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HOUSE OF REPRESENTATIVES
REPORT
107–215

VIRGIN RIVER DINOSAUR FOOTPRINT PRESERVE ACT

SEPTEMBER 24, 2001.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources, submitted the following

REPORT

[To accompany H.R. 2385]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2385) to convey certain property to the city of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources on that property, 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 "Virgin River Dinosaur Footprint Preserve Act".

SEC. 2. VIRGIN RIVER DINOSAUR FOOTPRINT PRESERVE.

(a) AUTHORIZATION FOR GRANT TO PURCHASE FOOTPRINT PRESERVE.—As soon as is practicable after the date of the enactment of this Act, if the City agrees to the conditions set forth in subsection (b), the Secretary of the Interior may award to the City a grant equal to the lesser of $500,000 or the fair market value of up to 10 acres of land (and all related facilities and other appurtenances thereon) generally depicted on the map entitled "Proposed Virgin River Dinosaur Footprint Preserve", numbered 09/06/2001–A, for purchase of that property.

(b) CONDITIONS OF GRANT.—The grant under subsection (a) shall be made only after the City agrees to the following conditions:

(1) USE OF LAND.—The City shall use the Virgin River Dinosaur Footprint Preserve in a manner that accomplishes the following:

(A) Preserves and protects the paleontological resources located within the exterior boundaries of the Virgin River Dinosaur Footprint Preserve.

(B) Provides opportunities for scientific research in a manner compatible with subparagraph (A).

(C) Provides the public with opportunities for educational activities in a manner compatible with subparagraph (A).

(2) REVERTER.—If at any time after the City acquires the Virgin River Dinosaur Footprint Preserve, the Secretary determines that the City is not substan-

tially in compliance with the conditions described in paragraph (1), all right, title, and interest in and to the Virgin River Dinosaur Footprint Preserve shall immediately revert to the United States, with no further consideration on the part of the United States, and such property shall then be under the administrative jurisdiction of the Secretary of the Interior.

(3) CONDITIONS TO BE CONTAINED IN DEED.—If the City attempts to transfer title to the Virgin River Dinosaur Footprint Preserve (in whole or in part), the conditions set forth in this subsection shall transfer with such title and shall be enforceable against any subsequent owner of the Virgin River Dinosaur Footprint Preserve (in whole or in part).

(c) COOPERATIVE AGREEMENT AND ASSISTANCE.—

(1) COOPERATIVE AGREEMENT.—The Secretary shall enter into a cooperative agreement with the City for the management of the Virgin River Dinosaur Footprint Preserve by the City.

(2) ASSISTANCE.—The Secretary may provide to the City—

(A) financial assistance, if the Secretary determines that such assistance is necessary for protection of the paleontological resources located within the exterior boundaries of the Virgin River Dinosaur Footprint Preserve; and

(B) technical assistance to assist the City in complying with subparagraphs (A) through (C) of subsection (b)(1).

(3) ADDITIONAL GRANTS.—

(A) IN GENERAL.—In addition to funds made available under subsection (a) and paragraph (2) of this subsection, the Secretary may provide grants to the City to carry out its duties under the cooperative agreement entered into under paragraph (1).

(B) LIMITATION ON AMOUNT; REQUIRED NON-FEDERAL MATCH.—Grants under subparagraph (A) shall not exceed $500,000 and shall be provided only to the extent that the City matches the amount of such grants with non-Federal contributions (including in-kind contributions).

(d) MAP ON FILE.—The map shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

(e) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) CITY.—The term "City" means the city of St. George, Utah.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) VIRGIN RIVER DINOSAUR FOOTPRINT PRESERVE.—The term "Virgin River Dinosaur Footprint Preserve" means the property (and all facilities and other appurtenances thereon) described in subsection (a).

