

FLATSIDE WILDERNESS ENHANCEMENT ACT

OCTOBER 23, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 5636]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5636) to designate additions to the Flatside Wilderness on the Ouachita National Forest, and for other purposes, 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 all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Flatside Wilderness Enhancement Act”.

SEC. 2. ADDITIONS TO FLATSIDE WILDERNESS.

Section 3(d) of Arkansas Wilderness Act of 1984 (Public Law 98-508; 98 Stat. 2349) is amended by inserting “and certain land in the Ouachita National Forest, which comprise approximately 640 acres, as generally depicted as ‘Recommended Wilderness Area’ on the map titled ‘Flatside Wilderness, Recommended Wilderness Area’, dated September 6, 2018” after “1984”.

SEC. 3. DESIGNATION OF WILDERNESS ADDITION.

The wilderness addition created under section 2 shall be known as the Bethune Woods-Flatside Wilderness. Any reference in a law, map, regulation, document, paper, or other record of the United States to such portion of the Flatside Wilderness shall be deemed to be a reference to the Bethune Woods-Flatside Wilderness.

PURPOSE OF THE BILL

The purpose of H.R. 5636 is to designate additions to the Flatside Wilderness on the Ouachita National Forest.

BACKGROUND AND NEED FOR LEGISLATION

The Flatside Wilderness was designated by Congress and added to the National Wilderness Preservation System (NWPS) in 1984 with the passage of the Arkansas Wilderness Act.¹ The Wilderness is comprised of approximately 9,500 acres of U.S. Forest Service land in Arkansas' Ouachita National Forest.² The area features small creeks, panoramic views, rugged terrain, and a section of the Ouachita National Recreation Trail.³

In 2005 the U.S. Forest Service recommended approximately 640 acres of U.S. Forest Service land adjacent to the Flatside Wilderness be added to the NWPS as a part of the Flatside Wilderness. In its recommendation, the Forest Service found that "adding these lands to NWPS would establish more logical and manageable boundaries for these areas."⁴

H.R. 5636 would add a tract of approximately 640 acres of studied and recommended wilderness to the Flatside Wilderness in Arkansas' Ouachita National Forest. The tract would be named the Bethune Woods-Flatside Wilderness, in honor of retired Congressman Ed Bethune.

The 640 acres of recommended wilderness has undergone a full National Environmental Policy Act of 1969⁵ analysis as a part of the U.S. Forest Service's forest planning process, including public comment. H.R. 5636 is supported by the Department of Arkansas Heritage, the Arkansas Department of Parks and Tourism, the Arkansas State Parks, Recreation and Travel Commission, the Arkansas Game and Fish Commission, Perry County, Arkansas, the Perry County Chamber of Commerce, and several other local, State and national organizations.

COMMITTEE ACTION

H.R. 5636 was introduced on April 26, 2018, by Congressman J. French Hill (R-AR). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On September 26, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Bruce Westerman (R-AR) offered an amendment designated #1; it was adopted by unanimous consent. No additional amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

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.

¹Public Law 98-508.

²*Wilderness Areas: Ouachita National Forest*. U.S. Forest Service. Sept. 2008. https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5085891.pdf

³Ibid.

⁴Revised Land and Resource Management Plan; Ouachita National Forest. U.S. Department of Agriculture, Forest Service Southern Region. September 2005. https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsm9_039609.pdf

⁵42 U.S.C. 4321 et seq.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET
ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 17, 2018.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5636, the Flatside Wilderness Enhancement Act.

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

Sincerely,

MARK P. HADLEY
(For Keith Hall, Director).

Enclosure.

H.R. 5636—Flatside Wilderness Enhancement Act

H.R. 5636 would add 640 acres in the Ouachita National Forest in Arkansas to the National Wilderness Preservation System as part of the Flatside Wilderness. CBO estimates that enacting the bill would have no significant effect on the federal budget.

The affected lands are already protected for conservation and wilderness values; therefore, CBO estimates that implementing H.R. 5636 would have no significant effect on the cost of administering the area. CBO expects that any revisions to federal maps and other materials would be made in conjunction with scheduled reprinting and other routine work. Finally, because the affected lands currently produce no income from mineral leasing, timber production, or other activities (and are not expected to do so in the future), CBO estimates that enacting the bill would not affect off-setting receipts, which are treated as reductions in direct spending.

Because enacting H.R. 5636 would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 5636 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 5636 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. 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 designate additions to the Flatside Wilderness on the Ouachita National Forest.

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. This bill does not contain any directed rule makings.

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 (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

**SECTION 3 OF THE ARKANSAS WILDERNESS ACT OF
1984**

SEC. 3. In furtherance of the purposes of the Wilderness Act, the following lands in the state of Arkansas are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(a) Certain lands in the Ouachita National Forest, Arkansas, which comprise approximately seven thousand five hundred and sixty-eight acres, as generally depicted on a map entitled "Black Fork Mountain Wilderness-Proposed", dated September 1984, and which shall be known as the Black Fork Mountain Wilderness;

(b) certain lands in the Ouachita National Forest, Arkansas, which comprise approximately six thousand three hundred and ten acres, as generally depicted on a map entitled "Dry Creek Wilderness-Proposed", dated September 1984, and which shall be known as the Dry Creek Wilderness;

(c) certain lands in the Ouachita National Forest, Arkansas, which comprise approximately ten thousand eight hundred and eighty-four acres, as generally depicted on a map entitled "Poteau Mountain Wilderness-Proposed", dated September 1984, and which shall be known as the Poteau Mountain Wilderness;

(d) certain lands in the Ouachita National Forest, Arkansas, which comprise approximately ten thousand one hundred and five acres, as generally depicted on a map entitled “Flatside Wilderness-Proposed”, dated September 1984 and certain land in the Ouachita National Forest, which comprise approximately 640 acres, as generally depicted as “Recommended Wilderness Area” on the map titled “Flatside Wilderness, Recommended Wilderness Area”, dated September 6, 2018, and which shall be known as the Flatside Wilderness;

(e) certain lands in the Ozark-Saint Francis National Forest which comprise approximately one thousand five hundred and four acres, as generally depicted on a map entitled “Upper Buffalo Addition-Proposed”, dated November 1983, and which are hereby incorporated in and shall be deemed to be a part of the Upper Buffalo Wilderness as designated by Public Law 93-622;

(f) certain lands in the Ozark-Saint Francis National Forest which comprise approximately fifteen thousand one hundred and seventy-seven acres, as generally depicted on a map entitled “Hurricane Creek Wilderness-Proposed”, dated November 1983, and which shall be known as the Hurricane Creek Wilderness;

(g) certain lands in the Ozark-Saint Francis National Forest, Arkansas, which comprise approximately eleven thousand eight hundred and twenty-two acres, as generally depicted on a map entitled “Richland Creek Wilderness-Proposed”, dated November 1983, and which shall be known as the Richland Creek Wilderness;

(h) certain lands in the Ozark-saint Francis national forest, Arkansas, which comprise approximately ten thousand seven hundred and seventy-seven acres, as generally depicted on a map entitled “East Fork Wilderness-Proposed”, dated September 1984, and which shall be known as the East Fork Wilderness; and

(i) certain lands in the Ozark-Saint Francis National Forest, Arkansas, which comprise approximately sixteen thousand nine hundred and fifty-six acres, as generally depicted on a map entitled “Leatherwood Wilderness-Proposed”, dated November 1983, and which shall be known as the Leatherwood Wilderness.