

CHIMNEY ROCK NATIONAL MONUMENT ESTABLISHMENT  
ACT

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MAY 10, 2012.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. HASTINGS of Washington, from the Committee on Natural  
Resources, submitted the following

R E P O R T

[To accompany H.R. 2621]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2621) to establish the Chimney Rock National Monument in the State of Colorado, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Chimney Rock National Monument Establishment Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

- (1) NATIONAL MONUMENT.—The term “national monument” means the Chimney Rock National Monument established by section 3(a).
- (2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.
- (3) STATE.—The term “State” means the State of Colorado.

**SEC. 3. ESTABLISHMENT OF CHIMNEY ROCK NATIONAL MONUMENT.**

(a) ESTABLISHMENT.—There is established in the State the Chimney Rock National Monument—

- (1) to preserve, protect, and restore the archeological, cultural, historic, geologic, hydrologic, natural, educational, and scenic resources of Chimney Rock and adjacent land; and
- (2) to provide for public interpretation and recreation consistent with the protection of the resources described in paragraph (1).

(b) BOUNDARIES.—

- (1) IN GENERAL.—The national monument shall consist of approximately 4,726 acres of land and interests in land, as generally depicted on the map entitled

“Boundary Map, Chimney Rock National Monument” and dated January 5, 2010.

(2) **MINOR ADJUSTMENTS.**—The Secretary may make minor adjustments to the boundary of the national monument to reflect the inclusion of significant archeological resources discovered after the date of the enactment of this Act on adjacent National Forest System land.

(3) **AVAILABILITY OF MAP.**—The map described in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

**SEC. 4. ADMINISTRATION.**

(a) **IN GENERAL.**—The Secretary shall—

(1) administer the national monument—

(A) in furtherance of the purposes for which the national monument was established; and

(B) in accordance with—

(i) this Act; and

(ii) any laws generally applicable to the National Forest System; and

(2) allow only such uses of the national monument that the Secretary determines would further the purposes described in section 3(a).

(b) **TRIBAL USES.**—

(1) **IN GENERAL.**—The Secretary shall administer the national monument in accordance with—

(A) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

(B) the policy described in Public Law 95–341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996).

(2) **TRADITIONAL USES.**—Subject to any terms and conditions the Secretary determines to be necessary and in accordance with applicable law, the Secretary shall allow for the continued use of the national monument by members of Indian tribes—

(A) for traditional ceremonies; and

(B) as a source of traditional plants and other materials.

(c) **VEGETATION MANAGEMENT.**—The Secretary may carry out vegetation management treatments within the national monument, except that the harvesting of timber shall only be used if the Secretary determines that the harvesting is necessary for—

(1) ecosystem restoration in furtherance of section 3(a); or

(2) the control of fire, insects, or diseases.

(d) **MOTOR VEHICLES AND MOUNTAIN BIKES.**—The use of motor vehicles and mountain bikes in the national monument shall be limited to the roads and trails identified by the Secretary as appropriate for the use of motor vehicles and mountain bikes.

(e) **GRAZING.**—The Secretary shall permit grazing within the national monument, where established before the date of the enactment of this Act—

(1) subject to all applicable laws (including regulations); and

(2) consistent with the purposes described in section 3(a).

(f) **UTILITY RIGHT-OF-WAY UPGRADES.**—Nothing in this Act precludes the Secretary from renewing or authorizing the upgrading of a utility right-of-way in existence as of the date of the enactment of this Act through the national monument—

(1) in accordance with—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) any other applicable law; and

(2) subject to such terms and conditions as the Secretary determines to be appropriate.

(g) **VOLUNTEERS.**—The Secretary shall allow for the continued access and work of volunteers at the national monument.

(h) **RESEARCH.**—Scientific research, including archeological research, educational, and interpretive uses shall be permitted within the Monument.

(i) **OTHER ADMINISTRATIVE COSTS.**—Any signs, fixtures, alterations, or additions needed in connection with the designation or advertisement of the Monument shall be paid for only with non-Federal funds or amounts made available for such purposes in prior Acts of appropriation.

(j) **DESIGNATION OF MANAGER.**—As soon as practicable after the management plan is developed under section 5(a), the Secretary shall designate an employee of the Department of Agriculture whose duties shall include acting as the point of contact for the management of the national monument.

(k) **OTHER RECREATIONAL USES.**—The Secretary shall allow continued use of the national monument for hunting, fishing, and other recreational uses authorized on the date of the enactment of this Act, except that the Secretary may implement temporary emergency closures or restrictions of the smallest practicable area to provide for public safety, resource conservation, or other purposes authorized by law.

**SEC. 5. MANAGEMENT PLAN.**

(a) **IN GENERAL.**—Not later than 3 years after the date of the enactment of this Act, the Secretary, in consultation with Indian tribes with a cultural or historic tie to Chimney Rock, shall develop a management plan for the national monument.

