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SENATE

{ REPORT  
110-93

### MESA VERDE NATIONAL PARK BOUNDARY EXPANSION ACT OF 2007

JUNE 26, 2007.—Ordered to be printed

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

### R E P O R T

[To accompany S. 126]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 126) to modify the boundary of Mesa Verde National Park, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

The amendment is as follows:

On page 3, strike lines 18 through 20 and insert the following:

“(1) MAP.—The term ‘map’ means the map entitled ‘Mesa Verde National Park Proposed Boundary Adjustment’, numbered 307/80,180, and dated March 1, 2007.”

#### PURPOSE OF THE MEASURE

The purpose of S. 126 is to modify the boundary of Mesa Verde National Park in Colorado to include approximately 360 acres within the park boundary.

#### BACKGROUND AND NEED

Mesa Verde National Park, located in southwestern Colorado, was established in 1906 to preserve sites built by “Pre-Columbian Indians” on mesa tops and in canyon alcoves. Mesa Verde was the Nation’s tenth national park and the first established under the authority of the Antiquities Act. The park protects lands that were inhabited by Ancestral Puebloans from approximately A.D. 600 to A.D. 1300, and includes the most complete and extensive con-

centration of prehistoric cliff dwellings in the United States. Today, with over 52,000 acres, Mesa Verde National Park preserves and protects over 4,000 archeological sites, which include 600 cliff dwellings and over 3 million associated objects in the park's research collection. The archeological sites found here are some of the most notable and best preserved in the United States.

S. 126 would authorize the acquisition of 324 acres known as the Henneman property, which borders the northeastern corner of the park. The property is threatened by development and has already been zoned for subdivision into 10-acre lots. Both the property owners and the National Park Service agree that development is undesirable at the gateway to the park.

The Conservation Fund, a nonprofit organization, has entered into a contract with the Henneman family to purchase the property for later conveyance to the National Park Service. Authorization of the property is the first step in this process.

The bill also authorizes the acquisition of a 38-acre parcel that would be donated to the Park Service by the Mesa Verde Foundation.

#### LEGISLATIVE HISTORY

S. 126 was introduced by Senators Allard and Salazar on January 4, 2007. The Subcommittee on National Parks held a hearing on the bill on March 20, 2007. At its business meeting on May 23, 2007, the Committee on Energy and Natural Resources ordered S. 126 favorably reported, with an amendment.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on May 23, 2007, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 126, if amended as described herein.

#### COMMITTEE AMENDMENT

During its consideration of S. 126, the Committee adopted an amendment to update the map referenced in the bill.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* provides the short title, the "Mesa Verde National Park Boundary Expansion Act of 2007."

*Section 2* lists congressional findings and purposes.

*Section 3* references the new official boundary map, and defines the terms "park" and "Secretary" as used in the Act.

*Section 4(a)* authorizes the Secretary of the Interior to acquire lands or interests therein described in subsection (b) for addition to Mesa Verde National Park. Lands may be acquired by donation, exchange, or purchase from a willing seller with donated or appropriated funds.

Subsection (b) describes the approximately 360 acres to be acquired, as depicted on the referenced map.

Subsection (c) states that the map shall be kept on file and available for public inspection in the appropriate offices of the National Park Service.

Subsection (d) modifies the park boundary to reflect the acquisition of any lands under this Act.

Subsection (e) provides that any acquired lands shall be administered by the Secretary as part of Mesa Verde National Park, and in accordance with any laws and regulations applicable to the park.

*Section 5* 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:

JUNE 7, 2007.

Hon. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 126, a bill to modify the boundary of Mesa Verde National Park, and for other purposes.

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

Sincerely,

PETER R. ORSZAG.

Enclosure.

*S. 126—A bill to modify the boundary of Mesa Verde National Park, and for other purposes*

Summary: S. 126 would authorize the National Park Service (NPS) to acquire approximately 360 acres to be added to Mesa Verde National Park. Assuming appropriation of the necessary funds, CBO estimates that implementing S. 126 would cost \$12 million over the 2008–2012 period. Enacting S. 126 would not affect direct spending or revenues.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated costs to the Federal Government: The estimated budgetary impact of S. 126 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level .....	2	10	0	0	0
Estimated Outlays .....	2	2	3	3	2

Basis of estimate: For this estimate, CBO assumes that S. 126 will be enacted near the end of 2007 and that the necessary amounts will be appropriated for each year. The legislation would authorize the NPS to acquire 360 acres of land adjacent to Mesa Verde National Park. Based on information provided by the agency, CBO estimates that it would spend \$2 million in 2008 to purchase a 324-acre tract of land called the Henneman property.

