

## Calendar No. 299

111TH CONGRESS  
*2d Session*

SENATE

REPORT  
111-149

---

---

### WACO MAMMOTH NATIONAL MONUMENT ESTABLISHMENT ACT

---

MARCH 2, 2010.—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 H.R. 1376]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1376) to establish the Waco Mammoth National Monument in the State of Texas, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

#### PURPOSE

The purpose of H.R. 1376 is to authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas as a unit of the National Park System.

#### BACKGROUND AND NEED

Public Law 107-341, enacted in 2002, directed the Secretary of the Interior to conduct a special resource study to determine the national significance, suitability, and feasibility of designating the Waco Mammoth Site as a unit of the National Park System. The Waco Mammoth Site is located near the confluence of the Brazos River and the Bosque River in Central Texas, near the City of Waco. The Mammoth Site includes over 109 combined acres owned by the City of Waco and Baylor University.

Baylor University has been studying the site since 1978 and has uncovered the bones of Columbian mammoths ranging from 3 to 55 years of age, which appear to have died around 68,000 years ago. The Waco Mammoth Site holds the biggest concentration of mammoths in North America and has allowed scientists to study

and better understand the life history of an extinct species. The discoveries have received international attention.

After completion of the study, the National Park Service found that the Waco site met all the criteria for designation as a unit of the National Park System, and proposed that the site be managed by the Park Service in partnership with the City of Waco and Baylor University.

#### LEGISLATIVE HISTORY

H.R. 1376, sponsored by Representative Chet Edwards, was reported by the Committee on Natural Resources on June 24, 2009 (H. Rept. 111-229), and passed the House of Representatives on July 9, 2009, by voice vote.

Companion legislation, S. 625, was introduced in the Senate by Senators Cornyn and Hutchison on March 17, 2009. The Subcommittee on National Parks held a hearing on S. 625 on July 15, 2009. (S. Hrg. 111-92). At its business meeting on December 16, 2009, the Committee on Energy and Natural Resources ordered H.R. 1376 to be reported favorably without amendment.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on December 16, 2009, by a voice vote of a quorum present, recommends that the Senate pass H.R. 1376.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* contains the short title for the bill, the “Waco Mammoth National Monument Establishment Act of 2009”.

*Section 2* contains Congressional findings.

*Section 3* defines key terms used in the legislation.

*Section 4* establishes the Waco Mammoth National Monument in the State of Texas as a unit of the National Park System as depicted on the map.

*Section 5* directs the Secretary of the Interior to administer the monument in accordance with all laws applicable to the National Park System, including the National Park System Organic Act (16 U.S.C. 1-4).

Subsection (b) authorizes the Secretary to enter into cooperative agreements for the management of the national monument with Baylor University and the City of Waco, pursuant to the National Park Service General Authorities Act (16 U.S.C. 1a-2(1)).

*Section 6* authorizes the Secretary to acquire from willing sellers lands, or interests in lands, within the proposed boundary of the national monument necessary for effective management.

*Section 7* authorizes the Secretary, subject to the appropriation of necessary funds, to construct essential administrative or visitor use facilities on non-Federal lands within the national monument. Further, the Secretary may use donated funds, property, and services to carry out construction of facilities on nonfederal lands.

*Section 8* states that not later than three years after the date of which funds are made available to carry out this Act, the Secretary, in consultation with Baylor University and City of Waco, shall prepare a management plan for the national monument.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

*H.R. 1376—Waco Mammoth National Monument Establishment Act of 2009*

H.R. 1376 would establish the Waco Mammoth National Monument in Texas. The cost to develop and manage the new monument would be shared by the National Park Service (NPS) and local partners, such as the city of Waco and Baylor University, under cooperative agreements. The legislation would authorize the NPS to both acquire land for the monument and construct facilities on non-federal lands within the monument's boundaries. Finally, the act would require the NPS to prepare a management plan for the monument within three years of receiving funding for that purpose.

Based on information provided by the NPS and assuming the availability of appropriated funds, CBO estimates that implementing H.R. 1376 would cost about \$1 million over the next three years and about \$400,000 a year thereafter. The \$1 million would be used to develop a management plan for the site and construct exhibits and interpretive facilities. Beginning in 2013, \$400,000 would be needed for the federal share of annual operating costs.

