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FORT STANTON-SNOWY RIVER CAVE NATIONAL CONSERVATION AREA ACT

FEBRUARY 15, 2007.—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 S. 260]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 260) to establish the Fort Stanton-Snowy River Cave National Conservation Area, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

The amendment is as follows:

On page 2, line 21, strike "November 2005" and insert "January 25, 2007".

PURPOSE

The purpose of S. 260 is to establish the Fort Stanton-Snowy River Cave National Conservation Area in Lincoln County, New Mexico, to secure, protect, and conserve the Snowy River cave system for scientific, educational, and other appropriate public uses.

BACKGROUND AND NEED

Exploration of the Fort Stanton cave network in Lincoln County, New Mexico, dates back to at least the 1850s, when troops stationed in the area began visiting the caverns. That exploration continued into the 21st century, and in 2001 led to the discovery by Bureau of Land Management volunteers of a two-mile long continuous calcite formation. The Snowy River cave formation is believed to be the largest continuous calcite formation in the world. The Fort Stanton cave has few secondary formations such as stalactites; the one outstanding formation is the Snowy River formation. Water originally carved a channel in the clay and gravel, and then even-

tually filled it with brilliant white calcite. In some places, the ceiling soars up to 40 feet; in others it is only 16 inches above the floor. The existence of another passage had been suspected for decades. One small passage in Fort Stanton ended where the ceiling had collapsed, but there was noticeable air flow from behind it. Digging efforts began in the 1970s, but were flooded out for the next two decades.

The new area, counting side passages, runs about 3.5 miles; the calcite formation has been mapped at more than 2 miles. Scientists have found 12 to 16 types of bacteria that live in a lightless environment that are unknown anywhere else.

Fort Stanton Cave itself, which was designated a National Natural Landmark in 1975, is open by permit only. The surface area overlying the Fort Stanton-Snowy River Cave National Conservation Area established by this legislation lies within the Fort Stanton Area of Critical Environmental Concern. Designation of the underground cave as a National Conservation Area will not diminish the protections already in place for the surface area under the Fort Stanton Area of Critical Environmental Concern Final Activity Plan dated March, 2001.

LEGISLATIVE HISTORY

S. 260 was introduced by Senators Domenici and Bingaman on January 11, 2007. During the 109th Congress, the Committee considered similar legislation, S. 1170, also sponsored by Senators Domenici and Bingaman. The Subcommittee on Public Lands and Forests held a hearing on S. 1170 on July 20, 2005 (S. Hrg. 109–157) and the Committee ordered the bill favorably reported on September 28, 2005 (S. Rept. 109–163).

At the business meeting on January 31, 2007, the Committee on Energy and Natural Resources ordered S. 260 to be favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on January 31, 2007, by a unanimous vote of a quorum present, recommends that the Senate pass S. 260.

COMMITTEE AMENDMENT

During the consideration of S. 260, the Committee adopted an amendment to reference a new map for the boundary of the National Conservation Area. The new boundary incorporates a small addition recommended by the Bureau of Land Management to better protect the cave resources.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the "Fort Stanton-Snowy River Cave National Conservation Area Act."

Section 2 defines key terms used in the bill.

Section 3(a) establishes the Fort Stanton-Snowy River Cave National Conservation Area in Lincoln County, New Mexico (Conservation Area) to secure, protect, and conserve the cave features and environs for scientific, educational and other appropriate public uses.

Subsection (b) defines the conservation area's boundary to include the surface and subsurface area needed to protect and provide access to the cave.

Subsection (c) directs the Secretary of the Interior (Secretary) to develop a map and legal description of the Conservation Area and make it available to the public as soon as practicable after the date of enactment.

Section 4(a) directs the Secretary to administer the Conservation Area in accordance with the laws and regulations applicable to public land and the Conservation Area's management plan. The Secretary is to administer the Conservation Area in a manner that conserves, protects, and enhances the resources and values of the Conservation Area, consistent with the purposes described in section 3(a) and in accordance with the Fort Stanton Area of Critical Environmental Concern Final Activity Plan.

