways shall be eligible for congressional wilderness designation under the Wilderness Act of 1964 (Public Law 88–577).

【SEC. 6. The Ozark National Scenic Riverways shall be administered in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and in accordance with other laws of general application relating to the areas administered and supervised by the Secretary through the National Park Service; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.】

SEC. 6. ADMINISTRATION.

The Secretary—

(1) shall manage the Ozark National Scenic Riverways in a manner that is not more restrictive than the provisions of the general management plan for the Ozark National Scenic Riverways in effect on November 21, 2013, to the extent that those provisions are consistent with the Act and other applicable Federal law; and

(2) may manage The Ozark National Scenic Riverways in a manner that is less restrictive than the provisions of the general management plan for the Ozark National Scenic Riverways in effect on November 21, 2013, to the extent that those provisions are consistent with the Act and other applicable Federal law.

DISSENTING VIEWS

H.R. 4182 upends the National Park Service's public planning process for the Ozark National Scenic Riverways and locks in place a thirty-year-old management plan. Proponents of the bill claim that this level of heavy handed micro-management from Congress is necessary to maintain public access. Nothing could be further from the truth.

Units of the National Park System routinely update their management plans. Updates are necessary to ensure that management practices and policies are in line with the demands of current use and the objectives for which the unit was established. This process is public and completely transparent.

In the case of the Ozark National Scenic Riverways, the proposed Draft General Management Plan (DGMP) was open for public comment until February 7, 2014, and the park held a series of public meetings to solicit and receive feedback from stakeholders. Public scoping meetings were held in 2006 and 2009, and several newsletters were sent to the public during that period. A preliminary version of the alternatives identified in the DGMP was issued to the public in May 2009 and a major stakeholder meeting was held in February 2010. Over 12,000 comments have been submitted and analyzed, and park managers continue to work with the public to develop the updated management plan.

Horseback riding and boating, including kayaking and motorized watercraft, are popular activities that draw visitors to the park. Bill proponents claim that the ongoing planning process and the identified preferred alternative will limit access and deter visitation. These activities and others are under consideration during the update of the management plan so that park managers can strike the appropriate balance between access and resource protection.

The Ozark National Scenic Riverways hosted 1.4 million people and generated \$56 million in economic activity in 2012 alone. Tourism to the park is a large boost to the economy of Southern Missouri, and there is no plan by the National Park Service to unreasonably alter levels of access for popular activities. In fact, a new management plan will allow consideration of all uses and users to ensure that the park meets all its visitors' needs without damaging the natural environment it was created to protect.

The public planning process works, and H.R. 4182 ignores this fact, taking away the opportunity for all stakeholders to participate in management decisions at Ozark National Scenic Riverways. Agencies must be able to work with the public to update their management practices to make sure our public lands are being looked after to the best of their abilities.

PETER A. DEFazio.
RAÚL M. GRIJALVA.

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