

TO PROVIDE FOR THE ESTABLISHMENT OF THE
WESTERN RIVERSIDE COUNTY WILDLIFE REFUGE

DECEMBER 8, 2020.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 2956]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2956) to provide for the establishment of the Western Riverside County Wildlife Refuge, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ESTABLISHMENT.

(a) **IN GENERAL.**—The Secretary of the Interior (in this Act referred to as the “Secretary”), acting through the United States Fish and Wildlife Service, shall establish as a national wildlife refuge the lands, waters, and interests therein acquired under section 4. The national wildlife refuge shall be known as the Western Riverside County National Wildlife Refuge (in this Act referred to as the “Wildlife Refuge”).

(b) **PURPOSE.**—The purpose of the Wildlife Refuge shall be—

(1) to conserve, manage, and restore wildlife habitats for the benefit of present and future generations of Americans;

(2) to conserve species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the California Endangered Species Act (California Fish and Game Code 2050–2068), or which is a covered species under the Western Riverside County Multiple Species Habitat Conservation Plan;

(3) to support the recovery and protection of threatened and endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(4) to provide for wildlife habitat connectivity and migratory corridors within the Western Riverside County Multiple Species Habitat Conservation Plan Area.

(c) **NOTIFICATION OF ESTABLISHMENT.**—The Secretary shall publish notice of the establishment of the Wildlife Refuge in the Federal Register.

SEC. 2. BOUNDARIES.

The Secretary shall include within the boundaries of the Wildlife Refuge the lands and waters within the Western Riverside County Multiple Species Habitat Conservation Plan Area (as depicted on maps and described in the Final Western Riverside County Multiple Species Habitat Conservation Plan dated June 17, 2003) that are owned by the Federal Government, a State, or a political subdivision of a State on the date of enactment of this Act.

SEC. 3. ADMINISTRATION.

(a) **IN GENERAL.**—Upon the establishment of the Wildlife Refuge and thereafter, the Secretary shall administer all federally owned lands, waters, and interests in the Wildlife Refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and this Act. The Secretary may use such additional statutory authority as may be available to the Secretary for the conservation, management, and restoration of fish and wildlife and natural resources, the development of compatible wildlife dependent outdoor recreation opportunities, and the facilitation of fish and wildlife interpretation and education as the Secretary considers appropriate to carry out the purposes of this Act and serve the objectives of the Western Riverside County Multiple Species Habitat Conservation Plan.

(b) **COOPERATIVE AGREEMENTS REGARDING NON-FEDERAL LANDS.**—The Secretary may enter into cooperative agreements with the State of California, any political subdivision thereof, or any other person—

(1) for the management, in a manner consistent with this Act and the Western Riverside County Multiple Species Habitat Conservation Plan, of lands that are owned by such State, subdivision, or other person and located within the boundaries of the Wildlife Refuge;

(2) to promote public awareness of the natural resources of the Western Riverside County Multiple Species Habitat Conservation Plan Area; or

(3) to encourage public participation in the conservation of those resources.

SEC. 4. ACQUISITION AND TRANSFERS OF LANDS AND WATERS FOR WILDLIFE REFUGE.

(a) **ACQUISITIONS.**—In addition to lands and waters acquired pursuant to section 2, the Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange the lands and water, or interest therein (including conservation easements), within the boundaries of the Wildlife Refuge, except that the lands, water, and interests therein owned by the State of California and its political subdivisions may be acquired only by donation.

(b) **TRANSFERS.**—

(1) **IN GENERAL.**—The head of any Federal department or agency other than the Department of the Interior that has jurisdiction of any Federal property located within the boundaries of the Wildlife Refuge as described by this Act shall, not later than 1 year after the date of the enactment of this Act, submit to the Secretary an assessment of the suitability of such property for inclusion in the Wildlife Refuge.