For this estimate, CBO assumes that about 5 acres of land owned by Waco or Baylor University would be donated to the NPS within the next three years; the rest of the approximately 110-acre site would remain in nonfederal ownership. We further assume that other costs to develop visitor facilities within the monument—an estimated \$8 million—would be borne by the city or other non-federal participants. If, alternatively, the NPS needed to acquire more land for the monument or bear more of the costs of financing new facilities, federal costs would be higher than \$1 million (assuming appropriation of the necessary amounts).

H.R. 1376 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.

On July 16, 2009, CBO transmitted a cost estimate for H.R. 1376, as ordered reported by the House Committee on Natural Resources on July 9, 2009. The two versions of the legislation are similar, and our cost estimates are the same.

The CBO staff contacts for this estimate are Deborah Reis and Daniel Hoople. The estimate was approved by Theresa Gullo, 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 H.R. 1376.

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 H.R. 1376.

#### CONGRESSIONALLY DIRECTED SPENDING

H.R. 1376, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

#### EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior was included in testimony received by the Committee at a hearing on S. 625, on July 15, 2009.

#### STATEMENT OF KATHERINE H. STEVENSON, ACTING DEPUTY DIRECTOR—SUPPORT SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 625, a bill to authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas.

The Department supports S. 625, with an amendment to provide the map reference in the bill. The Department testified in support of H.R. 1376, a similar bill, on April 23, 2009, before the House Subcommittee on National Parks, Forests and Public Lands.

S. 625 would establish a new unit of the National Park System, the Waco Mammoth National Monument (monument), near the city of Waco, Texas. The bill directs the Secretary of the Interior (Secretary) to administer the monument in accordance with the laws applicable to the National Park System and to enter into cooperative agreements with Baylor University and the City of Waco to manage the monument. The bill also authorizes the Secretary to acquire land for the monument from willing sellers with donated or appropriated funds, transfer from another federal agency, or exchange. Lands owned by the State of Texas, or its political subdivisions, may only be acquired by donation or exchange. Finally, the Secretary is authorized to construct facilities on non-federal land within the boundaries of the monument and to complete a General Management Plan for the monument within three years after funds are made available.

The National Park Service (NPS) was directed to complete a Special Resource Study (SRS) of the Waco Mammoth site by Public Law 107-341. This study evaluated a 109-acre site owned by the City of Waco and Baylor University and found that the site meets all the criteria for designation as a unit of the National Park System.

The Waco Mammoth Site area is located approximately 4.5 miles north of the center of Waco, near the confluence of the Brazos and the Bosque rivers. Baylor University has been investigating the site since 1978 after hearing about

bones emerging from eroding creek banks that led to the uncovering of portions of five mammoths. Since then several additional mammoth remains have been uncovered—making this the largest known concentration of mammoths dying from the same event.

The discoveries have received international attention and many of the remains have been excavated and are in storage or still being researched. The SRS determined that the combination of both in situ articulated skeletal remains and the excavated specimens from the site represents the nation's first and only recorded nursery herd of Pleistocene mammoths. The resource possesses exceptional interpretive value and superlative opportunities for visitor enjoyment and scientific study.

From the time the site was discovered until the present, the University and the City have managed the site responsibly. The SRS examined a range of proposed options for the NPS involvement at the site. We believe that NPS joining in partnership with the city of Waco, Baylor University, and others would offer the most effective and cost-efficient management of this unique resource.

If established based upon the management alternative recommended in the SRS, we estimate that the costs to create the monument would include \$8.1 million from the identified partners to develop the facilities at the monument with the NPS providing an additional \$600,000 for enhanced interpretive media. Total operational costs are estimated to be \$645,000 with the NPS contributing approximately \$345,000 for NPS staffing of four full-time equivalent positions and associated supplies, materials, and equipment. All funds are subject to NPS priorities and the availability of appropriations.

We recommend that Section 3 of S. 625 be amended to include the map reference for the monument. The map title is "Proposed Boundary Waco-Mammoth National Monument", the map number is "T21/80,000", and the date is "April 2009".

Mr. Chairman, that concludes my statement. I would be happy to answer any questions that you or other members of the Subcommittee may 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 Act H.R. 1376, as ordered reported.