

Calendar No. 249

110TH CONGRESS }
1st Session }

SENATE

{ REPORT
110-116

NATIONAL LANDSCAPE CONSERVATION SYSTEM ACT

JUNE 28, 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. 1139]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1139) to establish the National Landscape Conservation System, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Landscape Conservation System Act”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- (2) SYSTEM.—The term “system” means the National Landscape Conservation System established by section 3(a).

SEC. 3. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) ESTABLISHMENT.—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) COMPONENTS.—The system shall include each of the following areas administered by the Bureau of Land Management:

- (1) Each area that is designated as—
 - (A) a national monument;
 - (B) a national conservation area;
 - (C) a wilderness study area;
 - (D) a national scenic trail or national historic trail designated as a component of the National Trails System;
 - (E) a component of the National Wild and Scenic Rivers System; or
 - (F) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

- (A) the Steens Mountain Cooperative Management and Protection Area;
- (B) the Headwaters Forest Reserve;
- (C) the Yaquina Head Outstanding Natural Area; and
- (D) any additional area designated by Congress for inclusion in the system.

(c) MANAGEMENT.—The Secretary shall manage the system—

- (1) in accordance with any applicable law (including regulations) relating to any component of the system included under subsection (b); and
- (2) in a manner that protects the values for which the components of the system were designated.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

PURPOSE OF THE MEASURE

The purpose of S. 1139 is to codify the National Landscape Conservation System within the Bureau of Land Management.

BACKGROUND AND NEED

The National Landscape Conservation System was established administratively by the Department of the Interior in 2000 and consists of all areas the Bureau of Land Management administers for conservation purposes. The system includes 15 National Monuments, 17 National Conservation Areas, over 6.5 million acres of wilderness in 161 areas, over 15.5 million acres of BLM-administered wilderness study areas, 12 National Historic Trails, 2 National Scenic Trails, and 38 Wild and Scenic Rivers. The concept behind grouping all of these areas into one system was to increase public awareness of the importance of these lands and to highlight the BLM's conservation of these areas and their cultural, historical, scientific, and ecological significance to the Nation.

However, because the NLCS was established administratively, it does not have the permanence that it would have if codified legislatively. In addition, legislative enactment of the NLCS may increase attention to these important, congressionally and presidentially protected areas, and will help ensure that the system remains a high priority within the BLM and the Department of the Interior. S. 1139 does not create any new management authority and does not change the authorities for any of the previously designated areas within the system.

LEGISLATIVE HISTORY

S. 1139 was introduced by Senators Bingaman, Salazar, Cantwell, and Sanders on April 18, 2007. Senator Wyden was added as a cosponsor on May 8, 2007.

The Subcommittee on Public Lands and Forests held a hearing on S. 1139 on May 3, 2007.

On May 23, 2007, the Committee on Energy and Natural Resources ordered S. 1139 to be reported with an amendment in the nature of a substitute favorably.

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. 1139, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 1139, the Committee adopted an amendment in the nature of a substitute. The amendment clarified the description of the components of the National Landscape Conservation System, but did not make any substantive changes to the bill as introduced. The amendment is described in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the “National Landscape Conservation System Act.”

Section 2 defines key terms used in the bill.

Section 3(a) establishes in the Bureau of Land Management (BLM) the National Landscape Conservation System in order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.

Subsection (b) lists the components of the system, which includes the following BLM-administered areas: national monuments; national conservation areas; wilderness areas and wilderness study areas; national scenic or national historic trails; and wild and scenic rivers. The system also includes the Steens Mountain Cooperative Management and Protection Area in Oregon, the Yaquina Head Outstanding Natural Area in Oregon, and the Headwaters Forest Reserve in California.

Section 4 authorizes the appropriation of such sums as are necessary to carry out the Act.

COST AND BUDGETARY CONSIDERATIONS

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

JUNE 6, 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. 1139, the National Landscape Conservation System Act.

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. 1139—National Landscape Conservation System Act

S. 1139 would provide a statutory basis for the National Landscape Conservation System (NLCS), which was established administratively in 2000. The NLCS encompasses about 20 million acres of land administered by the Bureau of Land Management. Based on information provided by that agency, CBO estimates that enacting S. 1139 would have no effect on the NLCS budget, which is cur-

rently about \$50 million a year, because BLM already has permanent authority to manage the land in the NLCS, subject to amounts provided in annual appropriations acts. Enacting S. 1139 would not affect direct spending or revenues.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was 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. 1139. 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. 1139, as ordered reported.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Bureau of Land Management at the Subcommittee hearing on S. 1139 follows:

STATEMENT OF JIM HUGHES, ACTING DIRECTOR, BUREAU OF LAND MANAGEMENT

Thank you for inviting me to testify on S. 1139, the National Landscape Conservation System Act. The National Landscape Conservation System (NLCS) is a significant part of the Bureau of Land Management's (BLM) conservation efforts and is integral to the BLM's overall multiple-use mission. The BLM is proud to oversee this system which includes areas nationally recognized for their outstanding values. These lands are not simply places to visit; they help define who we are as a Nation and tell the story of our nation as it unfolded in the unforgettable natural landscapes of the West.

The Department supports S. 1139, a bill that would legislatively establish the NLCS in order to conserve, protect, and restore nationally significant landscapes. The bill would provide for the inclusion in the NLCS of Congressionally and Presidentially designated special places administered by the BLM. S. 1139 would provide legislative support to the NLCS and its conservation mission within the BLM.

