

SEDONA-RED ROCK NATIONAL SCENIC AREA ACT OF 2010

SEPTEMBER 16, 2010.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 4823]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4823) to establish the Sedona-Red Rock National Scenic Area in the Coconino National Forest, Arizona, 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 “Sedona-Red Rock National Scenic Area Act of 2010”.

SEC. 2. SEDONA-RED ROCK NATIONAL SCENIC AREA, COCONINO NATIONAL FOREST, ARIZONA.

(a) **ESTABLISHMENT.**—There is established in the Coconino National Forest, Arizona, the Sedona-Red Rock National Scenic Area (in this section referred to as the “Scenic Area”) for the purposes of—

(1) limiting exchanges of land involving National Forest System land included in the Scenic Area; and

(2) managing the National Forest System land included in the Scenic Area as provided in the land and resource management plan for the Coconino National Forest.

(b) **BOUNDARIES.**—The Scenic Area shall consist of approximately 160,000 acres of National Forest System land in the Coconino National Forest, as generally depicted on the map entitled “Sedona-Red Rocks National Scenic Area” and dated June 7, 2010. The Scenic Area shall not include any land located outside the boundaries of the Coconino National Forest.

(c) **MAP AND BOUNDARY DESCRIPTION.**—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall file a map and boundary description of the Scenic Area with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The map and boundary description shall have the same force and effect

as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and description. The map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(d) ADMINISTRATION.—The Secretary of Agriculture shall administer the Scenic Area in accordance with this Act, the land and resource management plan for the Coconino National Forest (including any subsequent amendment or revision of the plan), and the laws and regulations generally applicable to the National Forest System. In the event of conflict between this Act and such other laws and regulations, this Act shall take precedence.

(e) RESTRICTION ON SCENIC AREA LAND EXCHANGES.—With regard to acquisitions of land for public purposes, land exchanges that dispose of National Forest System land included in the Scenic Area may occur only if—

(1) the exchange results in the acquisition of land within the boundaries of the Scenic Area from a willing seller for inclusion in the Scenic Area;

(2) there is no net loss of National Forest System land within the boundaries of the Scenic Area; and

(3) an environmental analysis in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and consistent with the applicable forest plan amendment is completed before any land exchange within the boundaries of the Scenic Area.

(f) DEPOSIT OF CONSIDERATION FROM CERTAIN LAND SALES; USE.—

(1) DEPOSIT OF PROCEEDS.—Moneys received by the Secretary of Agriculture from the sale or exchange of land located in the Coconino National Forest shall be deposited in the fund established by Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

(2) USE OF FUNDS.—Notwithstanding the limitations on the use of moneys deposited in the fund established by Public Law 90–171, moneys deposited under paragraph (1) shall be available for use by the Secretary of Agriculture, without further appropriation and until expended, for the acquisition of land or interests in land within the National Forest System in Arizona.

(g) NO EFFECT ON SURROUNDING LAND, ROADS, OR EASEMENTS.—The establishment of the Scenic Area does not affect—

(1) the maintenance or use of public, private, or Forest Service roads within the Scenic Area;

(2) the legal status, maintenance, or use of rights-of-way and utility easements within the Scenic Area;

(3) the management of State, municipal, or private land located in the vicinity of or within the boundaries of the Scenic Area;

(4) the management of National Forest System land that is not included in the Scenic Area; or

(5) the construction or siting of transportation projects or water projects (and associated facilities) within the Scenic Area or in areas outside the Scenic Area.

(h) NO CAUSE OF ACTION.—Nothing in this Act creates a private cause of action in any Federal, state or tribal court.

PURPOSE OF THE BILL

The purpose of H.R. 4823 is to authorize the establishment of the Sedona-Red Rock National Scenic Area in the Coconino National Forest in Arizona.

