

COLORADO NORTHERN FRONT RANGE MOUNTAIN
BACKDROP PROTECTION STUDY ACT

SEPTEMBER 6, 2006.—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. 2110]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2110) to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, 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; FINDINGS; PURPOSE.

(a) **SHORT TITLE.**—This Act may be cited as the “Colorado Northern Front Range Mountain Backdrop Protection Study Act”.

(b) **FINDINGS.**—Congress finds the following:

(1) Rising dramatically from the Great Plains, the Front Range of the Rocky Mountains provides a scenic mountain backdrop to many communities in the Denver metropolitan area and elsewhere in Colorado. The portion of the range within and adjacent to the Arapaho and Roosevelt National Forests also includes a diverse array of wildlife habitats and provides many opportunities for outdoor recreation.

(2) The open space character of this mountain backdrop is an important esthetic and economic asset for adjoining communities, making them attractive locations for homes and businesses.

(3) Rapid population growth in the northern Front Range area of Colorado is increasing recreational use of the Arapaho and Roosevelt National Forests and is also placing increased pressure for development of other lands within and adjacent to that national forest.

(4) Efforts by local governments and other entities have provided important protection for portions of this mountain backdrop, especially in the northern Denver metropolitan area. However, some portions of the mountain backdrop in

this part of Colorado remain unprotected and are at risk of losing their open space qualities.

(5) It is in the national interest for the Federal Government, in collaboration with local communities, to assist in identifying options for increasing the protection of the mountain backdrop in the northern Front Range area of Colorado.

(c) PURPOSE.—The purpose of this Act is to identify options that may be available to assist in maintaining the open space characteristics of lands that are part of the mountain backdrop of communities in the northern section of the Front Range area of Colorado.

SEC. 2. COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP STUDY.

(a) STUDY AND REPORT.—The Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the State and local officials and agencies specified in subsection (c), shall review the lands within the study area and, not later than one year after the date of the enactment of this Act, shall report to such officials and to Congress regarding the following:

- (1) The present ownership of such lands.
- (2) Which undeveloped land may be at risk of development.
- (3) Actions that could be taken by the United States, the State of Colorado or a political subdivision of such State, or any other parties to preserve the open and undeveloped character of such lands.

(b) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) STUDY AREA.—The term “study area” means those lands in southern Boulder, northern Jefferson, and northern Gilpin Counties, Colorado, that are situated west of Colorado State Highway 93, south and east of Colorado State Highway 119, and north of Colorado State Highway 46, excluding lands within the city limits of the cities of Boulder or Golden, Colorado, as generally depicted on the map entitled “Northern Front Range Mountain Backdrop Study Area” dated April, 2006.

(2) UNDEVELOPED LAND.—The term “undeveloped land” means land that—

- (A) is located within the study area;
- (B) is free or primarily free of structures; and
- (C) the development of which is likely to adversely affect the scenic, wild-life, or recreational value of the study area.

(c) CONSULTATIONS.—In implementing this Act, the Secretary shall consult with the following:

- (1) The Colorado Department of Natural Resources.
- (2) Colorado State Forest Service.
- (3) Colorado State Conservation Board.
- (4) Great Outdoors Colorado.
- (5) The Boards of County Commissioners of Boulder, Jefferson, and Gilpin Counties, Colorado.

(d) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed as authorizing the Secretary of Agriculture to take any action that would affect the use of any lands not owned by the United States.

PURPOSE OF THE BILL

The purpose of H.R. 2110 is to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The State of Colorado has grown significantly in recent years and even gained a House of Representatives seat in the last census. As such, the Denver-metro area has expanded and may continue expanding into the “front range” of the Rocky Mountains. West of the front range, the Forest Service manages the Arapaho-Roosevelt National Forest. H.R. 2110 would authorize a study conducted by the Forest Service on the best way to protect open space between the Denver-metro area and the National Forest.

The bill would require, within one year of enactment, the Forest Service to study the ownership patterns of the land in the front range area, identify areas that are open and could possibly be de-

veloped, and recommend to Congress how these lands might be protected and how the federal government could help local communities and residents preclude development. The lands identified for study are within Colorado's Second Congressional District represented by Congressman Mark Udall.

At the legislative hearing on H.R. 2110, the Forest Service made several suggestions, including clarifying language that would ensure the Forest Service and the Department of Agriculture only influenced lands under its jurisdiction and that land use decisions on non-federal land be made by the appropriate zoning or planning authority. Congressman Mark Udall worked with the Forest Service to draft an amendment to the bill making these and other technical changes. The amendment was approved during the Full Committee markup.

COMMITTEE ACTION

H.R. 2110 was introduced on May 4, 2005, by Congressman Mark Udall (D-CO). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On March 9, 2006, the Subcommittee held a hearing on the bill. On July 19, 2006, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. An amendment making substantive changes requested by the Forest Service was offered by Congressman Udall and agreed to by unanimous consent. The bill, as amended, was then 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, clause 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:

H.R. 2110—Colorado Northern Front Range Mountain Backdrop Protection Study Act

H.R. 2110 would require the Forest Service to conduct a study of the lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado. The study would report on the present ownership of the lands, underdeveloped areas that may be at risk for development, and preservation actions that can be taken by Colorado state and local governments and other interested parties. Under the bill, the agency would report its findings and recommendations to the Congress within one year of the bill's enactment.

Based on information provided by the Forest Service, CBO estimates that the study required under H.R. 2110 would have no significant impact on the federal budget. Enacting the bill would have no effect on revenues or direct spending.

H.R. 2110 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.

The CBO staff contacts for this estimate are Leigh Angres and 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.