

WALNUT CANYON STUDY ACT OF 2008

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JULY 29, 2008.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 5751]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5751) to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, 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. 5751 is to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Designated in 1915, Walnut Canyon National Monument is an archaeological park outside Flagstaff, Arizona, that protects prehistoric cliff dwellings and their environment. The monument encompasses 3,600 acres. It is important to local tribes and is a significant tourist destination.

The close proximity of the monument to the urban Flagstaff area may threaten the monument in the future as urban growth continues. Local governments have recognized this threat and the Coconino County Board of Supervisors and the Flagstaff City Council have both passed resolutions calling for a federal study to determine the best means of protecting the monument. In addition, the recently completed National Park Service General Management

Plan for the monument includes many of the prescriptions called for in this legislation.

COMMITTEE ACTION

H.R. 5751 was introduced on April 9, 2008 by Representative Ed Pastor (D–AZ). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On July 10, 2008, the Subcommittee held a hearing on the bill during which the Administration testified that they did not object to the bill.

The Subcommittee was discharged from further consideration of H.R. 5751 on July 16, 2008 and the Full Natural Resources Committee met to consider the bill. The bill was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that the Act may be cited as the “Walnut Canyon Study Act of 2008.”

Section 2. Definitions

Section 2 defines the “map” as the “Walnut Canyon Proposed Study Area” map dated July 17, 2007; defines the “Secretaries” as the Secretary of the Interior and the Secretary of Agriculture; and defines the “study area” as the area identified on the “Walnut Canyon Proposed Study Area” map cited above.

Section 3. Study

Section 3(a) directs the Secretaries to conduct a study to assess the suitability and feasibility of designating all or part of the study area as an addition to Walnut Canyon National Monument, determine if study area lands should continue to be managed by the Forest Service, or determine what other designation or management options would provide for protection of resources within the study area while providing continued public access to and use of the study area.

Section 3(b) directs the Secretaries to provide for public comment in the preparation of the study authorized in Section 3(a) and requires that the Secretaries consult with appropriate federal, state and local government entities.

Section 3(c) requires the Secretaries, within 18 months of funds being made available to carry out this act, to submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate containing the results of the study and the recommendations of the Secretaries.

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.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants 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.** As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, and for other purposes.

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. 5751—Walnut Canyon Study Act of 2008

H.R. 5751 would direct the Department of the Interior (DOI) and the U.S. Department of Agriculture (USDA) to conduct a joint study to determine the suitability and feasibility of designating certain land as an addition to the Walnut Canyon National Monument. Based on information from DOI and USDA and assuming the availability of appropriated funds, CBO estimates that implementing H.R. 5751 would cost less than \$500,000. Enacting the legislation would not affect direct spending or revenues.

H.R. 5751 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.

On August 7, 2007, CBO transmitted a cost estimate for S. 722, the Walnut Canyon Study Act of 2007, as ordered reported by the Senate Committee on Energy and Natural Resources on July 25, 2007. The versions of the legislation are similar, and the estimated costs are the same.

The CBO staff contact for this estimate is Tyler Kruzich. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 5751 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

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.