Subsection (b) withdraws the Conservation Area, subject to valid existing rights, from land disposal, location, entry, and patent under mining and geothermal leasing laws.

Subsection (c) directs the Secretary to develop a management plan for the Conservation Area within two years after enactment and states the purposes of the plan.

Subsection (d) states that the Conservation Area shall not have a protective buffer zone or limit land uses or activities outside the Area or on the surface lands above it.

Subsection (e) authorizes the Secretary to establish research facilities to conduct scientific research and to interpret historical, cultural, archaeological, natural, and educational resources of the Conservation Area.

Subsection (f) directs that nothing in the Act constitutes an expressed or implied reservation of any water right.

Section 5 authorizes the appropriation of such sums as may be necessary to carry out the Act.

COST AND BUDGETARY CONSIDERATIONS

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

S. 260—Fort Stanton-Snowy River Cave National Conservation Area Act

S. 260 would establish the Fort Stanton-Snowy River Cave National Conservation Area on federal land in Lincoln County, New Mexico. Subject to valid existing rights, the bill would withdraw land within the proposed conservation area from programs to develop natural resources. The bill would direct the Secretary of the Interior to develop a plan to manage that area and would authorize the Secretary to establish research centers and visitor facilities pursuant to that plan.

Based on information from the Bureau of Land Management, CBO estimates that S. 260 would not significantly affect the federal budget. According to the agency, the affected land currently generates no significant receipts and is not expected to do so over the next 10 years. Therefore, we estimate that the proposed withdrawal would not significantly affect offsetting receipts (a credit against direct spending). We further estimate that any costs incurred to develop a management plan for the area or to construct

new facilities would not exceed $500,000 in any year, subject to the availability of appropriated funds. Enacting S. 260 would not affect revenues.

S. 260 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 Megan Carroll. This estimate was approved by Peter H. Fontaine, 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 S. 260. 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 S. 260, as ordered reported.

EXECUTIVE COMMUNICATIONS

Because S. 260 is similar to legislation considered during the 109th Congress, the Committee did not request Executive Agency views. The testimony provided by the Bureau of Land Management at the subcommittee hearing on S. 1170 on July 20, 2005 follows:

STATEMENT OF LAWRENCE E. BENNA, DEPUTY DIRECTOR, OPERATIONS, BUREAU OF LAND MANAGEMENT

Thank you for the opportunity to testify in support of S. 1170, the Fort Stanton-Snowy River National Cave Conservation Area Act. This new discovery is both exciting and awe-inspiring. Our responsibility, as emphasized in the legislation, is to protect the special scientific values of this new discovery. As Senator Domenici stated upon introduction of his legislation, this new discovery "can only be described as magnificent." We agree completely.

Background

The first documented exploration of the Fort Stanton Cave in south central New Mexico was in the mid-19th century, although there is evidence that native peoples previously explored its environs. This cave system has been extensively explored and is opened, on a permitted basis, to the public. Scout troops, amateur cavers (cave explorers) and the general public have explored this cave for years. Also, for many years volunteer groups of scientists, cavers and other professionals working in conjunction with the Bureau of Land Management (BLM) have been searching the Fort Stanton Cave system for additional passages that would expand the known cave system. In 2001, they confirmed a new passage into a previously unknown expansion of the cave system; public disclosure was delayed

until just two months ago in order to ensure protection of the unique cave ecosystem. This initial discovery was spearheaded by BLM volunteers John Corcoran, Lloyd Swartz, John Mclean, Don Becker, and Andrew Grieco.

