

NATIONAL PARK SYSTEM NEW AREA STUDIES ACT

JULY 14, 1998.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 1728]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1728) to provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, 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 out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Park System New Area Studies Act”.

SEC. 2. STUDY OF NEW PARK SYSTEM AREAS.

Section 8 of Public Law 91-383 (16 U.S.C. 1a-5; popularly known as the National Park System General Authorities Act) is amended as follows:

(1) By inserting “GENERAL AUTHORITY.—” after “(a)”.

(2) By striking the second through the seventh sentences of subsection (a).

(3) By designating the last two sentences of subsection (a) as subsection (e) and inserting in the first of such sentences before the words “For the purposes of carrying” the following: “(e) AUTHORIZATION OF APPROPRIATIONS.—”.

(4) By inserting the following after subsection (a):

“(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

“(2) In developing the list to be submitted under this subsection, the Secretary shall give consideration to those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility. The Sec-

retary shall give special consideration to themes, sites, and resources not already adequately represented in the National Park System.

“(3) No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this subsection, except as provided by specific authorization of an Act of Congress.

“(4) Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than \$25,000.

“(5) Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.

“(c) REPORT.—(1) The Secretary of the Interior shall complete the study for each area for potential inclusion in the National Park System within 3 complete fiscal years following the date of enactment of specific legislation providing for the study of such area. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

“(2) In conducting the study, the Secretary shall consider whether the area under study—

“(A) possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and

“(B) is a suitable and feasible addition to the system.

“(3) Each study—

“(A) shall consider the following factors with regard to the area being studied—

“(i) the rarity and integrity of the resources;

“(ii) the threats to those resources;

“(iii) similar resources are already protected in the National Park System or in other public or private ownership;

“(iv) the public use potential;

“(v) the interpretive and educational potential;

“(vi) costs associated with acquisition, development and operation;

“(vii) the socioeconomic impacts of any designation;

“(viii) the level of local and general public support, and

“(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

“(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

“(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

“(D) may include any other information which the Secretary deems to be relevant.

“(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969.

“(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary’s preferred management option for the area.

“(d) LIST OF AREAS.—At the beginning of each calendar year, along with the annual budget submission, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas which have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate.”

(5) By adding at the end of subsection (e) (as designated by paragraph (3) of this section) the following: “For carrying out subsections (b) through (d) there are authorized to be appropriated \$2,000,000.”

PURPOSE OF THE BILL

The purpose of H.R. 1728 (as introduced) is to provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System.

BACKGROUND AND NEED FOR LEGISLATION

The National Park Service is charged with the stewardship of many of the nation's precious natural and historical resources. The 376 units which currently make up the National Park System are a diverse collection of parks, historic sites, memorials, monuments, seashores, battlefields, parkways and trails. These areas are known throughout the world for their scenic beauty and historical significance. H.R. 1728 aims toward maintaining the integrity of the National Park System through various improvements to the process of planning and establishing units of the National Park System.

The National Park Service has been directed by Congress (16 U.S.C. 1a-5) to study and monitor areas to determine if they are nationally significant and whether they have potential for inclusion in the National Park System. To be eligible for favorable consideration as a unit of the National Park System, an area must: (1) possess nationally significant natural or historical resources; (2) be a suitable and feasible addition to the system; and (3) require direct National Park Service management instead of alternative protection by other agencies or the private sector. These criteria are designed to ensure that the National Park System includes only the most outstanding examples of the nation's heritage. After the National Park Service studies a potential new area, its study is forwarded to Congress.

The Committee believes reforms are needed to this process. Congress relies heavily on National Park Service studies to make evaluations about the significance of an area and its suitability for designation as a National Park Service unit. Between 1976 and 1981 the National Park Service had a program of identifying high priority candidates for study. This program was terminated in 1981, and until recent years, the National Park Service has not had legislative direction to recommend potential new parks. In the absence of initiatives coming from the National Park Service, Congress directed numerous studies of specific areas both in authorizing legislation and in appropriations of funds earmarked for particular units.

Several problems exist with the current new area study process. First, there are three separate sources for new area studies: the National Park Service itself, the authorizing committees and the appropriations committees. There is no agreed-upon process for ranking the priority of these studies, nor is there adequate funding to complete all of them. Because studies usually require two to three years, some studies are delayed indefinitely or are started then stopped in midstream because all available funding in a particular fiscal year is earmarked for other studies. Second, the quality of the studies also varies widely, as does the level of review and scrutiny by the Washington, D.C., office of the National Park Service. It has been too easy for political considerations to be injected

into the study process, and recommendations of professional planners are sometimes changed for political reasons. Third, is that some studies come to Congress without any preferred action, which can lead to confusion regarding the Administration's position on a particular area. New area legislation may be introduced on the basis of an ambiguous study, when in fact the resource involved might not meet the criteria for designation. H.R. 1728 would remedy all these problems.