(2) **ASSESSMENT.**—Any assessment under paragraph (1) shall include—

(A) parcel descriptions and best existing land surveys for such property;

(B) a list of existing special reservations, designations, or purposes of the property;

(C) a list of all known or suspected hazardous substance contamination of such property, and any facilities, surface water, or groundwater on such property;

(D) the status of withdrawal of such property from—

- (i) the Mineral Leasing Act; and
- (ii) the General Mining Act of 1872; and

(E) a recommendation as to whether such property is or is not suitable for inclusion in the Wildlife Refuge.

(3) **INCLUSION IN WILDLIFE REFUGE.**—

(A) **IN GENERAL.**—The Secretary shall, not later than 60 days after receiving an assessment submitted pursuant to paragraph (1), determine if the property described in such assessment is suitable for inclusion in the Wildlife Refuge.

(B) **TRANSFER.**—If the Secretary determines the property in an assessment submitted under paragraph (1) is suitable for inclusion in the Wildlife Refuge, the head of the Federal department or agency that has jurisdiction of such property shall transfer such property to the administrative jurisdiction of the Secretary for the purposes of this Act.

(4) **PROPERTY UNSUITABLE FOR INCLUSION.**—Property determined by the Secretary to be unsuitable for inclusion in the Wildlife Refuge based on an assessment submitted under paragraph (1) shall be subsequently transferred to the Secretary for purposes of this Act by the head of the department or agency that

has jurisdiction of such property if such property becomes suitable for inclusion in the Wildlife Refuge as determined by the Secretary in consultation with the head of the department or agency that has jurisdiction of such property.

(5) PUBLIC ACCESS.—If property transferred to the Secretary under this subsection allows for public access at the time of transfer, such access shall be maintained unless such access—

- (A) would be incompatible with the purposes of the Wildlife Refuge;
- (B) would jeopardize public health or safety; or
- (C) must be limited due to emergency circumstances.

PURPOSE OF THE BILL

The purpose of H.R. 2956 is to provide for the establishment of the Western Riverside County Wildlife Refuge.

BACKGROUND AND NEED FOR LEGISLATION

Riverside County is located in Southern California, spanning from the Greater Los Angeles area to the Arizona Border. The county is the fourth most populated in the state with 2.45 million people.¹ As a result of this large population and high growth rates, the Western Riverside County Regional Conservation Authority was established in 2004 to implement the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) under Section 10 of the Endangered Species Act (ESA).² The MSHCP seeks to preserve a half-million acres of wildlife habitat in order to allow for future development and transportation projects that are necessary to accommodate the growing population. The MSHCP protects 146 native species of plants, birds, and animals.³ Currently, there are 32 listed and proposed species in the MSHCP Plan Area.⁴

H.R. 2956 directs the Secretary of the Interior to establish the Western Riverside County Wildlife Refuge within the lands and waters of the Plan Area. The purpose of this refuge is to conserve habitats for future generations, support the recovery and protection of threatened and endangered species, and provide the refuge with habitat connectivity and migratory corridors.

COMMITTEE ACTION

H.R. 2956 was introduced on May 23, 2019, by Representative Ken Calvert (R–CA). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Oceans, and Wildlife. On September 24, 2019, the Subcommittee held a hearing on the bill. On January 29, 2020, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Raúl M. Grijalva (D–AZ) offered an amendment in the nature of a substitute. The amendment in the nature of a substitute was agreed to by unanimous consent. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

¹ <https://www.census.gov/quickfacts/riversidecountycalifornia>.

² https://www.fws.gov/endangered/esa-library/pdf/HCP_Incidental_Take.pdf.

³ <https://www.wrc-rca.org/about-rca/>.

⁴ <https://www.rctlma.org/Portals/0/mshcp/volume4/02.html#2.5>.

On July 1, 2020, the House of Representatives passed H.R. 2, the Moving Forward Act, which included the text of H.R. 2956.⁵

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 2956: legislative hearing by the Subcommittee on Water, Oceans, and Wildlife held on September 24, 2019.