Following the discovery, a careful, systematic and scientific process of exploration of the expanded cave system began. Cavers have their own protocols to assure documented and scientific exploration of virgin passages. The first rule is to do no harm and proceed with caution. On discovery of a new extraordinary expansion of the cave system complex, while human instinct would compel us to charge forward, for cavers the imperative is to stop. Caves are fragile ecosystems and their wonders can be easily and unintentionally destroyed. Fighting against human instinct, they stopped and they studied before they proceeded. The rewards they have reaped have been numerous.

As they began their systematic and scientific search of the cave, they were careful to keep all contact with the non-cave world at bay. Entering the Snowy River Cave complex involves a 600-yard crawl through spaces no larger than 10 inches high. Upon arrival, all dirty clothes are changed and clean jumpsuits and shoes are then worn. No outside substances are brought into the cave and airflow is restricted so as not to contaminate or depressurize the cave environment.

Exploration of the Snowy River complex will be a slow and thoughtful process. The complex includes "Snowy River" of calcium carbonate (calcite) that runs at least two miles through the base of the cave. To our knowledge, this is a unique phenomenon probably caused by an ancient slow moving river which over centuries dissolved the calcite from the surrounding stone and re-deposited it as a snowy carpet down the length of the cave.

We are making additional exceptional discoveries throughout the cave. The BLM is partnering with the caving community, scientific community, and local universities to ensure that the cave's mysteries and resources are properly treated, studied and analyzed. Dr. Penny Boston, the Director of the Cave and Karst Studies program at New Mexico Tech indicates that 16 organisms have been isolated to date from the cave that are unique and may exist nowhere else in the world. These organisms appear to survive by eating rock. This discovery lends itself to possible practical applications in the field of pharmaceuticals.

The BLM is committed to continuing these and other partnerships to explore fully the Snowy River Cave system. To date, over two miles of the system has been mapped. The full extent of the system has not been determined, but the scientists and cavers tell us that they expect many more miles of cave passages are left to be explored. In addition, there are also numerous other caves within the Fort Stanton area which contain significant cultural resources now under study.

S. 1170

The legislation before the Committee today would create the first conservation area dedicated to protecting cave resources. Its goal is to "secure, protect, and conserve" the Fort Stanton-Snowy River cave system. We strongly support those goals and the legislation to implement them. We would like the opportunity to work with Senators Domenici and Bingaman and the Committee staff to modify S. 1170 to improve management of the area to offer a number of technical refinements of the bill.

Each of the National Conservation Areas (NCAs) designated by Congress and managed by the BLM is unique. However, for the most part they have certain critical elements, these include: public land, mining, and mineral leasing law withdrawal, OHV use limitations, and language which charges the Secretary to allow only those uses that further the purposes for which the NCA is established. Furthermore, NCA proposals do not diminish the protections that currently apply to the lands. The Fort Stanton-Snowy River NCA proposal largely honors this spirit and we would like the opportunity to work with the sponsors to further develop appropriate protections.

This NCA proposal is unique because of the unusual subterranean nature of the lands to be protected. Because the area is located within the old Fort Stanton military reservation (withdrawal revoked in 1956) the BLM already has some protections in place. It lies within both the Fort Stanton Area of Critical Environmental Concern (ACEC) and the 24,000 acre Fort Stanton Recreation Area. The current uses of the area which are largely recreational are compatible with the protections envisioned by the legislation.

At the same time, the world class nature of this discovery demands further protections as noted in S. 1170. We would like to work with the Committee to further clarify those protections and the area to be covered. Inclusion of surface as well as subsurface is important. While in many places the cave system is 60 to 100 feet below the ground, in other places tree roots have been observed suggesting a close proximity to the surface. Some surface activities could affect the cave environment if safeguards are not in place. We believe it is important to draw some line around the area. Initial estimates are that an area of about 10,000 acres would likely cover the entire cave system which includes other significant caves. The establishment of this NCA would be consistent with the current uses of the area.