BACKGROUND

In June 2000, the Department of the Interior administratively established the NLCS within the BLM bringing into a single organized system many of the BLM's outstanding ecological, cultural and scientific landscapes. The

BLM is charged with managing the public lands for a wide range of uses. This multiple-use mission directs the balanced management of public lands for many uses, including conservation, recreation, livestock grazing, energy development, and timber production. The NLCS is an integral part of that mission and includes National Monuments, National Conservation Areas (NCAs), National Scenic and Historic Trails, Wild and Scenic Rivers, Wilderness, and Wilderness Study Areas (WSAs). The BLM, under the authority of section 603 of FLPMA, manages WSAs so as not to impair their wilderness character. The establishment of the NLCS would not change the status of the WSAs or the authority of Congress, at some future time, to designate them as units of the National Wilderness Preservation System or to release them for non-wilderness multiple use.

The NLCS currently includes 20 million acres of archaeological and historic treasures such as Canyons of the Ancients National Monument in Colorado and the Oregon National Historic Trail, wildlife havens such as Snake River Birds of Prey NCA in Idaho and Aravaipa Canyon Wilderness in Arizona, and hiking challenges such as King Range National Conservation Area along the lost coast of northern California and significant sections of the Continental Divide National Scenic Trail as it winds its way through New Mexico, Colorado, Wyoming and Montana.

Over the last six years, since its inception, the NLCS has established successful, collaborative relationships with local communities, States, tribes, friends groups, and private citizens. These partnerships are critical to the on-the-ground success of NLCS units.

In an increasingly crowded and fast-changing West, NLCS units provide some of the best examples of open space. For the most part, NLCS units are not highway developed. Rather, they provide visitors a different kind of outdoor experience—an opportunity to explore, discover and relax. These are places to get lost and find oneself.

Many NLCS units were designated specifically for their scientific values. Recent discoveries at some NLCS units include cave-dwelling millipedes previously unknown to science and numerous new species of dinosaurs. In 2006, at Grand Staircase-Escalante National Monument, the discovery of one of the largest known oviraptors in the world (a giant 7-foot-tall, 14-foot-long flesh-eating, feathered dinosaur) was revealed. The diverse opportunities for scientific inquiry allow NLCS units to be used as outdoor laboratories by a wide range of universities, colleges, and high schools including Brigham Young University, Montana State University, Colorado State University, Northern Arizona University, Universidad de Sonora (Mexico), Stanford University, Boise State University, University of New South Wales (Australia), Oregon State University, University of Utah, and the University of Witwatersrand (South Africa). Their efforts also directly benefit local communities. For example, studies of lava flows at Craters of the

Moon National Monument in collaboration with Idaho State University contribute to hands-on science curriculum for local elementary students.

Much of the support for NLCS units comes from local communities that work with the BLM to engage in cooperative conservation that enhance local economies, cultures, and resources. At New Mexico's Kasha-Katuwe Tent Rocks National Monument, an inter-governmental cooperative agreement between the BLM and the Pueblo de Cochiti has successfully provided for enhanced visitor services while improving the health of the land at this spectacular geologic wonder. In southern Arizona, Las Cienegas NCA is collaborating with local ranchers, water districts, the State and county to develop innovative solutions to managing this precious watershed in a desert environment—all in the context of a historic ranching community.

Many NLCS units are adjacent to growing urban centers and provide respite from the city as well as recreational opportunities. Santa Rosa and San Jacinto Mountains National Monument adjoins the burgeoning Palm Springs area of California; McGinnis Canyons NCA lies near Grand Junction, Colorado; and Red Rock Canyon NCA is located just outside of Las Vegas, Nevada. Red Rock Canyon NCA has some of the highest visitation of any BLM-administered site and serves as an adventurous alternative for locals and visitors from Las Vegas' other attractions. The many communities in California's Coachella Valley welcome the undeveloped open spaces of the Congressionally designated Santa Rosa and San Jacinto Mountains National Monument. Partnerships with the Agua Caliente Band of Cahuilla Indians, the Friends of the Desert Mountains, and the cities of Palm Desert, Palm Springs, La Quinta, Cathedral City, Indian Wells, Rancho Mirage and Indio have enhanced BLM's ability to improve recreational opportunities while also providing for improved habitat for the endangered Peninsular bighorn sheep. Colorado's growing recreation industry promotes McGinnis Canyon as a place for outdoor activity including wilderness hiking, rafting and mountain biking.

From the remote, wild Steens Mountain Cooperative Management and Protection Area in the eastern part of the State, to coastal Yaquina Head Outstanding Natural Area's lighthouse and tidal pools, the diversity of NLCS units can be viewed across the breadth of Oregon. The Oregon National Historic Trail and the interpretive center in Baker City provide a window into our pioneer past and the 300,000 emigrants who used this pathway to the Pacific. Three ecosystems collide in Cascade-Siskiyou National Monument in southwestern Oregon forming a unique assemblage of rare plants and animals. Oregon's 802 miles of wild and scenic rivers provide unparalleled opportunities for fishing, hunting and boating which contribute to economic diversity in local communities.

S. 1139

S. 1139 proposes to establish in statute the current administrative structure of the BLM's National Landscape Conservation System. The bill would not alter the management of its individual units. It recognizes the diverse nature of the component parts of the BLM's NLCS by directing that the units be managed in accordance with the laws related to each individual unit. As each unit is unique, we strongly support this recognition of their individual management frameworks.

By formalizing the NLCS, S. 1139 would give Congressional support and direction, strengthening this special system of lands within the context of the BLM's multiple-use mission. This will assure that these landscapes of the American spirit would be conserved, protected, and restored for the benefit of current and future generations.

Thank you for the opportunity to testify in support of S. 1139. I will be happy to answer any questions.

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. 1139, as ordered reported.