BACKGROUND AND NEED FOR LEGISLATION

The Red Rock Country of Sedona is located within the Coconino National Forest (Forest) in northern Arizona. It is made up of a stunning array of red sandstone formations that appear to glow in brilliant reds and oranges when illuminated at sunrise and sunset. These Red Rocks form a breathtaking backdrop to the town of Sedona, which has helped to turn this once-small ranching town into a popular and booming tourist destination known for world-class hiking, mountain biking and motorized off-road vehicle recreation.

While tourism has become the driving economic force in the area, it has brought with it increased pressures on the health of the Forest, and on the preservation of the famous Red Rock views. A dra-

matic increase in visitors to the Forest has resulted in the degradation of trails, watersheds and pristine areas, while rapid development on the Forest's edge threatens the scenic vistas of the Red Rocks.

H.R. 4823 would protect approximately 160,000 acres of Red Rock Country, within and surrounding Sedona, by designating it a National Scenic Area. It would establish, in the Forest, the "Sedona-Red Rock National Scenic Area" (NSA) for the purposes of: (1) restricting land exchanges involving the National Forest land within the Scenic Area; and (2) managing the NSA as provided in the land and resource management plan for the Forest (for conservation purposes).

The bill includes a description of the boundary providing that the NSA will consist only of National Forest land. Further, it directs that land exchanges that dispose of National Forest land within the NSA may occur only if the exchange results in: (1) the acquisition of land, within the boundaries of the NSA, from a willing seller, for inclusion in the NSA, and (2) no net loss of National Forest land within the boundaries of the NSA. It also requires that an environmental analysis be completed before any such exchange.

H.R. 4823 specifically provides that the establishment of the NSA shall not impact surrounding land, roads or easements, nor will it impact utility easements, the management of state, municipal or private land, or the management of surrounding National Forest land.

COMMITTEE ACTION

H.R. 4823 was introduced by Representative Ann Kirkpatrick (D-AZ) on March 11, 2010. 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 June 10, 2010, hearing before the Subcommittee, a representative from the Forest Service testified in support of the bill with minor technical changes.

On July 22, 2010, the Subcommittee was discharged from further consideration of H.R. 4823 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 that references a new map, updated on June 7, 2010. The amendment in the nature of a substitute also provides for the NSA to be managed in accordance with the land and resource management plan of the Coconino National Forest, as well as any future amendments or revisions to the plan. Finally, the amendment in the nature of a substitute provides that any land exchanges authorized under this bill must be done in accordance with the National Environmental Policy Act, and consistent with the Coconino National Forest Plan.

Subcommittee Ranking Member Rob Bishop (R-UT) offered an amendment to the amendment in the nature of a substitute to provide that nothing in the Act will create a private cause of action. The amendment was agreed to by voice vote. The Committee notes that the amendment does not limit the ability to file litigation regarding management of the NSA pursuant to any other statute.

Rep. Bishop then offered a further amendment to the amendment in the nature of a substitute on behalf of Rep. Jeff Flake (R-

AZ), to provide that nothing in this Act will impact the construction of transportation projects around and within the NSA. The amendment was agreed to by voice vote.

The amendment in the nature of a substitute, as amended, was then 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 IV, section 3 of the Constitution of the United States grants 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, as ordered reported, is to establish the Sedona-Red Rocks National Scenic Area in the Coconino National Forest in northern Arizona.

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:

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H.R. 4823 would designate 160,000 acres of land near Sedona, Arizona as a National Scenic Area. Under the bill, the Forest Service could only exchange federal land within the scenic area for non-federal land that is also located within the scenic area. Based on information from the Forest Service, CBO estimates that implementing the legislation would have no significant impact on the federal budget. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Under current law, the Forest Service already restricts land exchanges within the proposed scenic area in accordance with the Coconino National Forest Plan. Based on information from the Forest Service, CBO expects that, under current law, no land exchanges would occur on those lands over the next 10 years. Thus, CBO estimates that implementing the legislation would not affect direct spending. CBO also estimates that any additional costs associated with managing the scenic area would be negligible.

H.R. 4823 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 Jeff LaFave. 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. 4823 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 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.