SECTION-BY-SECTION ANALYSIS

Section 1. Establishment. This section directs the Secretary of the Interior to establish the Western Riverside County National Wildlife Refuge (Refuge). This section identifies the purposes of the Refuge as:

1. To conserve, manage, and restore wildlife habitats for the benefit of present and future generations of Americans.
2. To conserve species listed as threatened or endangered under the Endangered Species Act, the California Endangered Species Act, or covered under the Western Riverside Country Multiple Species Habitat Conservation Plan.
3. To support the recovery of threatened and endangered species.
4. To provide for wildlife habitat connectivity and migratory corridors within the Wildlife Refuge.

Section 2. Boundaries. This section identifies the Refuge’s borders as the lands and waters defined in the Final Western Riverside County Multiple Species Habitat Conservation Plan Area.

Section 3. Administration. This section identifies the Secretary of Interior as the administrator of all federally owned lands, waters, and interests in the Refuge in accordance with the National Wildlife Refuge System Administration Act and this Act. This section allows the Secretary to use additional statutory authority for the conservation, management, and restoration of fish and wildlife. In addition, the Secretary may enter into cooperative agreements for the management of non-federally owned lands within the Refuge and/or promote public awareness and participation for the Refuge.

Section 4. Acquisition and Transfers of Lands and Waters for Wildlife Refuge. This section clarifies how the Secretary may acquire lands for the Refuge. The Secretary can acquire lands within the Refuge by donation, purchase, or exchange. The lands, waters, or interests owned by the state of California can be acquired only by donation. This section also directs any federal agency or department director that has jurisdiction over federal property located within the Refuge to submit an assessment to the Secretary, who would determine whether each property is suitable or unsuitable for inclusion within the Refuge.

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.

⁵H.R. 2, 116th Cong. div. L, tit. II, subtitle F (as engrossed in the House), <https://www.congress.gov/116/bills/hr2/BILLS-116hr2eh.pdf>.

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, June 4, 2020.

Hon. RAÚL M. GRIJALVA,
*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. 2956, a bill to provide for the establishment of the Western Riverside County Wildlife Refuge.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 2956, a bill to provide for the establishment of the Western Riverside County Wildlife Refuge			
As ordered reported by the House Committee on Natural Resources on January 29, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	*	3	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	< \$5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 2956 would direct the U.S. Fish and Wildlife Service (USFWS) to establish the Western Riverside County National Wildlife Refuge in California. Under the bill, federal agencies that manage land within the proposed boundary, including the Bureau of Land Management, the Forest Service, and the Army Corps of Engineers, would be required to assess the suitability of transferring the land to USFWS to include in the refuge.

For this estimate, CBO assumes that the bill will be enacted in fiscal year 2020. Under that assumption, the affected agencies

could incur some costs in 2020, but CBO expects that most of the costs would be incurred in 2021 and later.

Using information from the affected agencies, CBO estimates that the federal government would incur upfront costs of \$3 million over the 2020–2025 period to establish the refuge; such spending would be subject to the availability of appropriated funds. That amount includes the costs to assess federal land for inclusion, complete the necessary environmental studies, and conduct related planning. CBO estimates that the net change in costs to manage the land would be negligible over the 2020–2025 period.

H.R. 2956 would authorize USFWS to acquire nonfederal land by donation, purchase with donated or appropriated funds, or exchange. CBO expects that any donations, which are classified in the budget as offsetting receipts or reductions in direct spending, would be spent soon thereafter, resulting in a negligible effect on direct spending.

Any income from communication site leases, timber production, and special use permits on federal land is also classified in the budget as an offsetting receipt. Under H.R. 2956, the federal government would forgo such receipts from the affected land because federal land transferred to the refuge would be unavailable for some of those purposes. However, CBO expects that federal agencies would probably not transfer land that generates such income; thus, CBO estimates that any reduction in those receipts would be insignificant over the 2020–2030 period.

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

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to provide for the establishment of the Western Riverside County Wildlife Refuge.

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.

UNFUNDED MANDATES REFORM ACT STATEMENT

This bill contains no unfunded mandates.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.

