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CARSON NATIONAL FOREST BOUNDARY ADJUSTMENT

JUNE 27, 2013.—Ordered to be printed

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

R E P O R T

[To accompany S. 312]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 312) to adjust the boundary of the Carson National Forest, New Mexico, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 312 is to adjust the boundary of the Carson National Forest in Taos County, New Mexico, to incorporate the Miranda Canyon property.

BACKGROUND AND NEED

The 4,990-acre Miranda Canyon property—located south of Taos, New Mexico, and directly adjacent to the Carson National Forest—ranges in elevation from 7,200 to 10,800 feet. The property has various vegetative types from low elevation sagebrush and piñion juniper to high elevation mixed conifer forest containing large aspen stands. There also are numerous meadows and riparian areas that provide excellent habitat for wildlife.

The landscape has numerous ridges and peaks that provide views of the Rio Grande Gorge to the west and of Wheeler Peak, the highest peak in New Mexico, to the north. Picuris Peak is located on the property along a popular hiking route. The property also contains historical features such as the Old Spanish Trail, a pack mule trail that served as a link between land-locked New Mexico and coastal California between 1829 and 1848, when other routes became more popular. Recognizing the national significance

of this historic trade route, Congress designated it the Old Spanish National Historic Trail in 2002. Other geological features on the property include a unique small volcano and 1.7 billion-year-old rock outcrops that rival the age of rock found at the bottom of the Grand Canyon.

There is substantial local support for protecting the property through Federal acquisition, and it has been identified as a top priority for acquisition by the Forest Service. In its Fiscal Year 2012 Budget Justification, the Forest Service requested funding to acquire Phase I of the Miranda Canyon property, and the Fiscal Year 2012 Consolidated Appropriations Act (P.L. 112–74) allocated funding for this request. Funding for Phase II has been requested in the Forest Service's Fiscal Year 2013 Budget Justification. The incorporation of the Miranda Canyon property into the boundary of the Carson National Forest would allow the Forest Service to complete this land acquisition using discretionary funding through the Land and Water Conservation Fund in order to protect the property's scenic and historical features and open the area to the public for recreational use.

LEGISLATIVE HISTORY

S. 312 was introduced by Senators Udall of New Mexico and Martin Heinrich on February 13, 2013. The Subcommittee on Public Lands, Forests, and Mining held a hearing on S. 312 on April 25, 2013. At its business meeting on May 16, 2013, the Committee reported the bill favorably without amendment.

In the 112th Congress, similar legislation, S. 1687 was introduced by Senators Bingaman and Udall. The Subcommittee on Public Lands and Forests held a hearing on S. 1687 on March 22, 2012 (S. Hrg. 112–642). A similar version, S. 3822, was introduced by Senator Bingaman in the 111th Congress and a hearing was held on September 29, 2010 (S. Hrg. 111–721).

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on May 16, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 312. Senators Murkowski, Barrasso, Risch, Lee, Heller, Flake, Scott, Alexander, Portman, and Hoeven requested to be recorded as voting no.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the "Carson National Forest Boundary Adjustment Act of 2013".

Section 2(a) adjusts the boundary of the Carson National Forest in Taos County, New Mexico by incorporating the approximately 4,990-acre parcel known as Miranda Canyon.

Subsection (b) states that for purposes of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundary of the Carson National Forest, as modified by this Act, will be considered the existing boundary of the forest on January 1, 1965.

COST AND BUDGETARY CONSIDERATIONS

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

S. 312—Carson National Forest Boundary Adjustment Act of 2013

S. 312 would modify the boundary of the Carson National Forest to include 5,000 acres of private land. Based on information provided by the Forest Service, CBO estimates that implementing the legislation would have no significant impact on the federal budget. We expect that any costs to revise brochures, maps, and signs to reflect the new boundary would not be significant because such revisions would take place in conjunction with scheduled reprinting and routine maintenance. Enacting S. 312 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 312 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Jeff LaFave. This estimate was approved by Theresa Gullo, 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. 312.

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 S. 312, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 312, as 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

The testimony provided by Forest Service at the April 25, 2013, Subcommittee on Public Lands, Forests, and Mining hearing on S. 312 follows:

STATEMENT OF JAMES M. PEÑA, ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman, Ranking Member Barrasso, and members of the Committee, thank you for inviting me here today to testify regarding S. 312, the Carson National Forest Boundary Adjustment Act of 2013.

S. 312 would modify the boundaries of the Carson National Forest in the State of New Mexico to include approximately 5,000 acres of private land known as "Miranda Canyon" that is adjacent to the existing National Forest boundary. The Department supports the adjustment of the boundary because it will create an opportunity

for the acquisition of Miranda Canyon property as part of the Carson National Forest.

The Trust for Public Land currently owns most of the Miranda Canyon Property and will purchase the rest from Weimer Properties by the end of the year. It is located approximately four miles south of Taos, New Mexico. Weimer Properties spent several years proposing to develop a subdivision and seeking to acquire approval from the Taos County Board of Commissioners. Approval of the subdivision was not granted and the Taos County Commissioners requested the New Mexico Congressional delegation consider placing this land under the stewardship of the U.S. Forest Service.

The Miranda Canyon Property is an expansive piece of property that ranges in elevation from 7,200 ft. to 10,800 ft. The property has various vegetative types from low elevation sagebrush and piñion—juniper to high elevation mixed conifer forest including large aspen clones. The landscape has numerous ridges and peaks that provide breathtaking views of the Rio Grande Gorge to the west and of Wheeler Peak (highest peak in New Mexico) to the north. The property contains historical features such as the Camino Real Trail and unique geologic features such as a small volcano and Miranda granite—1.7 billion year old rock outcrops that rival the age of rock found at the bottom of the Grand Canyon. There are also numerous meadows and riparian vegetation that provide excellent habitat for wildlife.

The proposed boundary adjustment has wide grass roots support from the local residents, the Taos County Board of Commissioners, the Village of Taos, and local Native American Tribes and Pueblos. To date, there has been no opposition voiced to adjusting the boundary of the Carson National Forest. The adjustment of the Forest boundary would open the door to the potential federal acquisition of Miranda Canyon from a willing seller. The cost of acquiring the Miranda Canyon property would be approximately $10,500,000, subject to the availability of appropriations. The properties are in the process of a conservation sale to the United States through an agreement with the Trust for Public Lands, a 3rd party non-profit organization. This agreement keeps the property from being developed or sold on the open market until funding is appropriated. The acquisition would provide additional recreation opportunities for hunting, sightseeing, camping, hiking, interpretation, and horseback riding for the public.

Thank you for the opportunity to testify is support of S. 312. The Department supports the acquisition of the Miranda Canyon property because it would make an outstanding addition to the National Forest System.

This concludes my testimony and I would be happy to answer any questions that you may have.

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 S. 312, as ordered reported.

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