PURPOSE OF THE BILL

The purpose of H.R. 2385 is to convey certain property to the City of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources on that property, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

In February of 2000, dinosaur tracks, taildraggings, and skin imprints of unprecedented quality dating as far back as the Jurassic Period were discovered on private land near St. George, Utah, during excavation activities. These extraordinary paleontological resources have been touted by scientists in the field as some of the most significant that have been discovered in decades because of the clarity and completeness of the imprints.

Since the discovery, over 140,000 people from all 50 states and at least 54 foreign countries have visited the site. While the city and private land owners have worked together to try to protect these valuable resources while still allowing public access, there is a lack of adequate infrastructure or facilities to accommodate the large crowds. Surrounding streets and neighborhoods area are often clogged with visitors and vehicular traffic.

The preservation of these valuable resources is also in jeopardy. The fragile sandstone in which the impressions have been made is

susceptible to the heat and wind typical of the Southern Utah climate, and rain is nearly catastrophic for quickly eroding unearthed impressions. At present, only a temporary open-sided roof structure stands between uncovered imprints and the elements.

H.R. 2385, as ordered reported, would provide a grant from the Department of Interior of up to $500,000 to the City of St. George to purchase up to 10 acres at fair market value from the private landowner for the purposes of preserving the specified land and paleontological resources. The grant would be subject to a cooperative management agreement between the Department of Interior and the city. Up to $500,000 in additional funds from the Department would be authorized to assist the city in meeting its responsibilities under the agreement, provided that the city fully match any federal assistance dollar for dollar with non-federal sources. The bill also authorizes the Department to provide technical assistance to the city.

COMMITTEE ACTION

H.R. 2385 was introduced on June 28, 2001, by Congressman James Hansen (R–UT) and referred to the Committee on Resources. On July 5, 2001, the bill was referred to the Subcommittee on National Parks, Recreation, and Public Lands. On July 26, 2001, the Subcommittee held a hearing on the bill. On July 31, 2001, the Subcommittee met to mark up the bill. Congressman Joel Hefley (R–CO) offered an amendment in the nature of a substitute that: (1) authorized only the Secretary of Interior to purchase the property cited in the bill; (2) increased the time the Secretary will have to purchase the property to 60 days; (3) required the property to be purchased at fair market value; (4) reduced the number of acres for possible purchase to ten, and (5) reverts the property to the Federal government should the city not manage the property as prescribed by the legislation. The amendment was adopted by voice vote. The bill, as amended, was then forwarded to the Full Committee by voice vote. On September 12, 2001, the Full Resources Committee met to consider the bill. Congressman Joel Hefley offered an amendment in the nature of a substitute that authorized the Secretary of Interior to grant up to $500,000 to the City of St. George, Utah, to acquire the property directly, subject to certain conditions. The amendment was adopted 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 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 convey certain property to the City of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources on that property.

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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 18, 2001.

Hon. JAMES V. HANSEN,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2385, the Virgin River Dinosaur Footprint Preserve Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 2385—Virgin River Dinosaur Footprint Preserve Act

H.R. 2385 would authorize the Secretary of the Interior to provide up to $500,000 to the city of St. George, Utah, to allow that city to purchase certain privately owned lands that contain paleontological resources. The bill would direct the Secretary to enter into a cooperative agreement with the city to manage those lands and resources and would authorize the Secretary to provide up to $500,000 in additional funds to help the city meet its responsibilities under that agreement, provided that the city fully match any federal assistance. The bill also would authorize the Secretary to provide other financial and technical assistance to help the city to preserve and protect the resources.

Based on information from the Department of Justice of the Interior, CBO estimates that implementing H.R. 2385 would cost $1 million during fiscal year 2002, assuming appropriation of the specified amounts. CBO also estimates that providing additional financial or technical assistance would not significantly increase the department's costs in any given year.

H.R. 2385 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 assistance authorized by this bill would benefit the city of St. George. Any costs incurred by that or other governments to match federal funds or comply with other conditions of assistance would be voluntary.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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.

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