

PETRIFIED FOREST NATIONAL PARK EXPANSION ACT OF
2004

SEPTEMBER 30, 2004.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 1630]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1630) to revise the boundary of the Petrified Forest National Park in the State of Arizona, 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 “Petrified Forest National Park Expansion Act of 2004”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) MAP.—The term “map” means the map entitled “Proposed Boundary Adjustments, Petrified Forest National Park”, numbered 110/80,044, and dated July 2004.
- (2) PARK.—The term “Park” means the Petrified Forest National Park in the State.
- (3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- (4) STATE.—The term “State” means the State of Arizona.

SEC. 3. BOUNDARY REVISION.

(a) IN GENERAL.—The Secretary is authorized to revise the boundary of the Park to include approximately 125,000 acres as depicted on the map.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 4. ACQUISITION OF ADDITIONAL LAND.

(a) PRIVATE LAND.—The Secretary may acquire from a willing seller, by donation, purchase with donated or appropriated funds, or exchange, any private land or interests in private land within the revised boundary of the Park.

(b) STATE LAND.—

(1) IN GENERAL.—The Secretary may acquire from the State any State land or interests in State land within the revised boundary of the Park, if the acquisition is made—

- (A) with the consent of the State;
- (B) in accordance with State law; and
- (C) by donation, purchase with donated or appropriated funds, or exchange.

(2) PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary shall, in coordination with the State, develop a plan for acquisition of State land or interests in State land under paragraph (1).

(3) MANAGEMENT AGREEMENT.—If the Secretary is unable to acquire the State lands under paragraph (1) within such 3-year period, the Secretary may enter into an agreement with the State that would allow the National Park Service to manage State lands within the revised boundary of the Park.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—Subject to applicable laws, all land and interests in land acquired under this Act shall be administered by the Secretary as part of the Park.

(b) TRANSFER OF JURISDICTION.—The Secretary shall transfer to the National Park Service administrative jurisdiction over any land under the jurisdiction of the Secretary that—

- (1) is depicted on the map as being within the boundaries of the Park; and
- (2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

(c) GRAZING.—

(1) IN GENERAL.—The Secretary shall permit the continuation of grazing on land transferred to the Secretary under this Act to the same extent as was permitted on such lands as of July 2004, subject to applicable laws and regulations.

(2) TERMINATION OF LEASES OR PERMITS.—Nothing in this subsection prohibits the Secretary from accepting the voluntary termination of a grazing permit or grazing lease within the Park.

(d) AMENDMENT TO GENERAL MANAGEMENT PLAN.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall amend the general management plan for the Park to address the use and management of any additional land acquired under this Act.

PURPOSE OF THE BILL

The purpose of H.R. 1630 is to revise the boundary of the Petrified Forest National Park in the State of Arizona.

BACKGROUND AND NEED FOR LEGISLATION

Petrified Forest National Park, originally proclaimed a national monument by President Theodore Roosevelt in 1906 and later designated a national park in 1962, is located in northeastern Arizona. The Park encompasses approximately 93,500 acres and was originally set aside to preserve the concentrations of rainbow-hued petrified wood, scenic landscapes of the Painted Desert, rare shortgrass prairie, and more than 500 archaeological and historical sites that reflect a 10,000-year continuum of human history.

In their 1992 General Management Plan (GMP), National Park Service staff at Petrified National Forest cited the enormous potential significance and value of lands adjacent to the Park, and identified 97,800 acres as suitable for addition to the Park, based on then-known resources on those lands. The lands in question were known to possess globally significant paleontological resources and potentially nationally significant archaeological resources. The additional lands identified include 16 miles of the 22-mile Chinle escarpment, which contains the world's most significant record of late Triassic Period fossils. Only six miles of the escarpment fall within the existing Petrified Forest National Park boundaries, but the east and west Chinle additions are believed to contain scientific

values that surpass those inside the Park. Other important additions are Wallace Tank Ruins, Rainbow Forest Badlands, and Canyon Butte Ruins around the southern end of the Park; West Rim Painted Desert to the northwest; and Dead Wash Petroglyphs to the east. The additional acreage specified in the expansion proposal reflects the need to avoid leaving private landowners with uneconomic remnants and the additional knowledge gained about the relevant lands since the 1992 GMP was finalized.

