

## Calendar No. 303

104TH CONGRESS }  
1st Session }

SENATE

{ REPORT  
{ 104-199

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### WALNUT CANYON NATIONAL MONUMENT BOUNDARY MODIFICATION ACT OF 1995

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DECEMBER 22, 1995.—Ordered to be printed

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

### REPORT

[To accompany H.R. 562]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 562) to modify the boundaries of Walnut Canyon National Monument in the State of Arizona, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

#### PURPOSE OF THE MEASURE

The purpose of H.R. 562 is to modify the boundaries of Walnut Canyon National Monument in Arizona through a land exchange between the National Park Service and the U.S. Forest Service, in order to better protect and preserve two archaeologically significant Sinaguan “forts.”

#### BACKGROUND AND NEED

Walnut Canyon National Monument was established by Presidential Proclamation in 1915 to protect and preserve numerous Sinaguan cliff dwellings and associated sites. The monument was expanded in 1938 and again in 1956, and now consists of 2,300 acres, of which approximately 238 are privately owned. Significant Sinaguan resources remain outside the boundaries of the monument, some under private ownership and some within the boundaries of the surrounding Coconino National Forest.

Within Walnut Canyon are five areas where archaeological sites are concentrated around natural promontories extending into the canyon; early archaeologists referred to these as “forts.” Two, and portions of a third, of the five forts are within the current boundaries of Walnut Canyon National Monument. The two remaining

forts would be included within the monument boundaries under this legislation, as well as the Santa Fe Dam, which is listed on the National Register of Historic Places. Development and expansion of the city of Flagstaff in the direction of the monument and the resulting increase in public use of both the monument and Coconino National Forest are causing concern over protection of the archaeological resources which remain outside of the monument boundary.

H.R. 562 would modify the boundary of Walnut Canyon National Monument by adding 1,292 acres and deleting 54 acres, pursuant to a referenced map. Of these acres, approximately 1,239 acres will be administratively transferred from the Forest Service to the National Park Service. Fifty-three acres of privately-owned land will be included within the monument boundary. The 54-acre deletion will be transferred administratively from the National Park Service to the Forest Service to be managed as part of the Coconino National Forest.

#### LEGISLATIVE HISTORY

H.R. 562, introduced by Representative Hay Worth, passed the House of Representatives by a vote of 371 to 49 on March 14, 1995. Companion legislation, S. 231, was introduced by Senators Kyl and McCain on January 17, 1995. The Subcommittee on Parks, Historic Preservation, and Recreation held a hearing on S. 231 and H.R. 562 on November 9, 1995.

Similar legislation, S. 2359, was introduced by Senators DeConcini and McCain during the 103rd Congress. The Subcommittee on Public Lands, National Parks and Forests held a hearing on S. 2359 on October 5, 1994. No further action was taken on the bill.

At the business meeting on December 6, 1995, the Committee on Energy and Natural Resources ordered H.R. 562 favorably reported.

#### COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on December 6, 1995, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 562 without amendment.

The rollcall vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Murkowski	
Mr. Hatfield	
Mr. Domenici	
Mr. Nickles <sup>1</sup>	
Mr. Craig	
Mr. Campbell	
Mr. Thomas	
Mr. Kyl	
Mr. Grams	
Mr. Jeffords <sup>1</sup>	
Mr. Burns	
Mr. Johnston <sup>1</sup>	

Mr. Bumpers  
 Mr. Ford<sup>1</sup>  
 Mr. Bradley<sup>1</sup>  
 Mr. Bingaman<sup>1</sup>  
 Mr. Akaka  
 Mr. Wellstone<sup>1</sup>  
 Mr. Heflin<sup>1</sup>  
 Mr. Dorgan<sup>1</sup>

<sup>1</sup>Indicates voted by proxy.

#### SECTION-BY-SECTION ANALYSIS

Section 1 entitles the Act the "Walnut Canyon National Monument Boundary Modification Act of 1995."

Section 2 describes the findings and purpose of the Act.

Section 3 provides a map reference for the boundary modification and authorizes the Secretary of the Interior, in consultation with the Secretary of Agriculture, to make technical and clerical corrections to the map.

Section 4 authorizes the Secretary of the Interior to acquire lands and interest in lands within the monument boundary with donated or appropriated funds, or by exchange. This section also specifies that administrative jurisdiction is transferred to the appropriate Secretary for lands variously excluded or included pursuant to the boundary modification in section 3.

Section 5 directs the Secretary of the Interior to manage the monument in accordance with this Act and other laws pertaining to units of the National Park Service.

Section 6 authorizes the appropriation of such sums as may be necessary to carry out this Act.

#### COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,  
 CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, December 12, 1995.*

Hon. FRANK H. MURKOWSKI,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 562, the Walnut Canyon National Monument Boundary Modification Act of 1995, as ordered reported by the Senate Committee on Energy and Natural Resources on December 6, 1995. We estimate that implementing this act would cost the federal government less than \$200,000, assuming appropriation of the necessary amounts. H.R. 562 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 562 would modify the boundaries of the Walnut Canyon National Monument in Arizona. Under section 4 of the act, approximately 1,239 acres of Forest Service land added to the monument would be transferred to National Park Service (NPS) jurisdiction, while about 54 acres of land excluded from the new boundaries would be transferred to Forest Service jurisdiction. The new bound-

aries also would encompass an additional 53 acres of privately owned land, which could be acquired by purchase, donation, or exchange.

CBO estimates that the federal government could spend up to \$200,000 if the NPS purchases the private acreage added to the park boundary. Based on information provided by the agency, however, it appears likely that this property would not be acquired for several years, if at all. Additional costs to survey, map, and manage the new park areas would not be significant.

Enactment of this legislation would have no impact on the budgets of state or local governments.

On February 23, 1995, CBO prepared a cost estimate for H.R. 562, the Walnut Canyon National Monument Boundary Modification Act of 1995, as ordered reported by the House Committee on Resources on February 15, 1995. The estimate for that version of the bill is identical to this estimate.

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

Sincerely,

JUNE E. O'NEILL, *Director.*

#### 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 H.R. 562. 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 administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 562, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

The Committee on Energy and Natural Resources has requested legislative reports from the Department of the Interior, Department of Agriculture, and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 562. These reports had not been received at the time the report on H.R. 562 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Department of the Interior at the November 9, 1995 hearing follows:

#### TESTIMONY OF DENIS P. GALVIN, ASSOCIATE DIRECTOR FOR PROFESSIONAL SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, it is a pleasure to be here today to discuss several bills that will benefit Rocky Mountain National Park and Walnut Canyon National Monument. I also am pleased to be here to testify on a bill that would create the New Bedford Whaling National Historical Park in New Bedford, Massachusetts.

The Administration supports S. 364, S. 509, S. 231, H.R. 562, and S. 608. Although we believe that S. 342 may have merit, we prefer this legislation be deferred until further study has been completed.

I will address each bill separately beginning with the three bills affecting Rocky Mountain National Park.

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#### WALNUT CANYON NATIONAL MONUMENT

*S. 231, the Walnut Canyon National Monument Boundary Modification Act of 1995/H.R. 562, the Walnut Canyon National Monument Boundary Modification Act of 1995*

We strongly support the enactment of S. 231. We also recommend that two amendments be made to S. 231 to conform it to its companion bill, H.R. 562, as passed by the House on March 14, 1995.

Walnut Canyon National Monument was established in 1915, and has served to protect and interpret the ruins of prehistoric Sinaguan settlements and land use patterns. The early prehistoric occupation of the canyon dates back to the period between A.D. 800 and A.D. 950, but most of the sites date from the 12th and 13th century and are thought to represent a dramatic influx of population during that time.

There are five steep, rocky ridges within the canyon that extend from the rims. Archeological sites cluster around these dramatic features, which were called "forts" by early archaeologists. Three of the five forts are now within Walnut Canyon National Monument. The proposed legislation would add the other two forts and associated archeological sites. Placing all five of these primary archeological areas under the management of the National Park Service would provide for consistent and unified management under an agency specifically mandated to preserve, protect, and interpret them as part of our national heritage.

The bill identifies 1,279 acres to be added to the boundary of Walnut Canyon National Monument. These lands are federally owned and are presently managed by the U.S. Forest Service, Coconino National Forest.

Two parcels totalling 54 acres are proposed for deletion from the monument and transfer to the National Forest. One parcel contains a 1-mile portion of Forest Road 303, which was included in the monument by an early survey error. The second parcel was set aside for a borrow pit to be used in construction of the entry road to the monument but was not used for this purpose.

The need to expand Walnut Canyon has long been recognized and has been the subject of intense discussions by the agencies and the public for several years.

The lands to be added to the monument under this proposal include important cultural resources directly related to the monument and its purposes. The U.S. Forest Service

and the National Park Service will continue to work closely to insure protection of the monument and the resources on adjacent National Forest System lands.

We recommend that the bill be amended to include 53 acres of privately owned land located at the eastern boundary of the monument. The landowner has requested that his land be included within the boundary of the monument and H.R. 562 includes this property. The inclusion of this property within the boundary would facilitate future communications and negotiations for both the Federal government and the landowner. To ensure that this property is included inside the boundary of the monument, the map number in Section 3 must be changed to "360/80,010". The boundary of the monument in map number 360/80,010 includes this property while the boundary in map number 360/80,011 does not.

We also recommend that Section 3 be amended by adding the following sentence at the end of the section: "The Secretary of the Interior, in consultation with the Secretary of Agriculture, is authorized to make technical and clerical corrections to such map." This language, which is also included in H.R. 562, would enable the agencies to make technical and clerical corrections to the map, if necessary.

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#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 562, as ordered reported.

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