106TH CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT 106–724

VALLES CALDERA PRESERVATION ACT

JULY 11, 2000.—Committed to the Commitee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources, submitted the following

REPORT

[To accompany S. 1892]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (S. 1892) to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, 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 S. 1892 is to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Title I of S. 1892 authorizes the Secretary of Agriculture to acquire the Baca Ranch in New Mexico from its present owners. The bill also designates the property as the Valles Caldera National Preserve, and sets up an experimental management regime for its administration. The Baca Ranch, historically referred to as the Baca Location No. 1, is based on an 1860 Congressional land grant. It comprises approximately 95,000 acres lying in the heart of the Jemez Mountains in northern New Mexico. Located near Los Alamos and within an hour's drive of Albuquerque and Santa Fe, the property is accessible to the large population centers in New Mexico.

The Baca Ranch exhibits remarkable scenic beauty and contains exceptional wildlife and fisheries resources. The headwaters of the

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Jemez Wild and Scenic River originate on the Baca Ranch, as well as San Antonio Creek, both of which have outstanding fishery resources. Wildlife abounds on the Baca Ranch including the largest elk herd in the southwest. The ranch is large enough and exhibits such a wide variety of land forms that it can provide opportunities for both recreation and solitude. Portions of the Baca Ranch have special religious and cultural significance for Native Americans residing in the region.

The land has a unique geological past. Over 1.2 million years ago, two major volcanic eruptions occurred, ejecting cubic miles of material into the atmosphere and creating the Valles Caldera, approximately 15 miles in diameter. The mountains surrounding the Valles Caldera rise to a height of 3,000 feet above the valley floor. Hot springs, gas vents and volcanic domes are present day evidence of this volcanic activity.

The Baca Ranch is one of the most significant privately-owned inholdings within the National Forest System. It is surrounded by federal land including the Santa Fe National Forest, the Jemez National Recreation Area, and the Bandelier National Monument. The Baca ties these lands together in a common ecosystem, and the management of the Ranch will directly impact the public resources on adjacent lands.

In 1993, with the Dunigan family's cooperation, the Forest Service conducted a study of the Ranch pursuant to the Congressional direction in Public Law 101–556. The 1993 study extensively examined the scenic, natural, recreational, and multiple use resources of the Baca Ranch, and provided the impetus for acquisition efforts when it became available for purchase in 1998. Congress appropriated $101 million in fiscal year 2000 for the purchase of the Baca Ranch subject to specific authorizing legislation and completion of an appraisal.

Once acquired, the Baca Ranch will be administered as the Valles Caldera National Preserve. The Preserve will have many of the attributes of other Congressionally-designated areas designed to assure the protection of important scenic and natural values. More uniquely, S. 1892 requires management of the property by trust, and requires the acquired Baca Ranch to continue to be managed as an operating ranch. The trust management concept is intended to protect the unique values of the property and demonstrate sustainable land use including recreation, grazing, forest management, hunting, and fishing while maintaining scenic, wildlife and species diversity. While the goal of the trust will be to make the Ranch self-sufficient, the legislation prohibits unreasonable diminishment of scenic and natural values of the property.

Title II authorizes the Bureau of Land Management to improve land management activities and consolidate federal ownerships by selling parcels of federal land identified through the agency's land use planning process as suitable for disposal. Title II requires that eighty percent of the proceeds from the sales be used to acquire inholdings from willing sellers and other non-federal lands adjacent to designated areas to improve the resources management ability of the federal land management agencies. A portion of the proceeds generated from the sales will become available to the Bureau of Land Management to carry out the land disposal program.

Section 109(a)(3) of the bill clarifies that the Secretary of Agriculture may continue to exercise his authority under the Federal Power Act, and authorizes the Secretary to exercise that authority "in cooperation with the Trust." Under section 4(e) of the Federal Power Act, the Secretary of Agriculture has authority to attach mandatory conditions to hydropower licenses issued by the Federal Energy Regulatory Commission. Section 109(a)(3) should not be construed to grant the trust any authority to attach mandatory conditions to hydropower licenses or require the Secretary to get the trust's consent to exercise the Secretary's conditioning authority under the Federal Power Act.

For further information about this bill, please see Senate Report 106–267.

The companion bill to S. 1892 is H.R. 3288, introduced by Congresswoman Heather Wilson (R–NM).

COMMITTEE ACTION

S. 1892 was introduced on November 9, 1999, by Senator Peter Domenici (R–NM). The Senate passed the measure on April 13, 2000, by unanimous consent. The bill was referred to the Resources Committee and within the Committee to the Subcommittee on National Parks and Public Lands, and the Subcommittee on Forests and Forest Health. On May 11, 2000, the Full Committee held a hearing on the bill. On May 24, 2000, the Full Resources Committee met to consider S. 1892. Both Subcommittees were discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was then ordered favorably reported to the House of Representatives by voice vote.

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, credit authority, or an increase or decrease in tax expenditures. According to the Congressional

Budget Office, enactment of this bill will both increase and decrease direct spending.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 31, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1892, an act to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and of other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis and Megan Carroll (for federal costs), and Victoria Heid Hall (for the state and local impact).

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 1892—An act to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes

Summary: Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 1892 would cost the federal government between $6 million and $10 million over the next five years. S. 1892 would also affect direct spending; therefore pay-as-you-go procedures would apply. CBO estimates that enacting this legislation would reduce net direct spending by about $1 million over the 2001–2005 period, but would increase net direct spending by about $15 million over the 2001–2010 period.

