

Legislative Bulletin.....January 27, 2010

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H.R. 4474—Idaho Wilderness Water Facilities Act

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Order of Business: The bill is expected to be considered on Wednesday, January 27, 2010 under a closed rule. The rule ([H.Res.1038](#)) provides for one hour of debate equally divided and controlled by the majority and minority, waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI, and provides one motion to recommit with or without instructions.

Summary: Identical legislation was considered on the House floor last week under a different bill number and sponsor. It did not receive the required two-thirds majority by a vote of [225-191](#). House Democrats opposed the bill because of the defeat of an unrelated bill (H.R. 3726) under suspension of the rules. Last week's bill, H.R. 3538, was sponsored by Rep. Simpson (D-ID). The bill under consideration today is numbered H.R. 4474 and is sponsored by *Rep. Minnick (D-ID)*.

H.R. 4474 allows the Secretary of Agriculture to issue special permits to owners of a water storage and transport facility that is located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness.

Additional Information: Designated in 1964, the Selway-Bitterroot Wilderness area comprised over 1.3 million acres in Idaho and is adjacent to the Frank Church-River of No Return Wilderness area. Prior to these wilderness designations, private landowners had received permits to maintain and repair water diversions that existed on National Forest System lands. Due to the highly restrictive nature of wilderness area designations, these owners must now receive special authorization from Secretary of Agriculture for the continued maintenance of their water facilities. It is estimated that several dozen different individuals or businesses have water diversions located in these wilderness areas.

The Wilderness Act of 1964 established “wilderness” as a legal designation used for long-term preservation of public land. According to the original legislation, wilderness is defined as “an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain...” Essentially, a wilderness designation makes federal land off

limits to all but those who can get there only by foot, or occasionally with the assistance of a horse.

Committee Action: On January 20, 2010, the bill was referred to the Committee on Natural Resources, which took no further subsequent public action.

Administration Position: A Statement of Administration Policy (SAP) for H.R. 4474 is unavailable at press time.

Cost to Taxpayers: CBO estimated that enacting similar legislation would “have a negligible effect on the federal budget because any costs to process the permits would be paid by the permit holders.”

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee report designating compliance with clause 9 of rule XXI is unavailable for H.R. 4474.

Constitutional Authority: No report citing Constitutional Authority was available for H.R. 4474.

RSC Staff Contact: Bruce F. Miller, bruce.miller@mail.house.gov, (202)-226-9720.
