

Calendar No. 52

115TH CONGRESS }
1st Session }

SENATE

{ REPORT
115-38

TO UPDATE THE MAP OF, AND MODIFY THE MAXIMUM
ACREAGE AVAILABLE FOR INCLUSION IN, THE
FLORISSANT FOSSIL BEDS NATIONAL MONUMENT

MAY 3, 2017.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany S. 287]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 287) to update the map of, and modify the maximum acreage available for inclusion in, the Florissant Fossil Beds National Monument, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 287 is to update the map of, and modify the maximum acreage available for inclusion in, the Florissant Fossil Beds National Monument.

BACKGROUND AND NEED

Florissant Fossil Beds National Monument is located in a high mountain valley just west of Pikes Peak and 35 miles west of Colorado Springs, Colorado. The Monument was established as a national monument in 1969 to preserve one of the most diverse fossil deposits in the world and interpret its paleontological resources and geologic significance. The National Park Service (NPS) maintains a collection of over 12,000 fossil specimens, conducts inventory and monitoring of the fossil sites, and, in addition to climate research, has ongoing university collaborations. A variety of recreational opportunities are offered at the Monument, including

sightseeing, interpretive visitor center exhibits, hiking, and ranger-led experiences.

The Monument encompasses 5,998 acres and is legislatively capped at 6,000 acres. The park has received local support to expand the boundary, by a donation of 280 acres of private land adjacent to the current northwestern boundary. The Palmer Land Trust and Coalition for the Upper South Platte has offered to hold the 280 acre parcel for the NPS until such time as it is able to accept ownership of the property. This legislation would allow for the modification of the maximum acreage available for inclusion in the National Monument, as well as updating of the official map.

LEGISLATIVE HISTORY

Senator Gardner introduced S. 287 on February 2, 2017. Senator Bennet is a co-sponsor.

In the 114th Congress, Senator Gardner introduced S. 3020 on June 6, 2016. The Subcommittee on National Parks held a hearing on S. 3020 on June 15, 2016. The Committee on Energy and Natural Resources met in open business session on July 13, 2016, and ordered S. 3020 favorably reported as amended.

In the 115th Congress, an identical bill, H.R. 835, was introduced in the House of Representatives by Representatives Lamborn, Polis, and Tipton on February 16, 2017.

The Committee on Energy and Natural Resources met in open business session on March 30, 2017, and ordered S. 287 favorably reported.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on March 30, 2017, by a majority voice vote of a quorum present, recommends that the Senate pass S. 287.

SECTION-BY-SECTION ANALYSIS

Section 1. Map update

Section 1 updates the boundary map and modifies the acreage available for inclusion in the Florissant Fossil Beds National Monument.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

S. 287 would revise the boundary of the Florissant Fossil Beds National Monument in Colorado and increase, from 6,000 to 6,300, the maximum number of acres that could be included in that monument. Enacting S. 287 would enable the National Park Service (NPS) to proceed with plans to acquire approximately 280 acres of land for inclusion within the monument. The underlying legislation that established the monument authorizes the Secretary of the Interior to acquire land by donation, purchase, or exchange.

According to the NPS, the owner of the 280-acre parcel is willing to donate the land for inclusion within the monument; CBO estimates that the agency's administrative costs associated with such a transaction would be negligible. Alternatively, if the NPS were to

purchase the parcel, CBO estimates that the resulting costs would total about \$1 million over the 2018 2022 period; such spending would be subject to the availability of appropriated funds. That estimate is based on information from the NPS and recent sale prices of comparable tracts of land in the areas where land would be purchased. Total costs would depend on the average price per acre, which according to local property records could range from \$2,500 per acre to \$4,000 per acre.

Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting S. 287 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 287 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 Jon Sperl. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 287. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in making the adjustments provided for in the bill. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 287, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 287, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

Because S. 287 is similar to legislation considered by the Committee in the 114th Congress, the Committee did not request Executive Agency views. The testimony provided by the National Park Service at the hearing before the Subcommittee on National Parks on June 15, 2016, follows:

STATEMENT OF DR. STEPHANIE TOOTHMAN, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, PARTNERSHIPS, AND SCIENCE, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR.

