

## Calendar No. 591

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SENATE

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### VIRGIN RIVER DINOSAUR FOOTPRINT PRESERVE ACT

SEPTEMBER 11, 2002.—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. 2385]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the Act (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, reports favorably thereon with amendments and recommends that the Act, as amended, do pass.

The amendments are as follows:

1. On page 2, lines 5 through 14, amend section 2(a) to read as follows:

“(a) AUTHORIZATION FOR GRANT TO PURCHASE PRESERVE.—Of the funds appropriated in the section entitled ‘Land Acquisition’ of the Fiscal Year 2002 Interior and Related Agencies Appropriations Act, Public Law 107-63, the Secretary of the Interior shall grant \$500,000 to the City for—

“(1) the purchase of up to 10 acres of land within the area generally depicted as the ‘Preserve Acquisition Area’ on the map entitled ‘Map B’ and dated May 9, 2002; and

“(2) the preservation of such land and paleontological resources.”.

2. On page 4, strike lines 1 through 4, and redesignate subsequent paragraphs accordingly.

## PURPOSE

The purpose of H.R. 2385, as ordered reported, is to authorize the Secretary of the Interior to use up to \$500,000 previously appropriated for land acquisition to St. George, Utah to provide for the protection and preservation of certain rare paleontological resources on that property, and for other purposes.

## BACKGROUND AND NEED

In February 2000, dinosaur tracks, taildragging marks, and skin imprints of considerable quality dating as far back as the Jurassic Period were discovered on private land near St. George, Utah. These paleontological resources have been described by some scientists as among 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 have visited the site. Although 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 the paleontological 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 the uncovered imprints and the elements.

## LEGISLATIVE HISTORY

H.R. 2385 was introduced by Representative Hansen on June 28, 2001 and passed the House of Representatives by a voice vote on October 2, 2001. Companion legislation, S. 1497, was introduced by Senator Hatch on October 3, 2001. The Subcommittee on Public Lands and Forests held a hearing on S. 1497 and H.R. 2385 on May 9, 2002. At the business meeting on July 31, 2002, the Committee on Energy and Natural Resources ordered H.R. 2385, as amended, favorably reported.

## COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 31, 2002, by a voice vote of a quorum present, recommends that the Senate pass H.R. 2385, if amended as described herein.

## COMMITTEE AMENDMENT

During the consideration of H.R. 2385, the Committee adopted two amendments. Amendment #1 provides that Secretary may use \$500,000 previously appropriated for land acquisition in Utah for the grant to St. George, Utah for land acquisition under this Act. The amendment also updates the map reference to provide a larger area within which the city can select the 10 acres for the preserve. Amendment #2 deletes a provision authorizing the Secretary to enter into a cooperative agreement with the city to manage the pre-

serve. This provision is not necessary since the city will purchase the land.

#### SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the “Virgin River Dinosaur Footprint Preserve Act.”

Section 2 (a) authorizes a grant from the Department of Interior 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 could be as much as the lesser of \$500,000 or the fair market value of up to 10 acres of land generally depicted on a referenced map.

#### COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 8, 2002.*

Hon. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources,  
U.S. Senate, 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 contacts are Megan Carroll (for federal cost) and Marjorie Miller (for the state and local impact).

Sincerely,

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

Enclosure.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

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

CBO estimates that H.R. 2385 would have no significant impact on the federal budget. The legislation would affect direct spending; therefore, pay-as-you-go procedures would apply, but we estimate that any such effects would total less than \$500,000.

H.R. 2385 would direct the Secretary of the Interior to provide a grant of \$500,000 to the city of St. George, Utah, to allow that city to purchase certain privately owned lands that contain paleontological resources. The legislation would require the Secretary to use existing funds to make that grant. For fiscal year 2002, the Congress provided \$500,000 for the Bureau of Land Management (BLM) to purchase land in St. George, Utah. By authorizing the Secretary to provide those funds directly to the city, H.R. 2385 would change the underlying purpose for which those funds could be spent, and any resulting change in the timing of outlays would be subject to pay-as-you-go procedures. Based on information from BLM, however, CBO estimates that any such change would be insignificant.

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 legislation 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 this assistance would be voluntary.

On September 18, 2001, CBO transmitted a cost estimate for H.R. 2385 as ordered reported by the House Committee on Resources on September 12, 2001. Our estimate of spending under the Senate version is lower than under the House version for two reasons. First, at the time of our previous estimate, no funds had been appropriated to enable the city to acquire the land; hence, we estimated that making the grant would increase spending subject to appropriation by \$500,000. Second, the House version would direct the Secretary to enter into a cooperative agreement with the city to manage paleontological resources and would authorize the Secretary to spend an additional \$500,000 to help the city meet its responsibilities under that agreement. Because the Senate version does not require the Secretary to enter into such an agreement with the city, our estimate of the Senate version does not include the cost of providing additional assistance to the city.

The CBO staff contacts for this estimate are Megan Carroll (for federal costs) and Marjorie Miller (for the state and local impact). 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 H.R. 2385. 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. 2385, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the Subcommittee hearing follows:

#### STATEMENT OF LARRY FINFER, ASSISTANT DIRECTOR FOR COMMUNICATIONS, BUREAU OF LAND MANAGEMENT

Thank you for the opportunity to testify on S. 1497 and H.R. 2385 to provide for the protection of dinosaur footprints in St. George, Utah. The Department of the Interior supports S. 1497 and H.R. 2385, but would like the opportunity to work with the sponsors of the bill and the Committee on minor and technical amendments.

*S. 1497 and H.R. 2385*

S. 1497 and the identical H.R. 2385 as passed by the House, allow the Secretary of the Interior to award a grant to the City of St. George, Utah of up to \$500,000 for the acquisition of 10 acres of private land on which dinosaur tracks have been discovered. The grant would allow the city to purchase this land in order to preserve and protect it for the public. The Administration supported, with amendments, h.R. 2385 in July of last year.

The discovery of these tracks within the City of St. George is unique and represents a potential focus for local interpretive and preservation efforts. The State of Utah has some of the most concentrated and significant paleontological resources of any region of the country.

The Administration stands ready to assist in the implementation of this project to protect these rare resources in partnership with local community partners in St. George. We recognize the significance and importance of these dinosaur tracks to the community and the residents of Washington County. We applaud their efforts to secure these tracks and protect them from further disturbance and deterioration so that they might be shared with the public.

The BLM would like the opportunity to work with Senator Hatch and the Committee to resolve a few specific issues including map revisions and other minor matters.

Section c(2)(A) of S. 1497 provides for additional financial assistance grants to the City to protect and manage the dinosaur tracks site. We recommend the consideration of several alternatives for financial assistance so as not to impede existing programs and their funding levels in the BLM's St. George area, while still providing for appropriate management of the dinosaur tracks site. For example, the establishment of a non-profit foundation, perhaps involving the State of Utah, Washington County, and the City of St. George to leverage and partner resources is an option. In addition, other forms of assistance through private and public grants, including the Secretary's new Cooperative Conservation Initiative (CCI), may provide numerous resources for providing for the long term operations, maintenance, and educational interpretation of the site.

*Conclusion*

Thank you for the opportunity to testify on these three bills. I am happy to answer any questions the members of the Committee 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. 2385, as ordered reported.