Expansion of the Park's boundaries would also help to address long-standing concerns surrounding thefts of priceless fossils and artifacts, which are being systematically pilfered on these private, State and the Bureau of Land Management lands. With the advent of high tech, low-cost mobile sensors and other non-intrusive measures aimed at educating and redirecting well-meaning Park visitors, the Park has demonstrated its ability to protect this wealth of resources.

H.R. 1630 would add approximately 125,000 acres to the Park, slightly more than half of which are currently in private ownership. The expansion has broad local support, including the City of Holbrook, the City of Winslow, the Holbrook Chamber of Commerce, and Navajo County. In addition, the State of Arizona expressed its support for the bill in a letter to the Committee. Four major landowners, who together own approximately half the total acreage of the expansion area are aware of the legislation and are supportive. They have indicated they would consider compensation for their lands either in the form of a purchase or an exchange. Forty-five percent of the lands within the proposed expansion areas are in State or federal ownership. H.R. 1630 directs the Secretary of the Interior to, in coordination with the State of Arizona, develop a plan for acquisition of State land or interests in State land identified for inclusion within the revised boundary of the Park, no later than three years after the date of enactment of Act.

COMMITTEE ACTION

H.R. 1630 was introduced on April 3, 2003, by Congressman Rick Renzi (R-AZ). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On June 15, 2004, the Subcommittee held a hearing on the bill. On July 8, 2004, the Subcommittee met to mark up the bill. Congressman George Radanovich (R-CA) offered an amendment in the nature of a substitute that added the map name and number to the bill as well as the acreage to be included in the new boundary. The amendment also clarified the authorizing language to acquire State lands. The amendment was adopted by unanimous consent. The bill as amended was forwarded to the Full Resources Committee by unanimous consent. On July 14, 2004, the Full Resources Committee met to consider the bill. Congressman Renzi offered an amendment to further amend the map boundary and total acreage in the bill. The amendment was adopted by unanimous consent. No further 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 Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) 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)(3)(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.

2. 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.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. 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. 1630—Petrified Forest National Park Expansion Act of 2004

H.R. 1630 would authorize the Secretary of the Interior to revise the boundary of the Petrified Forest National Park in Arizona to include an additional 127,400 acres. CBO estimates that implementing the bill would cost approximately \$20 million over the 2005–2009 period, assuming the appropriation of the necessary funds. Enacting H.R. 1630 would not affect direct spending or receipts.

The bill would authorize the National Park Service (NPS) to acquire the added acreage—including both private and state-owned lands—by purchase, donation, or exchange. Under the bill, the state property (about 34,000 acres) could be managed by the NPS under an agreement with the state if an acquisition plan cannot be negotiated within three years. The legislation also would direct the Secretary to transfer to the NPS about 15,500 acres of land currently administered by the Bureau of Land Management. Finally, the bill would direct the NPS to amend the park's general management plan within three years to reflect those changes.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 1630 would cost about \$18 million over the next three years. Of this amount, we estimate that about

\$650,000 a year would be used for up-front management, planning, and development of the expansion area. The remaining \$16 million would be used to purchase about 77,900 acres of private property within that area. Finally, we estimate that recurring costs to maintain the additional lands would be around \$700,000 a year beginning in fiscal year 208.

This estimate is based on information provided by the NPS and by local tax authorities. For the estimate, CBO assumes that the NPS would enter into an agreement with Arizona that would enable the federal government to manage the state-owned lands within the new boundary as part of the national park. If the NPS purchased this land, however, the cost to implement the bill would increase by an estimated \$7 million.

H.R. 1630 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. The transfer of private land into federal ownership authorized by this bill would result in both direct costs and benefits for affected state and local governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

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

