

STORNETTA OUTSTANDING NATURAL AREA ACT OF 2010

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MARCH 11, 2010.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

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Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 4192]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4192) to designate the Stornetta Public Lands as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, 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; DEFINITIONS.

(a) **SHORT TITLE.**—This Act may be cited as the “Stornetta Outstanding Natural Area Act of 2010”.

(b) **DEFINITIONS.**—In this Act:

(1) **PUBLIC LANDS.**—The term “public lands” has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1703(e)).

(2) **OUTSTANDING NATURAL AREA.**—The term “Outstanding Natural Area” means the Stornetta Outstanding Natural Area established under section 2.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **STORNETTA PUBLIC LANDS.**—The term “Stornetta Public Lands” means the lands designated as such on the map referred to in section 2(b).

SEC. 2. DESIGNATION OF THE STORNETTA OUTSTANDING NATURAL AREA.

(a) **IN GENERAL.**—In order to protect, conserve, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important

historical, natural, cultural, scientific, educational, scenic, and recreational values of certain lands in and around the Stornetta Public Lands, in Mendocino County, California, while allowing certain recreational and research activities to continue, there is established, subject to valid existing rights, the Stornetta Outstanding Natural Area.

(b) MAP.—The Outstanding Natural Area shall consist of the lands generally depicted as the Stornetta Outstanding Natural Area on the map titled “Stornetta Outstanding Natural Area” and dated December 3, 2009. The map shall be on file and available for public inspection in the Office of the Director, Bureau of Land Management, United States Department of the Interior, and the State office of the Bureau of Land Management in the State of California.

(c) BASIS OF MANAGEMENT.—The Secretary shall manage the Outstanding Natural Area as part of the National Landscape Conservation System to protect the resources of the area, and shall allow only those uses that further the purposes for the establishment of the Outstanding Natural Area, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable laws.

(d) WITHDRAWAL.—Subject to valid existing rights, the Federal lands and interests in lands included within the Outstanding Natural Area are hereby withdrawn from—

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

SEC. 3. MANAGEMENT OF THE STORNETTA OUTSTANDING NATURAL AREA.

(a) IN GENERAL.—The Secretary shall manage the Outstanding Natural Area in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of that area, consistent with the requirements section of 2(c).

(b) USES.—Subject to valid existing rights, the Secretary shall only allow such uses of the Outstanding Natural Area as the Secretary finds are likely to further the purposes for which the Outstanding Natural Area is established as set forth in section 2(a).

(c) MANAGEMENT PLAN.—Not later than 3 years after funds are made available for this purpose, the Secretary shall complete a comprehensive management plan consistent with the requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to provide long-term management guidance for the public lands within the Outstanding Natural Area and fulfill the purposes for which it is established, as set forth in section 2(a). The management plan shall be developed in consultation with appropriate Federal, State, and local government agencies, with full public participation, and shall include—

- (1) provisions designed to ensure the protection of the resources and values described in section 2(a);
- (2) a proposal for minimal administrative and public facilities to be developed or improved at a level compatible with achieving the resources objectives for the Outstanding Natural Area as described in subsection (a) and with other proposed management activities to accommodate visitors and researchers to the Outstanding Natural Area; and
- (3) cultural resources management strategies for the Outstanding Natural Area, prepared in consultation with appropriate departments of the State of California, with emphasis on the preservation of the resources of the Outstanding Natural Area and the interpretive, education, and long-term scientific uses of the resources, giving priority to the enforcement of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Outstanding Natural Area.

(d) COOPERATIVE AGREEMENTS.—In order to better implement the management plan and to continue the successful partnerships with local communities, the California Coastal National Monument and Manchester State Park, administered by the California Department of Parks and Recreation, the Secretary may enter into cooperative agreements with the appropriate Federal, State, and local agencies pursuant to section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)).

(e) RESEARCH ACTIVITIES.—In order to continue the successful partnership with research organizations and agencies and to assist in the development and implementation of the management plan, the Secretary may authorize within the Outstanding Natural Area appropriate research activities for the purposes identified in section 2(a) and pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)).

(f) ACQUISITION.—State and privately held lands or interests in lands adjacent to the Outstanding Natural Area and identified as appropriate for acquisition in the management plan may be acquired by the Secretary as part of the Outstanding Natural Area only by—

- (1) donation;
- (2) exchange with a willing party; or
- (3) purchase from a willing seller.

(g) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any lands or interest in lands adjacent to the Outstanding Natural Area acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the Outstanding Natural Area.

(h) OVERFLIGHTS.—Nothing in this Act or the management plan shall be construed to—

(1) restrict or preclude overflights, including low-level overflights, military, commercial, and general aviation overflights that can be seen or heard within the Outstanding Natural Area;

(2) restrict or preclude the designation or creation of new units of special use airspace or the establishment of military flight training routes over the Outstanding Natural Area; or

(3) modify regulations governing low-level overflights above the adjacent Gulf of the Farallones National Marine Sanctuary.

(i) LAW ENFORCEMENT ACTIVITIES.—Nothing in this Act shall be construed to preclude or otherwise affect coastal border security operations or other law enforcement activities by the Coast Guard or other agencies within the Department of Homeland Security, the Department of Justice, or any other Federal, State, and local law enforcement agencies within the Outstanding Natural Area.

(j) NATIVE AMERICAN USES AND INTERESTS.—In recognition of the past use of the Outstanding Natural Area by Indians and Indian tribes for traditional cultural and religious purposes, the Secretary shall ensure reasonable access to the Outstanding Natural Area by Indians and Indian tribes for such traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of a federally recognized Indian tribe or Indian religious community, may temporarily close to the general public use of one or more specific portions of the Outstanding Natural Area in order to protect the privacy of traditional cultural and religious activities in such areas by the federally recognized Indian tribe or Indian religious community. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996 et seq.; commonly referred to as the “American Indian Religious Freedom Act”).

