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HOUSE OF REPRESENTATIVES
REPORT
111–601

CIBOLA NATIONAL FOREST BOUNDARY EXPANSION

SEPTEMBER 16, 2010.—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. 5388]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5388) to expand the boundaries of the Cibola National Forest in the State of New Mexico, 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. CIBOLA NATIONAL FOREST BOUNDARY EXPANSION.

(a) BOUNDARY EXPANSION.—The boundaries of Cibola National Forest, located in the State of New Mexico, are hereby modified to include the land depicted for such inclusion on the Bureau of Land Management map entitled "Manzano Wilderness Study Area", dated August 31, 2009.

(b) AVAILABILITY AND CORRECTION OF MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in the appropriate offices of the Forest Service. The Chief of the Forest Service is authorized to make technical and clerical corrections to the map.

(c) TRANSFER OF JURISDICTION.—Administrative jurisdiction over any land under the jurisdiction of the Secretary of the Interior that is depicted on the map referred to in subsection (a) is hereby transferred to the Secretary of Agriculture, and such lands shall be subject to the laws and regulations pertaining to the National Forest System.

(d) MANZANO MOUNTAIN WILDERNESS ADDITION.—

(1) DESIGNATION.—The land depicted as the Manzano Wilderness Study Area on the map referred to in subsection (a)—

(A) is hereby designated as wilderness; and

(B) is added to the Manzano Mountain Wilderness designated by section 2(f) of the Endangered American Wilderness Act of 1978 (Public Law 95–237; 92 Stat. 42; 16 U.S.C. 1132 note).

(2) ADMINISTRATION.—The lands designated as wilderness in paragraph (1) shall be administered by the Secretary of Agriculture in accordance with Wil-

derness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date shall be considered to be a reference to the date of enactment of this Act.

(e) RELATION TO LAND AND WATER CONSERVATION FUND ACT.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Cibola National Forest, as modified by subsection (a), shall be considered to be boundaries of the Cibola National Forest as of January 1, 1965.

PURPOSE OF THE BILL

The purpose of H.R. 5388, as amended, is to expand the boundaries of the Cibola National Forest in New Mexico and designate the Manzano Wilderness Study Area as wilderness.

BACKGROUND AND NEED FOR LEGISLATION

The Cibola National Forest (Forest) covers over 1.6 million acres spread primarily across New Mexico (with several grasslands districts located in northwestern Texas and western Oklahoma). In New Mexico, the Forest consists of five separate ranger districts or management units. Two of those districts, the Sandia Mountain District and Mountainair District, are in the vicinity of Albuquerque and are thus the most visited areas of the Forest. The other units are scattered across the state as far west as Gallup, extending south past Socorro, and tucked into the remote northeastern corner of the state. The Forest encompasses some of New Mexico's most famous natural features, including the Sandia Mountains, which serve as a celebrated backdrop to Albuquerque. Within the Forest there are several wilderness areas including the Manzano Mountain Wilderness.

The Forest showcases the diversity of New Mexico's ecosystems ranging from Chihuahuan desert to short grass prairie to piñon-juniper forests to sub-alpine spruce and fir. The Forest is home to an array of wildlife, and supports the north-south migration of larger mammals. It also contains many historic and cultural resources, and the mountain ranges within the Forest are spiritual landmarks and sacred sites for the various Pueblos of New Mexico. The Forest is well known for its bird-watching, hunting, and other recreational opportunities, and the Sandia Mountains in particular are a popular destination for Albuquerque residents who flock there to ride the Sandia Peak Tram or drive the Sandia Crest National Scenic Byway to take in spectacular views of Central New Mexico.

H.R. 5388 would expand the boundaries of the Cibola National Forest to include the area known as the Manzano Wilderness Study Area (WSA), adjacent to the Mountainair District, which is currently managed by the Bureau of Land Management (BLM). The bill directs the Secretary of the Interior to transfer administrative jurisdiction over these BLM lands to the U.S. Forest Service. The bill then provides that these lands be managed in accordance with laws and regulations pertaining to the National Forest System. Specifically, upon acquisition of the Manzano WSA by the Forest Service, the land shall be designated as wilderness, added to the Manzano Mountain Wilderness and be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

COMMITTEE ACTION

H.R. 5388 was introduced by Representative Martin Heinrich (D–NM) on May 25, 2010. The bill was referred to the Committee

on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. At a June 24, 2010, hearing before the Subcommittee, a representative from the Forest Service testified in support of the bill but recommended changes to language dealing with the land grant communities and acequia associations.