S. 1892 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no significant costs on state, local, or tribal governments. The act could benefit states and the Pueblo of Santa Clara.

Major provisions of the act: Title I would authorize the acquisition of the Baca Ranch, a 94,761-acre property in New Mexico. This title also would:

- Establish, upon acquisition of the ranch, the Valles Caldera National Preserve as a unit of the National Forest System;
- Establish the Valles Caldera trust, board of trustees, and fund for administration of the preserve;
- Allow the Forest Service and the Valles Caldera trust (a federal government entity) to collect and spend donations, recreation fees and other charges for use of the ranch; and
- Authorize the appropriation of whatever sums are necessary to operate the ranch over the next 15 years.

Title II would authorize a 10-year program to allow the Secretary of the Interior and the Secretary of Agriculture to sell certain federal lands identified for disposal and use the net proceeds to acquire nonfederal lands.

Estimated cost to the Federal Government: The estimated impact of S. 1892 on direct spending is shown in the following table. In addition, CBO estimates that implementing S. 1892 would cost $6 million to $10 million over the 2001–2005 period, subject to appropriation of the necessary funds, to operate the ranch and build a visitors' center. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2001	2002	2003	2004	2005
CHANGES IN DIRECT SPENDING					
Additional Receipts From Sale of Federal Lands:					
Estimated Budget Authority	−2	−3	−5	−8	−9
Estimated Outlays	−2	−3	−5	−8	−9
Increase in Direct Spending:					
Estimated Budget Authority	1	1	6	8	10
Estimated Outlays	1	1	6	8	10
Net Change in Direct Spending:					
Estimated Budget Authority	−1	−2	1	0	1
Estimated Outlays	−1	−2	1	0	1

Basis of estimate: For purposes of this estimate, CBO assumes that S. 1892 will be enacted before the end of fiscal year 2000. Estimates for the cost of title I are based on information provided by the Forest Service and the current manager of the Baca Ranch. Estimates for the cost of title II are based on information from the Bureau of Land Management (BLM).

Direct spending

Title I would authorize the Forest Service and the Valles Caldera trust to collect and spend donations and fees from the use of the ranch. CBO estimates that net direct spending in each fiscal year as a result of this provision would not be significant. Most of this spending would be to manage grazing, hunting, and other public uses of the land, which we estimate would cost about $2 million annually. This amount would be offset by grazing, hunting, and recreation fees, most of which the Forest Service or the trust would begin collecting immediately.

Under current law, net receipts of about $1.5 million annually from the sale of certain public land administered by the Departments of Agriculture and the Interior are deposited in the Treasury and are unavailable for spending without appropriation. Title II would authorize BLM and the Forest Service to retain those net proceeds and spend them to acquire nonfederal lands within or adjacent to federal property over the next 10 years. Based on information from BLM, CBO expects that BLM land sales would increase under this legislation, generating about $27 million in additional offsetting receipts over the 2001–2005 period. Those sales receipts would be largely offset by a corresponding increase in direct spending of $26 million over the same period to purchase new lands. Over the next 10 years, CBO estimates that this provision would result in additional net direct spending of about $15 million because it would allow spending of land sale receipts expected under current law.

Spending subject to appropriation

CBO estimates that the Forest Service would operate the new preserve at a cost of about $1 million annually including payments to local governments in lieu of property taxes. We expect that the agency also would purchase the subsurface rights to this property, construct visitor facilities, and upgrade some roads. We estimate that these costs would be between $1 million and $5 million over the next few years, depending on the level of visitor facilities provided and the final appraisal of subsurface interests. We estimate that purchase of the ranch would not have any additional cost beyond the $101 million already appropriated for that purpose in 1999.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal year, in millions of dollars—										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Changes in outlays	0	−1	−2	1	0	1	2	3	3	4	4
Changes in receipts	Not applicable										

Estimated impact on state, local, and tribal governments: S. 1892 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Title I would authorize the Secretary of Agriculture to assign to the Pueblo of Santa Clara rights to purchase a portion of the Baca Ranch from the current owners. The portions of the ranch assigned would be by the mutual agreement of the Secretary and the Pueblo. Lands acquired by the pueblo would be deemed transferred into trust in the name of the United States for the benefit of the pueblo and declared part of the existing Santa Clara Indian Reservation. Any acquisitions by the Pueblo of Santa Clara would be voluntary.

CBO estimates that enacting title II would increase federal payments to states by a total of about $1 million over the 2001–2005 period. Under current law, states receive a percentage of the proceeds from certain land sold within their boundaries. Enacting title II would likely increase the amount of federal land sold, thereby benefitting the states receiving a portion of the proceeds.

Estimated impact on the private sector: This legislation contains no new private-sector mandates as defined in UMRA.

Previous CBO estimate: On April 11, 2000, CBO transmitted a cost estimate for S. 1892 as ordered reported by the Senate Committee on Energy and Natural Resources on April 5, 2000. The two versions of the legislation and our cost estimates are identical.

Estimate prepared by: Federal costs: Deborah Reis and Megan Carroll. Impact on State, local, and tribal governments: Victoria Heid Hall. Impact on the private sector: Jean T. Wooster.

Estimate 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.