(k) NO BUFFER ZONES.—The designation of the Outstanding Natural Area is not intended to lead to the creation of protective perimeters or buffer zones around the area. The fact that activities outside the Outstanding Natural Area and not consistent with the purposes of this Act can be seen or heard within the Outstanding Natural Area shall not, of itself, preclude such activities or uses up to the boundary of the Outstanding Natural Area.

PURPOSE OF THE BILL

The purpose of H.R. 4192 is to designate the Stornetta Public Lands as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Stornetta Public Lands (Stornetta) are located along the Northern California coast, in Mendocino County, just north of the town of Point Arena (about 140 miles north of San Francisco). The 1,132 acre area is administered by the Bureau of Land Management (BLM) and encompasses more than two miles of coastline along the Pacific Ocean, as well as the estuary of the Garcia River, and Sea Lion Rocks Island. Stornetta is also adjacent to the historically significant Point Arena Lighthouse.

Stornetta contains an array of remarkable natural resources, including extensive wetlands, cypress groves and sand dunes. The Garcia River is critical Coho and Chinook salmon habitat, while

the ocean and coastal areas around Stornetta are renowned for the diversity of marine mammals found there and have been designated as marine sanctuaries. Stornetta has significant cultural sites as well. Archaeological excavations have provided insight into the customs of the Bokeya Pomo people, who established their main village at the mouth of the Garcia River and called this area home for almost 12,000 years, until the early 19th century.

H.R. 4192 would designate certain lands in Stornetta as the “Stornetta Outstanding Natural Area” to be managed as part of the National Landscape Conservation System (NLCS), administered by the BLM. The bill authorizes the Secretary of the Interior (Secretary) to limit uses in the Outstanding Natural Area (ONA) to those which further the purposes for which the ONA was established—primarily the protection of the natural and cultural heritage of the area for future generations. Further, the bill withdraws the land, subject to valid existing rights, from mineral exploration or extraction.

H.R. 4192 allows for future land acquisition provided that the lands or interest in the lands acquired are donated or purchased from a willing seller. It also contains language that ensures the ONA designation will not impact, restrict or preclude law enforcement activities, coastal border security operations, military overflights and establishment of military flight routes over the ONA. It also directs the Secretary to ensure access to the ONA by Indian tribes for traditional cultural and religious purposes.

COMMITTEE ACTION

H.R. 4192 was introduced by Representative Mike Thompson (D-CA) on December 3, 2009. The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. At a Subcommittee hearing on January 21, 2010, a representative of the Department of the Interior testified in support of H.R. 4192 and recommended only minor, technical changes to the bill.

On February 24, 2010, the Subcommittee was discharged from the further consideration of H.R. 4192 and the Full Natural Resources Committee met to consider the bill. Subcommittee Chairman Raúl Grijalva (D-AZ) offered an amendment in the nature of a substitute to make several technical changes. The amendment was agreed to by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

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.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) 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)(3)(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.

2. 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.

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 is to designate the Stornetta Public Lands as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes.

4. Congressional Budget Office Cost Estimate. 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. 4192—Stornetta Outstanding Natural Area Act of 2010

H.R. 4192 would establish the Stornetta Outstanding Natural Area in Mendocino County, California. The area would be administered by the Bureau of Land Management (BLM) as part of the National Landscape Conservation System.

Based on information provided by BLM, CBO estimates that implementing H.R. 4192 would have no significant effect on discretionary costs because the 1,100-acre Stornetta site is owned by the federal government and is already administered by BLM to protect natural and other resources. We expect that the agency would not acquire other properties adjacent to the area and would consider only minimal development of the site, mostly through cooperative agreements with local or state agencies.

Enacting H.R. 4192 would not affect revenues or direct spending; therefore, pay-as-you-go procedures would not apply.

H.R. 4192 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 Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 4192 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PREEMPTION OF STATE, LOCAL FOR 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.

DISSENTING VIEWS OF THE HONORABLE ROB BISHOP

There are significant concerns with H.R. 4192 because it promotes expensive beachfront land acquisition and an expansion of the National Landscape Conservation System (NLCS) while our country faces an exploding budget deficit and almost 10% of our fellow citizens are out of work. At the January legislative hearing on H.R. 4192, the Department of the Interior claimed that this bill effectively does nothing except change the facility's name, done under the guise of "elevating the visibility" of certain federal properties to encourage tourism.

However, the Bureau of Land Management (BLM) made it very clear that what this bill actually does is authorize acquisition of private land with taxpayers' money. The government already has vast expanses of land under its control and a significant maintenance backlog to prove it is unable to manage what it already has. While the current recession has lowered the price of beachfront property such as this, it hardly means that the federal government is in any position to buy it.

This is yet another example of the dangerous appetite of the NLCS. Proponents of the system claim that the designation changes nothing, but somehow protects against everything, including the perceived evils of multiple use. You can't have it both ways.

A recent investigation by the Inspector General of the Department of the Interior revealed illegal lobbying by employees of the NLCS. Despite the illicit behavior of the officials running this program, the Committee Democrats pushed through this bill which expands the acreage under their supervision.

When properly managed under multiple use principles, BLM land can contribute to our twin goals of good stewardship and a strong economy with good-paying jobs. Unfortunately, this bill is a step toward accomplishing former Clinton-era Secretary of the Interior Bruce Babbitt's plan to use the NLCS to block balanced multiple use by imposing an ever-increasing National Park-like regime that endangers our access to secure, domestic resources and increases our dependence on foreign sources of food, lumber, energy, minerals and other necessities.

ROB BISHOP.

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