

WACO MAMMOTH NATIONAL MONUMENT
ESTABLISHMENT ACT OF 2009

JULY 24, 2009.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 1376]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1376) to authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas, having considered the same, reports favorably thereon with an amendment and recommends 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.

This Act may be cited as the “Waco Mammoth National Monument Establishment Act of 2009”.

SEC. 2. FINDINGS.

Congress finds as follows:

- (1) The Waco Mammoth Site area is located near the confluence of the Brazos and the Bosque rivers in Central Texas, near the City of Waco.
- (2) Baylor University has been investigating the site since 1978 after the discovery of bones emerging from eroding creek banks leading to the uncovering of portions of five mammoths.
- (3) Several additional mammoth remains have been uncovered making this the largest known concentration of mammoths dying from the same event.
- (4) The discoveries have received international attention.
- (5) The University and the City of Waco have been working together to protect the site and to develop further research and educational opportunities.

SEC. 3. DEFINITIONS.

In this Act the following definitions apply:

- (1) **NATIONAL MONUMENT.**—The term “national monument” means the Waco Mammoth National Monument, established in section 4.
- (2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) MAP.—The term “map” means the map titled “Proposed Boundary Waco-Mammoth National Monument”, numbered T21/80,000, and dated April, 2009.

SEC. 4. WACO MAMMOTH NATIONAL MONUMENT, TEXAS.

(a) ESTABLISHMENT.—There is established the Waco Mammoth National Monument in the State of Texas, as a unit of the National Park System, as generally depicted on the map.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. ADMINISTRATION OF NATIONAL MONUMENT.

(a) IN GENERAL.—The Secretary shall administer the national monument in accordance with this Act, the cooperative agreements described in this section, and laws and regulations generally applicable to units of the National Park System, including the National Park Service Organic Act (39 Stat. 535, 16 U.S.C. 1).

(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements for the management of the national monument with Baylor University and City of Waco, pursuant to the National Park Service General Authorities Act (16 U.S.C. 1a–2(1)).

SEC. 6. ACQUISITION OF PROPERTY AND BOUNDARY MANAGEMENT.

(a) ACQUISITION OF PROPERTY.—The Secretary is authorized to acquire from willing sellers lands, or interests in lands, within the proposed boundary of the national monument necessary for effective management.

(b) CONDITIONS.—Lands identified in subsection (a) may be acquired—

(1) by donation, purchase with donated or appropriated funds, transfer from another Federal agency, or by exchange; and

(2) in the case of lands owned by the State of Texas, or a political subdivision thereof, or Baylor University only by donation or exchange.

SEC. 7. CONSTRUCTION OF FACILITIES ON NONFEDERAL LANDS.

(a) IN GENERAL.—The Secretary is authorized, subject to the appropriation of necessary funds, to construct essential administrative or visitor use facilities on non-Federal lands within the national monument.

(b) OTHER FUNDING.—In addition to the use of Federal funds authorized in subsection (a), the Secretary may use donated funds, property, and services to carry out this section.

SEC. 8. GENERAL MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than three years after the date on which funds are made available to carry out this Act, the Secretary, in consultation with Baylor University and City of Waco, shall prepare a management plan for the national monument.

(b) INCLUSIONS.—The management plan shall include, at a minimum—

(1) measures for the preservation of the resources of the national monument;

(2) requirements for the type and extent of development and use of the national monument;

(3) identification of visitor carrying capacities for national monument; and

(4) opportunities for involvement by Baylor University, the City of Waco, the State of Texas, and other local and national entities in the formulation of educational programs for the national monument and for developing and supporting the national monument.

PURPOSE OF THE BILL

The purpose of H.R. 1376 is to authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1376 would provide for the preservation and interpretation of the burial site of many Pleistocene Columbian mammoths near Waco, Texas. Since 1978, when the first bones were found, the skeletons of 24 mammoths and one camel have been uncovered in a wooded ravine between the Bosque and Brazos Rivers. Researchers have concluded that the site contains the remains of several herds of mammoths, ranging from three to 55 years of age, which appear to have died together in one or more floods some 68,000 years ago.

Evidence at the site indicates that the region was used over a long period by nursery herds of Pleistocene mammoths. One herd of at least 19 of the animals died in a single event, representing the largest known concentration of mammoths dying from one event in North America and providing “a unique opportunity to understand and interpret the behavior and ecology of an extinct species,” according to the National Park Service (NPS).

The site is unusual not only in the collection of skeletons, many complete, but also because it has been excavated by a single institution, Baylor University, since the site was discovered. This means that the specimens and related documentation are all maintained by that one institution. The City of Waco and Baylor University own a total of slightly more than 109 acres at the site, which has never been open to the public. Baylor’s Mayborn Museum exhibits original casts of the fossil bones beneath a glass floor, giving the public a view of how excavators found the bones at the site. The City is constructing an 8,400-square-foot shelter to cover the excavation area and *in situ* specimens. The development will also include interpretive exhibits, an access road and parking facilities, trails, visitor facilities, and enhanced security, allowing public access to the site.

H.R. 1376 is based on a NPS study conducted pursuant to Public Law 107–341, which directed the NPS to study the significance, suitability, and feasibility of the site as a new unit of the National Park System. The study, transmitted to Congress in November 2008, found that a partnership led by the National Park Service would most effectively and efficiently ensure the long-term protection of the site and its paleontological resources while providing for public enjoyment.