On July 22, 2010, the Subcommittee was discharged from further consideration of H.R. 5388 and the full Natural Resources Committee met to consider the bill. Subcommittee Chairman Raúl Grijalva (D–AZ) offered an amendment in the nature of a substitute which removed a section of the bill that included the administrative transfer from the BLM to the Forest Service of an area known as the Crest of Montezuma parcel. The amendment also removed provisions dealing with the land grant communities and access to acequias. These provisions were removed to give the sponsor of the bill more time to work with these communities to address their concerns with transfer of this specific parcel of land.

Subcommittee Ranking Member Rob Bishop (R–UT) offered an amendment to the amendment in the nature of a substitute to allow wheeled, muscle-powered, game retrieval carts into the wilderness area. The Bishop amendment was not agreed to by a roll call vote of 13 yeas and 22 nays, as follows:

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

Date: July 22, 2010 Convened: Adjourned:

Meeting on: **HR 5388** - The amendment offered by Mr. Bishop.128 to the amendment in the nature of a substitute was NOT AGREED TO by a roll call vote of 13 yeas and 22 nays.

Recorded Vote # 10

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Rahall, WV		✔		*Mr. Wittman, VA*	✔		
Mr. Hastings, WA	✔			Mr. Sablan, MP		✔	
Mr. Miller, CA		✔		*Mr. Paul Broun, GA*	✔		
Mr. Young, AK				Mr. Heinrich, NM		✔	
Mr. Markey, MA				*Mr. Fleming, LA*	✔		
Mr. Gallegly, CA				Mr. Luján, 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. Henry Brown, SC	✔			Ms. DeGette, CO		✔	
Mr. Pallone, NJ		✔		*Mr. McClintock, CA*	✔		
Mrs. McMorris Rodgers, WA	✔			Mr. Kind, WI		✔	
Mrs. Napolitano, CA		✔		*Mr. Cassidy, LA*	✔		
Mr. Gohmert, TX				Mrs. Capps, CA		✔	
Mr. Holt, NJ		✔		Mr. Inslee, WA		✔	
Mr. Bishop, UT	✔			Mr. Baca, CA		✔	
Mr. Grijalva, AZ		✔		Ms. Herseth Sandlin, SD		✔	
Mr. Shuster, PA				Mr. Sarbanes, MD		✔	
Ms. Bordallo, GU				Ms. Shea-Porter, NH			
Mr. Lamborn, CO	✔			Ms. Tsongas, MA			
Mr. Costa, CA		✔		Mr. Kratovil, Jr., MD		✔	
Mr. Smith, NE	✔			Mr. Pierluisi, PR		✔	
Mr. Boren, OK		✔					
				Total	13	22	

Markups - 1/3 to meet (16), 25 to report
July 22, 2010 (3:32pm)

The amendment in the nature of a substitute was then agreed to by voice vote. 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 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. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to expand the boundaries of the Cibola National Forest and designate certain areas as wilderness.

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. 5388—A bill to expand the boundaries of the Cibola National Forest in the state of New Mexico

H.R. 5388 would transfer administrative jurisdiction of certain lands from the Bureau of Land Management (BLM) to the Forest Service. Based on information provided by the agencies, CBO estimates that enacting the legislation would have no significant impact on the federal budget. Enacting H.R. 5388 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Under the bill, the Forest Service would assume responsibility for about 1,800 acres of land currently administered by BLM. The lands affected by the transfer, which are located near Albuquerque, New Mexico, would become part of the Cibola National Forest. Because the affected lands are currently managed by the federal government, CBO estimates that enacting the legislation would have no significant impact on the federal budget.

H.R. 5388 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. 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. 5388 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 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.

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