Lastly, it was the intent of the Congress that the appropriation of \$2,000,000 authorized for carrying out these activities would be on an annual basis.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

The bill may be cited as "The National Park System New Area Studies Act."

SECTION 2. STUDY OF NEW PARK SYSTEM AREAS

H.R. 1728 amends the Act of August 18, 1970 (commonly known as the General Authorities Act) to make a number of reforms to the new areas study process.

The bill provides that at the beginning of each calendar year, along with the annual budget submission, the Secretary will submit to Congress a list of any areas recommended for study with potential to meet the established criteria of national significance, suitability and feasibility. The Secretary shall give specific consideration to themes, sites and resources not already adequately represented in the National Park System as identified in the National Park System Plan.

The bill requires that all new area studies be specifically authorized by Congress. The Committee notes that this prohibition does not apply to the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study sites, provide technical and planning assistance, process nominations for administrative designations, update previous studies or complete reconnaissance surveys of individual sites requiring a total expenditure of less than \$25,000. The Committee also noted that this provision does not effect the study authority contained in the Wild and Scenic Rivers Act, the National Trails System Act or the Wilderness Act. Upon authorization, studies would be completed in three years and would have to contain the management alternative preferred by the National Park Service. The section also specifies the national significance, suitability and feasibility criteria and other factors which the study must consider.

Each study shall identify what alternative or combination of alternatives would, in the professional judgement of the National Park Service, be most effective and efficient in protecting significant resources and providing for public enjoyment. The letter transmitting each study to Congress shall contain a recommendation regarding the Administration's preferred management option for the area. The Committee expects these studies to reflect the highest possible professional standards and provide a clear recommendation to Congress. If an area fails to meet established criteria, the

study should clearly state this finding. The purpose of these reforms is to provide Congress with the professional opinion of the National Park Service earlier in the process of considering areas for addition to the Park System.

The bill also requires the Secretary of the Interior to annually submit a prioritized list of areas previously studied for addition to the National Park System. The National Park Service will submit two priority rankings, one for areas which contain primarily historical resources and one for areas which contain primarily natural resources.

COMMITTEE ACTION

H.R. 1728 was introduced on May 22, 1997, by Congressman Joel Hefley (R-CO). H.R. 1728 was referred to the Committee on Resources, and within the Committee, to the Subcommittee on National Parks and Public Lands. On February 24, 1998, the Subcommittee held a hearing on H.R. 1728 where Maureen Finnerty, Associate Director for Park Operations and Education of the National Park Service, testified in favor of the measure with some minor clarifications. On June 11, 1998, the Subcommittee met to consider H.R. 1728. Congressman Hefley offered several amendments en bloc to address the concerns of the Administration. The amendments were adopted by voice vote. The bill, as amended, was then ordered reported by voice vote to the Full Committee. On June 17, 1998, the Full Committee met to consider the bill. No further amendments were offered and the bill, as amended, was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X 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 H.R. 1728.

COST OF THE LEGISLATION

Clause 7(a) 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 H.R. 1728. However, clause 7(d) 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 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 1728 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 1728.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI 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 H.R. 1728 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 1, 1998.

Hon. DON YOUNG,
*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. 1728, the National Park System New Area Studies Act.

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

Sincerely,

PAUL VAN DE WATER
(For June E. O'Neill, Director).

Enclosure.

H.R. 1728—National Park System New Area Studies Act

Summary: Assuming appropriation of the authorized amounts, CBO estimates that the federal government would spend an additional \$2 million annually under H.R. 1728 to study new areas for potential inclusion in the National Park System. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

H.R. 1728 would establish a statutory process for reviewing new areas as potential additions to the National Park System. The changes made by the bill to laws governing the National Park Service (NPS) would codify practices already adopted by the agency for conducting such reviews. Under these procedures, the NPS would include within its annual budget request a list of areas that the agency recommends for study as possible new park units. Once the NPS receives authority for a study, it would have three years

to complete a final report on the area. H.R. 1728 would authorize appropriations of \$2 million annually for carrying out the studies under the new procedures (in addition to an existing authorization of appropriations for conducting new area studies of \$1 million a year).

Estimated cost to the Federal Government: Based on information provided by the NPS and assuming appropriation of all amounts authorized for new area studies, CBO estimates that the NPS would spend \$3 million annually to carry out the procedures mandated by H.R. 1728—\$2 million more per year than under current law. Total additional spending over the 1999–2003 period would be \$10 million. The estimated budgetary impact of H.R. 1728 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal years, in millions of dollars—					
	1998	1999	2000	2001	2002	2003
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Authorization Level ¹	1	1	1	1	1	1
Estimated Outlays	1	1	1	1	1	1
Proposed Changes:						
Authorization Level	0	2	2	2	2	2
Estimated Outlays	0	2	2	2	2	2
Spending Under H.R. 1728:						
Authorization ¹	1	3	3	3	3	3
Estimated Outlays	1	3	3	3	3	3

¹ The 1998 level is the amount appropriated for that year. The levels shown in each of the outyears are the amounts authorized under current law.

