

CHACOAN OUTLIERS PROTECTION ACT OF 1995

FEBRUARY 28, 1995.—Committed to the Committee 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 H.R. 517]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 517) to amend title V of Public Law 96-550, designating the Chaco Culture Archeological Protection Sites, 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. 517 is to amend title V of Public Law 96-550, to make certain additions and modifications to the Chaco Culture Archeological Protection Sites.

BACKGROUND AND NEED FOR LEGISLATION

Chaco Canyon lies within the San Juan basin in northwestern New Mexico, and was the center of the Anasazi civilization, which emerged and then mysteriously disappeared within a brief 400-year period, from 900 A.D. to 1300 A.D. The site, which contains the archeological remains of the Chacoan Anasazi Indian culture, was designated a national monument in 1907.

After the monument was established, a number of outlying sites were discovered, some as far as 100 miles from Chaco Canyon. These sites, spread over 30,000 square miles, are the remnants of a network of outlying communities, all linked to Chaco Canyon and other sites by an extensive system of prehistoric roads. In the late 1920's the monument was expanded to include additional ruins determined to be of Chacoan Anasazi affiliation.

In the 1950's and 1960's, increased energy and mineral exploration and development in the region led to the discovery of a number of additional Chacoan outliers. In 1980, Public Law 96-550 renamed the monument the "Chaco Culture National Historical Park," and designated 33 outlying sites as "Chaco Culture Archeological Protection Sites" totaling approximately 8,800 acres. Unlike Chaco Culture National Historical Park, the Chaco outlier sites are not treated as units of the National Park System. Instead, they are managed primarily by the Bureau of Land Management, the Bureau of Indian Affairs, and the Navajo Nation. The addition or deletion of sites to or from the system may only be authorized by an Act of Congress.

COMMITTEE ACTION

H.R. 517 was introduced by Mr. Richardson of New Mexico on January 13, 1995, and was referred to the Committee on Resources. Within the Committee, the bill was referred to the Subcommittee on National Parks, Forests and Lands. A hearing on H.R. 517 was held before the Subcommittee on January 24, 1995. At the Subcommittee meeting on January 26, 1995, H.R. 517 was ordered favorably reported to the Committee on Resources without amendment. At the meeting of the Committee on Resources on February 15, 1995, the bill was ordered favorably reported without amendment to the House of Representatives by voice vote in the presence of a quorum.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Section 1 entitles the Act the "Chacoan Outliers Protection Act of 1995".

SECTION 2. CONFORMING AMENDMENT

Section 2 contains conforming technical amendments to Public Law 96-550.

SECTION 3. ADDITIONS TO CHACO CULTURE ARCHEOLOGICAL PROTECTION SITES

Section 3 amends Public Law 96-550 by adding eight sites to the Chaco Culture Archeological Protection Sites listed in that Act, and deleting two of those sites. Of the two sites deleted, one has been incorporated into El Malpais National Monument, and the other is owned and protected by the Ute Mountain tribe which prefers to manage this site. The additions are all publicly owned. This section also modifies the boundaries of certain already designated protection sites.

Since 1980, additional sites have been uncovered, and some sites are no longer appropriate for inclusion in the Protection Sites system. Furthermore, modifications to about half of the sites remaining in the system are needed to more accurately reflect the extent and location of cultural resources found on these sites. This section makes the necessary changes in existing sites and adds and deletes certain areas.

SECTION 4. ACQUISITIONS

Section 4 amends Public Law 96-550 to authorize the Secretary of the Interior to use a combination of land acquisition authority and cooperative agreements to provide archeological resources protection at those sites remaining in private ownership.

SECTION 5. ASSISTANCE TO THE NAVAJO NATION

Section 5 amends Public Law 96-550 to direct the Secretary of the Interior to assist the Navajo Nation in the protection and management of those Chaco Culture Archeological Protection Sites located on lands under the jurisdiction of the Navajo Nation. Twenty-five of the thirty-nine sites so designated are under Navajo jurisdiction. No single agency has previously taken the lead role in assisting the Navajo Nation to ensure that the Navajo Nation will have a meaningful and equitable role in managing the Chaco sites. While some funding has been made available to the Navajo Nation, the identified needs for protection and interpretation of the Chaco sites have not been fully met.

The Committee expects the National Park Service (NPS) to fulfill the terms of the Cooperative Agreement executed between NPS and the Navajo Nation in May of 1992, and encourages an increased level of cooperation between the two entities.

The Navajo people have preserved these resources in the past, and the Committee believes that the Navajo people should be supported in the preservation and appreciation of these resources. NPS support for these purposes shall be limited to technical assistance.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(l)(3) of rule XI of the Rules of the House of Representatives and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

INFLATION IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 517 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) 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 H.R. 517. However, clause 7(d) 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 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirements of clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Subcommittee on

National Parks, Forests and Lands held a hearing January 24, 1995, on the Chaco Culture Archaeological Protections Sites and the oversight findings and recommendations of the Committee are reflected in this report.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI 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 and Oversight on the subject of H.R. 517.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI 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 H.R. 517 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 22, 1995.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 517, the Chacoan Outliers Protection Act of 1995, as ordered reported by the House Committee on Resources on February 15, 1995. Enacting this legislation would result in no significant cost to the federal government in the next five years and in no cost to state or local governments. Because enactment of H.R. 517 would not affect direct spending, pay-as-you-go procedures would not apply.