In addition, CBO understands that an additional 38 acres owned by the Mesa Verde Foundation would be donated to the NPS in 2008. Assuming appropriation of the necessary amounts, we estimate that the agency would spend about \$10 million over the 2009–2012 period to construct a visitor facility on the donated land. That estimate is based on information from the NPS. Some federal construction costs could be offset by private donations to the NPS or through cost-sharing arrangements with the Mesa Verde Foundation.

We estimate that annual expenses to administer lands acquired under the bill, including those to operate the new visitor facility, would be less than \$100,000.

Intergovernmental and private-sector impact: S. 126 contains no intergovernmental or private-sector mandates as defined by UMRA and would have no significant impact on the budgets of state, local, or tribal governments.

Estimate prepared by: Federal costs: Deborah Reis and David Reynolds; Impact on state, local, and tribal governments: Lisa Ramirez-Branum; Impact on the private sector: Craig Cammarata.

Estimate approved by: Peter H. Fontaine, 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. 126. 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. 126, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service on S. 126 at the March 20, 2007 Subcommittee hearing follows:

#### STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 126, a bill to modify the boundary of Mesa Verde National Park.

The Department supports S. 126. This bill would adjust the boundary of Mesa Verde National Park (park) by adding to the park a total of approximately 360 acres, located near the park entrance. This land includes 324 acres currently owned by the Henneman family and 38 acres owned by the Mesa Verde purchase from a willing seller with donated or appropriated funds, or by exchange.

We estimate that \$45,000 would be required for closing and survey costs for the Henneman property. Acquisition is estimated to cost approximately \$1.5 million. At this time, operational costs are estimated to be minimal and are not expected to exceed approximately \$20,000 per year. This acquisition would have to compete with other Park Service priorities for funds.

Mesa Verde was authorized as our nation's tenth national park in 1906 and currently includes 52,122 acres. The resources preserved at Mesa Verde include more than 4,000 known archeological sites, three million objects in the park's collections, and natural resources that provided a rich environment and supported the lives of the Ancestral Puebloans who lived there for more than 700 years.

The Henneman and Mesa Verde Foundation properties are adjacent to the current park boundary and in full view from the entrance road into the park. The property forms the foreground of the view of Point Lookout, the promontory which Congress added to the park in 1931. In addition to its strategic position at the park's entrance, the Henneman property possesses Ancestral Puebloan sites, a several-hundred-year-old pinyon-juniper forest, a major wildlife corridor and important winter habitat, and the largest recorded population of the globally imperiled Gray's Townsend daisy, a few of which are found within the current park boundary.

The Hennemans approached Mesa Verde National Park in 2002 with their desire to protect their property through its inclusion in the park. Currently, the Henneman property could be developed and is zoned for subdivision into 10-acre lots and the Hennemans have received written offers from a developer interested in constructing a high-end RV park and convention center on the property. Rather than selling for development, the Hennemans have entered into a contract to sell their property to The Conservation Fund by November 15, 2007, contingent upon passage of this boundary legislation and the availability of funds to acquire the property.

The Mesa Verde Foundation has been working with the park to provide a visitor information center adjacent to the collections facility being designed by the National Park Service for construction. The facility will be located in part on the Foundation property. The Foundation intends to donate their 38-acre parcel to the park, but cannot do so until the land has been included within the park boundary.

We understand that the Hennemans have discussed their desire to include their property in the park with the Montezuma County Commissioners. The commissioners' position was neutral, stating that this is a landowner-initiated project, and it is the right of the landowner to exercise their property rights as they desire. They have also talked with their neighbors about the proposal and no opposition has been voiced.

We recommend one amendment to correct the map reference in the bill. In section 3, paragraph 1, strike “entitled ‘2006 Proposed Mesa Verde National Park Boundary Adjustment’.” and insert “entitled ‘Mesa Verde National Park Proposed Boundary Adjustment’ numbered 307/80,180, and dated March 1, 2007.”

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions you or other members of the subcommittee might 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 the bill S. 126, as ordered reported.