(b) **PUBLIC COMMENT.**—In developing the management plan, the Secretary shall provide an opportunity for public comment by—

- (1) State and local governments;
- (2) tribal governments; and
- (3) any other interested organizations and individuals.

**SEC. 6. LAND ACQUISITION.**

The Secretary may acquire land and any interest in land within or adjacent to the boundary of the national monument by—

- (1) purchase from willing sellers with donated or appropriated funds;
- (2) donation; or
- (3) exchange.

**SEC. 7. WITHDRAWAL.**

(a) **IN GENERAL.**—Subject to valid existing rights, all Federal land within the national monument (including any land or interest in land acquired after the date of the enactment of this Act) is withdrawn from—

- (1) entry, appropriation, or disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) subject to subsection (b), operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) **LIMITATION.**—Notwithstanding subsection (a)(3), the Federal land is not withdrawn for the purposes of issuance of gas pipeline rights-of-way within easements in existence as of the date of the enactment of this Act.

**SEC. 8. EFFECT.**

(a) **WATER RIGHTS.**—

(1) **IN GENERAL.**—Nothing in this Act affects any valid water rights, including water rights held by the United States.

(2) **RESERVED WATER RIGHT.**—The designation of the national monument does not create a Federal reserved water right.

(b) **TRIBAL RIGHTS.**—Nothing in this Act affects—

- (1) the rights of any Indian tribe on Indian land;
- (2) any individually held trust land or Indian allotment; or
- (3) any treaty rights providing for nonexclusive access to or within the national monument by members of Indian tribes for traditional and cultural purposes.

(c) **FISH AND WILDLIFE.**—Nothing in this Act affects the jurisdiction of the State with respect to the management of fish and wildlife on public land in the State.

(d) **ADJACENT USES.**—Nothing in this Act—

- (1) creates a protective perimeter or buffer zone around the national monument; or
- (2) affects private property outside of the boundary of the national monument.

**PURPOSE OF THE BILL**

The purpose of H.R. 2621, as ordered reported, is to establish the Chimney Rock National Monument in the State of Colorado.

**BACKGROUND AND NEED FOR LEGISLATION**

The Chimney Rock National Monument Establishment Act (H.R. 2621) would designate 4,726 acres within the San Juan National Forest in southwestern Colorado as the Chimney Rock National Monument. The area is currently managed as the San Juan National Forest Archaeological Area in conjunction with the Chimney Rock Interpretive Association, which operates an interpretive program under a special-use permit from the U.S. Forest Service. The site currently hosts over 10,000 visitors annually. The legislation

directs the Forest Service to manage the monument to “preserve, protect, and restore the archaeological, cultural, historic, geologic, hydrologic, natural, educational, and scenic resources of Chimney Rock,” as well as provide for public interpretation and recreation consistent with the monument designation.

The legislation does allow for vegetation management, including limited timber harvest, within the monument for ecosystem restoration and to control fire, insects, or disease, in addition to allowing for motor vehicle use, grazing, and upgrades to utility right-of-ways. The bill also includes language specifying that the designation shall not affect tribal rights, water rights, State management of fish and wildlife, and adjacent uses/private property outside the monument.

During full committee consideration of H.R. 2621, the committee adopted an amendment offered by Congressman Rob Bishop (R-UT) that corrects a reference to the appropriate Secretary and further clarifies that the Secretary shall continue to allow hunting, fishing and other recreational uses that were authorized within the area to be designated.

#### COMMITTEE ACTION

H.R. 2621 was introduced on July 21, 2011, by Congressman Scott Tipton (R-CO). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On November 3, 2011, the Subcommittee held a hearing on the bill. On April 25, 2012, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered amendment designated #1 to the bill; the amendment was approved by unanimous consent. The bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 2621—Chimney Rock National Monument Establishment Act*

H.R. 2621 would establish the Chimney Rock National Monument within the San Juan National Forest in southern Colorado. The legislation would require the Forest Service to complete a management plan for the monument and would withdraw federal lands that make up the monument (about 5,000 acres) from disposal, mining, or mineral leasing.

Based on information provided by the Forest Service, CBO estimates that implementing the legislation would not have a significant impact on the federal budget. Enacting H.R. 2621 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that completing the management plan for Chimney Rock National Monument would cost about \$310,000 over the next three years. Currently, the Chimney Rock Archaeological Area is managed by volunteers and the Forest Service and it contains a visitor center and a gravel road to access the area. CBO expects that implementing the legislation could eventually lead to a need for expanded trails and increased interpretive displays. However, CBO estimates that such activities would have an insignificant impact on the federal budget over the next five years. CBO does not expect that, under current law, the affected lands would generate any offsetting receipts from disposal, mining, and mineral leasing activities over the next 10 years. Thus, we estimate that enacting the legislation would not affect direct spending.

H.R. 2621 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 Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the U.S. Forest Service, CBO estimates that implementing the legislation would not have a significant impact on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to establish the Chimney Rock National Monument in the State of Colorado.

## EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

## COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