H.R. 517 would expand the number of Chaco culture archaeological protection sites administered by the Department of the Interior. Most of the newly added sites are already on public lands and would probably require only minor stabilization, protection, and interpretation. A few sites are on private lands that could eventually be purchased by the federal government, but no purchases are planned at this time.

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

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer).

DEPARTMENTAL REPORTS

The Committee has received no departmental reports on H.R. 517.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 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):

ACT OF DECEMBER 19, 1980

AN ACT To designate certain National Forest System lands in the State of New Mexico for inclusion in the National Wilderness Preservation System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE V—CHACO CULTURE NATIONAL HISTORICAL PARK

SEC. 501. (a) * * *

(b) It is the purpose of this title to recognize the unique archeological resources associated with the prehistoric Chacoan culture in the **San Juan Basin;** *San Juan Basin and surrounding areas*; to provide for the preservation and interpretation of these resources; and to facilitate research activities associated with these resources.

SEC. 502. (a) * * *

[(b)] Thirty three outlying sites generally depicted on a map entitled “Chaco Culture Archeological Protection Sites”, numbered 310/80,033–A and dated August 1980, are hereby designated as “Chaco Culture Archeological Protection Sites”. The thirty three archeological protection sites totaling approximately eight thousand seven hundred and seventy one acres are identified as follows:

Name:	<i>Acres</i>
Allentown	42
Andrews Ranch	640
Bee Burrow	40
Bisa'ani	131
Casa del Rio	40
Coolidge	15
Dalton Pass	10
Great Bend	19
Greenlee Ruin	60
Grey Hill Spring	23
Halfway House	40
Haystack	115
Hogback	371
Indian Creek	100
Jacques	40
Kin Nizhoni	726
Lake Valley	30
Las Ventanas	31
Morris 41	85
Muddy Water	1,210
Newcomb	44
Peach Springs	985
Pierre's Site	440
Raton Well	23
San Mateo	14
Sanostee	1,565
Section 8	40
Skunk Springs/Crumbled House	588
Standing Rock	321
Twin Angels	40
Toh-la-kai	10
Upper Kin Klizhin	60
Squaw Springs	870]

(b)(1) Thirty-nine outlying sites as generally depicted on a map entitled "Chaco Culture Archeological Protection Sites," numbered 310/80,033-B and dated September 1991, are hereby designated as "Chaco Culture Archeological Protection Sites." The thirty-nine archeological protection sites totaling approximately 14,372 acres are identified as follows:

Name:	
Allentown	380
Andrews Ranch	950
Bee Burrow	480
Bisa'ani	131
Casa del Rio	40
Casamero	160
Chimney Rock	3,160
Coolidge	450
Dalton Pass	135
Dittert	480
Great Bend	26
Greenlee Ruin	60
Grey Hill Spring	23
Guadalupe	115
Halfway House	40
Haystack	565
Hogback	453
Indian Creek	100
Jaquez	66
Kin Nizhoni	726
Lake Valley	30
Manuelito-Atsee Nitsaa	60
Manuelito-Kin Hchoi	116
Morris 41	85
Muddy Water	1,090
Navajo Springs	260
Newcomb	50
Peach Springs	1,046
Pierre's Site	440
Raton Well	23
Salmon Ruin	5
San Mateo	61
Sanostee	1,565
Section 8	10
Skunk Springs/Crumbled House	533
Standing Rock	348
Toh-la-kai	10
Twin Angeles	40
Upper Kin Klizhin	60

(2) The map referred to in paragraph (1) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service, the office of the State Director of the Bureau of Land Management located in Santa Fe, New Mexico, the office of the Area Director of the Bureau of Indian Affairs located in Window Rock, Arizona, and the offices of the Arizona and New Mexico State Historic Preservation Officers.

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SEC. 504. (a) * * *

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(c)(1) * * *

[(2) The Secretary shall attempt to enter into cooperative agreements pursuant to section 505 of this Act with owners of private property for those archeological protection sites described in section 502(b) of this Act. The Secretary shall acquire fee title to any such private property only if it is necessary to prevent direct and mate-

rial damage to, or destruction of, Chaco cultural resources and no cooperative agreement with the owner of the private property interest can be effected.】

(2) *The Secretary shall seek to use a combination of land acquisition authority under this section and cooperative agreements (pursuant to section 505) to accomplish the purposes of archeological resource protection at those sites described in section 502(b) that remain in private ownership.*

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SEC. 506. (a) * * *

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(f) *The Secretary, acting through the Director of the National Park Service, shall assist the Navajo Nation in the protection and management of those Chaco Culture Archeological Protection Sites located on lands under the jurisdiction of the Navajo Nation through a grant, contract, or cooperative agreement entered into pursuant to the Indian Self-Determination and Education Act (Public Law 93-638), as amended, to assist the Navajo Nation in site planning, resource protection, interpretation, resource management actions, and such other purposes as may be identified in such grant, contract, or cooperative agreement. This cooperative assistance shall include assistance with the development of a Navajo facility to serve those who seek to appreciate the Chacoan Outlier Sites.*

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