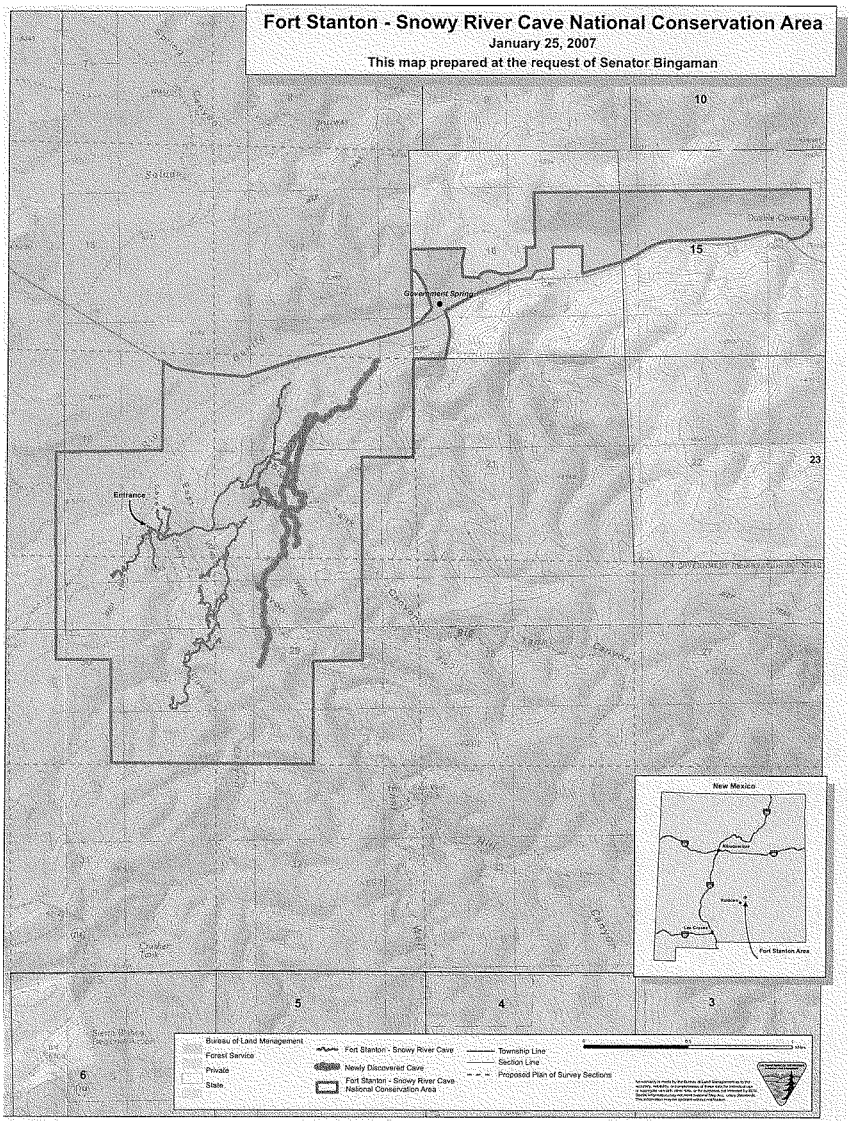
Conclusion

We want to express our deep appreciation to Senators Domenici and Bingaman for introducing this legislation to protect the important cave resources of the Fort Stanton and Snowy River Cave system. These are important resources—scientifically and educationally. We look forward

to working cooperatively both with Congress and our many partners to see this vision become a reality.

CHANGES TO 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 bill S. 260, as ordered reported.


Fort Stanton - Snowy River Cave National Conservation Area
January 25, 2007
This map prepared at the request of Senator Bingaman
10
15
23
Government Spring
Entrance
Double Cavern
Snowy River Cave
Fort Stanton Area
New Mexico
5
4
3
6
Bureau of Land Management
Forest Service
Private
State
Fort Stanton - Snowy River Cave
Newly Discovered Cave
Fort Stanton - Snowy River Cave National Conservation Area
Township Line
Section Line
Proposed Plan of Survey Sections

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