Basis of estimate: For the purpose of this estimate, CBO assumes that H.R. 1728 will be enacted before the beginning of fiscal year 1999 and that all amounts authorized (by both the bill and existing law) for new area studies would be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for this activity.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 1728 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Deborah Reis.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

H.R. 1728 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 18, 1970

(POPULARLY KNOWN AS THE NATIONAL PARK SYSTEM GENERAL AUTHORITIES ACT)

AN ACT To improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes

* * * * *

SEC. 8. (a) *GENERAL AUTHORITY*.—The Secretary of the Interior is directed to investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park System. [At the beginning of each fiscal year, the Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, comprehensive reports on each of those areas upon which studies have been completed. Each such report shall indicate and elaborate on the theme(s) which the area represents as indicated in the National Park System Plan. On this same date, and accompanying such reports, the Secretary shall transmit a listing, in generally descending order of importance or merit, of not less than twelve such areas which appear to be of national significance and which may have potential for inclusion in the National Park System. Threats to resource values, and cost escalation factors shall be considered in listing the order of importance or merit. Such listing may be comprised of any areas heretofore submitted under terms of this section, and which at the time of listing are not included in the National Park System. Accompanying the annual listing of areas shall be a synopsis, for each report previously submitted, of the current and changed condition of the resource integrity of the area and other relevant factors, compiled as a result of continual periodic monitoring and embracing the period since the previous such submission or initial report submission one year earlier.] The Secretary is also directed to transmit annually to the Speaker of the House of Representatives and to the President of the Senate, at the beginning of each fiscal year, a complete and current list of all areas included on the Registry of Natural Landmarks and those areas of national significance listed on the National Register of Historic places which areas exhibit known or anticipated damage or threats to the integrity of their resources, along with notations as to the nature and severity of such damage or threats. Each report and annual listing shall be printed as a House document: *Provided*, That should adequate supplies of previously printed identical reports remain available, newly submitted identical reports shall be omitted from printing upon the receipt by the Speaker of the United States House of Representatives of a joint letter from the chairman of the Committee on Natural Resources of the United States House of Representatives and the chairman of the Committee on Energy and Natural Resources of the United States Senate indicating such to be the case. [For the purposes of carrying out the studies for potential new Park System units and for monitoring the welfare of those resources, there are authorized to be appropriated annually not to exceed \$1,000,000. For the purposes of monitoring the welfare and integrity of the na-

tional landmarks, there are authorized to be appropriated annually not to exceed \$1,500,000.】

(b) *STUDIES OF AREAS FOR POTENTIAL ADDITION.*—(1) *At the beginning of each calendar year, along with the annual budget submission, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.*

(2) *In developing the list to be submitted under this subsection, the Secretary shall give consideration to those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility. The Secretary shall give special consideration to themes, sites, and resources not already adequately represented in the National Park System.*

(3) *No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this subsection, except as provided by specific authorization of an Act of Congress.*

(4) *Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than \$25,000.*

(5) *Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.*

(c) *REPORT.*—(1) *The Secretary of the Interior shall complete the study for each area for potential inclusion in the National Park System within 3 complete fiscal years following the date of enactment of specific legislation providing for the study of such area. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.*

(2) *In conducting the study, the Secretary shall consider whether the area under study—*

(A) *possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and*

(B) *is a suitable and feasible addition to the system.*

(3) *Each study—*

(A) *shall consider the following factors with regard to the area being studied—*

(i) *the rarity and integrity of the resources;*

(ii) *the threats to those resources;*

(iii) *similar resources are already protected in the National Park System or in other public or private ownership;*

(iv) *the public use potential;*

(v) *the interpretive and educational potential;*

(vi) costs associated with acquisition, development and operation;

(vii) the socioeconomic impacts of any designation;

(viii) the level of local and general public support, and

(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

(D) may include any other information which the Secretary deems to be relevant.

(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969.

(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

(d) LIST OF AREAS.—At the beginning of each calendar year, along with the annual budget submission, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas which have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out the studies for potential new Park System units and for monitoring the welfare of those resources, there are authorized to be appropriated annually not to exceed \$1,000,000. For the purposes of monitoring the welfare and integrity of the national landmarks, there are authorized to be appropriated annually not to exceed \$1,500,000. For carrying out subsections (b) through (d) there are authorized to be appropriated \$2,000,000.

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