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 3020, to increase the acreage

limit and update the boundary map of Florissant Fossil Beds National Monument in the State of Colorado.

The Department supports S. 3020, with a technical correction described later in this statement. This bill would increase the acreage limit and update the boundary map, which would allow the National Park Service to accept donation of 280 acres of land from a private landowner to Florissant Fossil Beds National Monument in Teller County, Colorado. Including this land within the boundary of the monument would allow for enhanced wildfire protection as well as additional habitat for wildlife and recreational opportunities for visitors.

Public Law 91-60 limited the size of the monument to 6,000 acres. The current monument boundary includes 5,992 acres, leaving the National Park Service unable to accept the 280-acre donation. This 280-acre parcel would provide critical access to the park's western boundary for wildland fire protection, including improving opportunities for completing future hazardous fuel mitigation projects. Teller County Road 1 runs through the center of the monument and is currently the only main road that exists. The county also manages two other roads on the east side of the monument. As a result, fuels mitigation work on the monument's western boundary is limited because fire crews can only access the western boundary by foot. If the donation is approved, fire and emergency vehicles will have direct access to the western boundary of the park via a private road.

Florissant Fossil Beds National Monument is located in a high-mountain valley just west of Pikes Peak and 35 miles west of Colorado Springs, Colorado. The park was established as a national monument in 1969 to preserve one of the most diverse fossil deposits in the world and interpret its paleontological resources and geologic significance. The park maintains a collection of more than 12,000 fossil specimens, conducts inventory and monitoring of the fossil sites, has ongoing university collaborations and continues to be the subject of scientific publications.

Today, the park also offers a variety of recreational experiences to a growing community, including sightseeing, interpretive visitor center exhibits, hiking, picnicking, daily ranger-guided programs during the summer, Junior Ranger programs, and curriculum-based education programs for visiting school groups. Florissant Fossil Beds National Monument provides opportunities for exploration and discovery, as well as trails that offer easy day-hiking experiences for visitors.

The park does not anticipate additional staff or resources will be needed to support inclusion of the 280-acre donation as there are no plans to build or install any facilities there. The park superintendent provided local outreach to the community regarding the proposal and did not receive opposition from the local, county and adjacent landowners to accept the donation.

The department recommends a technical correction to the bill. On page 2, line 2, strike “numbered” and insert “entitled ‘Florissant Fossil Beds National Monument Proposed Boundary Adjustment’, numbered” to include the name of the revised map in addition to the number and date. This correction will ensure the language is consistent with the standards for identifying maps in public laws related to the National Park Service.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions you or other members of the subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the original 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):

PUBLIC LAW 91 60

AN ACT To provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve and interpret for the benefit and enjoyment of present and future generations the excellently preserved insect and leaf fossils and related geologic sites and objects at the Florissant lakebeds, the Secretary of the Interior may acquire by donation, purchase with donated or appropriated funds, or exchange such land and interests in land in Teller County, Colorado, as he may designate from the lands shown on the map [entitled “Proposed Florissant Fossil Beds National Monument”, numbered NM FFB 7100, and dated March 1967, and more particularly described by metes and bounds in an attachment to that map,] *entitled “Florissant Fossil Beds National Monument Proposed Boundary Adjustment”, numbered 171/132,544, and dated May 3, 2016*, not exceeding, however, [six thousand acres] *6,300* acres thereof, for the purpose of establishing the Florissant Fossil Beds National Monument.

SEC. 2. The Secretary of the Interior shall administer the property acquired pursuant to section 1 of this Act as the Florissant Fossil Beds National Monument in accordance with the Act entitled “An Act to establish a National Park Service, and for other purposes,” approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

SEC. 3. There are authorized to be appropriated such sums, but not more than \$3,727,000, as may be necessary for the acquisition of lands and interests in land for the Florissant Fossil Beds National Monument and for necessary development expenses in connection therewith.