

BLACK CANYON OF THE GUNNISON BOUNDARY
REVISION ACT OF 2003

NOVEMBER 4, 2003.—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 S. 677]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (S. 677) to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, 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. 677 is to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado.

BACKGROUND AND NEED FOR LEGISLATION

Property owners adjacent to the Black Canyon of the Gunnison National Park and National Conservation Area have experienced pressure to sell their lands to developers. Instead of selling to developers, three property owners have negotiated with the National Park Service (NPS) to sell their land willingly or exchange it for other federal land. S. 677 would direct the Secretary of the Interior to exchange and/or purchase not more than 2,500 acres and adjust the boundary of the Park and the Conservation Area accordingly. In addition, S. 677 would authorize the Secretary to transfer land under the jurisdiction of the Bureau of Land Management to the administration of the NPS to be placed within the boundary of the National Park. The bill would also ensure that any grazing rights

involved in the land transfer would be continued. Finally, Section 5 of the bill clarifies that the Commissioner of the Bureau of Reclamation shall have access to and retain jurisdiction over certain roads and areas in the park, in addition to roads and facilities in the East Portal and Crystal Dam areas, for the maintenance, repair, construction, replacement, and operation of any facilities relating to the delivery of water and power.

COMMITTEE ACTION

S. 677 was introduced on March 20, 2003, by Senator Ben Nighthorse Campbell (R-CO). The Senate passed the bill with an amendment on July 17, 2003, by unanimous consent. Within the House of Representatives, the bill was referred to the Committee on Resources. Within the Committee, the bill was referred to the Subcommittee on National Parks, Recreation and Public Lands and the Subcommittee on Water and Power. On October 21, 2003, the Subcommittee on National Parks, Recreation and Public Lands met to mark up the bill. No amendments were offered and the bill was forwarded to the Full Resources Committee by unanimous consent. On October 29, 2003, the Full Resources Committee met to consider the bill. The Subcommittee on Water and Power was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill 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 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. 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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 31, 2003.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 677, the Black Canyon of the Gunnison Boundary Revision Act of 2003.

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.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

S. 677—Black Canyon of the Gunnison Boundary Revision Act of 2003

CBO estimates that implementing S. 677 would not significantly affect the federal budget. Enacting the legislation would not affect direct spending or revenues. S. 677 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

S. 677 would authorize the Secretary of the Interior to revise the boundaries of the Black Canyon of the Gunnison National Park in Colorado to include three parcels of privately owned land. The Secretary would exchange federal lands in order to acquire two of those parcels. According to the Department of the Interior (DOI), the federal lands to be exchanged currently generate no significant receipts and are not expected to do so in the near future; hence, CBO estimates that exchanging them would not significantly affect the federal budget. The Secretary would acquire, by purchase or donation, a conservation easement on the third parcel of land. According to DOI, sufficient funding already has been appropriated for that purpose; thus, CBO estimates that completing the transaction would not significantly increase federal spending.

S. 677 also would authorize the Secretary to expand the boundaries of the Gunnison Gorge National Conservation Area to include 7,100 acres of federal lands administered by the Bureau of Land Management (BLM). Based on information from BLM, we estimate that adding those lands to the conservation area would not affect offsetting receipts or the agency's costs to manage them.

On June 27, 2003, CBO transmitted a cost estimate for S. 677 as ordered reported by the Senate Committee on Energy and Nat-

ural Resources on June 25, 2003. The two versions of the legislation are identical, as are the CBO cost estimates.

The CBO staff contacts for this estimate are Deborah Reis and Megan Carroll. 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 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 (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

BLACK CANYON OF THE GUNNISON NATIONAL PARK AND GUNNISON GORGE NATIONAL CONSERVATION AREA ACT OF 1999

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SEC. 4. ESTABLISHMENT OF BLACK CANYON OF THE GUNNISON NATIONAL PARK.

(a) ESTABLISHMENT.—(1) There is hereby established the Black Canyon of the Gunnison National Park in the State of Colorado as generally depicted on the map identified in section 3. The Black Canyon of the Gunnison National Monument is hereby abolished as such, the lands and interests therein are incorporated within and made part of the new Black Canyon of the Gunnison National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

(2) *The boundary of the Park is revised to include the addition of approximately 2,530 acres, as generally depicted on the map entitled “Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications” and dated April 2, 2003.*

* * * * *

(e) GRAZING.—(1)(A) * * *

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(D) *If land within the Park on which the grazing of livestock is authorized under permits or leases under subparagraph (A) is exchanged for private land under section 5(a), the Secretary shall transfer any grazing privileges to the land acquired in the exchange.*

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(3) With respect to the grazing permits and leases referenced in this subsection, the Secretary shall allow grazing to continue, subject to periodic renewal—

(A) with respect to a permit or lease issued to an individual, for the lifetime of the individual who was the holder of the permit or lease on the date of the enactment of this Act; **[and]**

(B) with respect to the permit or lease issued to LeValley Ranch Ltd., for the lifetime of the last surviving limited partner as of October 21, 1999;

(C) with respect to the permit or lease issued to Sanburg Herefords, L.L.P., for the lifetime of the last surviving general partner as of October 21, 1999; and

[(B)] (D) with respect to a permit or lease issued to a [partnership, corporation, or] corporation or other legal entity, for a period which shall terminate on the same date that the last permit or lease held under [subparagraph (A)] subparagraph (A), (B), or (C) terminates, unless the [partnership, corporation, or] corporation or legal entity dissolves or terminates before such time, in which case the permit or lease shall terminate with the [partnership, corporation, or] corporation or legal entity.

SEC. 5. ACQUISITION OF PROPERTY AND MINOR BOUNDARY ADJUSTMENTS.

(a) ADDITIONAL ACQUISITIONS.—

(1) IN GENERAL.—The Secretary may acquire land or interests in land depicted on the Map or the map described in section 4(a)(2) as proposed additions.

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SEC. 7. ESTABLISHMENT OF THE GUNNISON GORGE NATIONAL CONSERVATION AREA.

(a) IN GENERAL.—(1) There is established the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres as generally depicted on the Map.

(2) The boundary of the Conservation Area is revised to include the addition of approximately 7,100 acres, as generally depicted on the map entitled "Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications", and dated April 2, 2003.

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