The bill provides that the 109-acre site be managed under a cooperative agreement among the NPS, the City of Waco, and Baylor University. The City has indicated its willingness to convey to the NPS the 5-acre core site; the remaining land would be managed primarily by the City as a park, with the university’s lands there being transferred to the City. The university’s Mayborn Museum Complex would house the paleontological collection, and the NPS and the university would share management of the collection. The bill gives the NPS three years to develop a management plan for the national monument that outlines how the resources of the site will be protected, what type of development and site use are anticipated, how many visitors the national monument will be able to accommodate, and how the City, the university, and other national and local groups may be involved in developing educational programs and supporting the national monument.

COMMITTEE ACTION

H.R. 1376 was introduced on March 6, 2009, by Representative Chet Edwards (D–TX). 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 April 23, 2009, the Subcommittee held a hearing on the bill. Representatives of the Department of the Interior and the City of Waco testified in favor of the legislation.

On July 9, 2009, the full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests

and Public Lands was discharged from further consideration of the measure. Subcommittee Chairman Raúl Grijalva (D–AZ) offered an en bloc amendment to add map references to the bill. The amendment was agreed to by voice vote. Subcommittee Ranking Member Rob Bishop (R–UT) offered an amendment to include lands owned by Baylor University in the provision requiring that state and municipal lands be acquired only by donation or exchange. The amendment was agreed to by voice vote. Representative Bishop then offered an amendment prohibiting buffer zones around the site. The amendment was not agreed to by a roll call vote of 20 yeas and 22 nays, as follows:

COMMITTEE ON NATURAL RESOURCES
U.S. House of Representatives
111th Congress

Date: July 9, 2009

Convened:10:04

Adjourned:1:44

Meeting on: **Markup of HR 1376 -Bishop Amendment #2 was NOT AGREED TO by a roll call vote of 20
years and 22 days.**

Recorded Vote # _____

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Rahall, WV		✓		Mr. Wittman, VA	✓		
Mr. Doc Hastings, WA	✓			Mr. Boren, OK	✓		
Mr. Miller, CA		✓		Mr. Broun, GA	✓		
Mr. Don Young, AK				Mr. Sablan, MP		✓	
Mr. Markey, MA				Mr. Fleming, LA	✓		
Mr. Gallegly, CA	✓			Mr. Heinrich, NM			
Mr. Kildee, MI		✓		Mr. Coffman, CO	✓		
Mr. Duncan, TN				Mr. Hinchey, NY		✓	
Mr. DeFazio, OR		✓		Mr. Chaffetz, UT	✓		
Mr. Flake, AZ	✓			Mrs. Christensen, VI			
Mr. Faleomavaega, AS		✓		Mrs. Lummis, WY	✓		
Mr. Brown, SC	✓			Ms. DeGette, CO		✓	
Mr. Abercrombie, HI		✓		Mr. McClintock, CA	✓		
Mrs. McMorris Rodgers, WA	✓			Mr. Kind, WI			
Mr. Pallone, NJ		✓		Mr. Cassidy, LA	✓		
Mr. Gohmert, TX				Mrs. Capps, CA		✓	
Mrs. Napolitano, CA		✓		Mr. Inslee, WA		✓	
Mr. Bishop, UT	✓			Mr. Baca, CA		✓	
Mr. Holt, NJ		✓		Ms. Herseth Sandlin, SD	✓		
Mr. Shuster, PA	✓			Mr. Sarbanes, MD		✓	
Mr. Grijalva, AZ		✓		Ms. Shea-Porter, NH		✓	
Mr. Lamborn, CO	✓			Ms. Tsongas, MA		✓	
Mrs. Bordallo, GU		✓		Mr. Kratovil, Jr., MD		✓	
Mr. Smith, NE	✓			Mr. Pierluisi, PR		✓	
Mr. Costa, CA	✓						
				Total	20	22	

Markups - 1/3 to meet (16), 25 to report
July 9, 2009 (4:52pm)

The bill, as amended, 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 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 authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas.

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. 1376—Waco Mammoth National Monument Establishment Act of 2009

H.R. 1376 would establish the Waco Mammoth National Monument in Texas. The cost to develop and manage the new monument would be shared by the National Park Service (NPS) and local partners, such as the city of Waco and Baylor University, under cooperative agreements. The bill would authorize the NPS to both acquire land for the monument and construct facilities on nonfederal lands within the monument's boundaries. Finally, the bill would require NPS to prepare a management plan for the monument within three years of receiving funding for that purpose.

Based on information provided by the NPS and assuming the availability of appropriated funds, CBO estimates that implementing H.R. 1376 would cost about \$1 million over the next three years and about \$400,000 a year thereafter. The \$1 million would be used to develop a management plan for the site and construct

exhibits and interpretive facilities. The \$400,000 would be needed (beginning in 2013) for the federal share of annual operating costs.

For this estimate, CBO assumes that about 5 acres of land owned by Waco or Baylor University would be donated to the NPS within the next three years; the rest of the approximately 110-acre site would remain in nonfederal ownership. We further assume that other costs to develop visitor facilities within the monument—an estimated \$8 million—would be borne by the city or other non-federal participants. If, alternatively, the NPS needs to acquire more land for the monument or bear more of the costs of financing new facilities, federal costs would be higher than \$1 million (assuming appropriation of the necessary amounts).

H.R. 1376 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 contact for this estimate is Deborah Reis. 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. 1376 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.

