

Calendar No. 587

107TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 107-270

NATIONAL PARK OF AMERICAN SAMOA

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. 1712]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1712) to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, 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. 1712 is to authorize the Secretary of the Interior to expand the boundaries of the National Park of American Samoa to include more than 2,860 acres of land and reef on the islands of Ofu and Olosega within the park.

BACKGROUND AND NEED

The National Park of American Samoa was established in 1988 by Public Law 100-571. That Act provided that the park would only be established when the Governor of American Samoa entered into a 50-year lease with the United States to protect the park. The park provides recreation and preserves the habitat of the hawksbill and green sea turtles, both endangered species. Additionally, the park is home for a species of flying fox, now under study for listing as an endangered species. The park is also the only paleotropical rainforest in the United States. The National Park Service manages, via a 50-year lease, 9,000 acres of land and water on the islands of Tutuila, Ofu and Ta'u.

Currently, the National Park Service manages 350 acres of reef and 70 acres of land on the island of Ofu, but no land or water on Olosega. The addition of rainforest and coral reef on Ofu and Olosega would help to diversify visitor use and lessen impact on the reef. In addition a high concentration of medicinal plants growing in the area are currently disappearing and would benefit from protection.

Several important archaeological resources are also included on the proposed addition on Olosega. H.R. 1712 would authorize, subject to lease negotiations, the addition of approximately 1,009 acres on land and 953 around the reef on the island of Olosega and approximately 497 acres on land and 581 around the reef on the island of Ofu.

LEGISLATIVE HISTORY

H.R. 1712 was introduced by Representative Faleomavaega on May 3, 2001. The bill passed the House of Representatives by a voice vote on March 19, 2002. The Subcommittee on National Parks held a hearing on H.R. 1712 on June 12, 2002. At the business meeting on July 31, 2002, the Committee on Energy and Natural Resources ordered H.R. 1712 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. 1712. At the business meeting on July 31, 2002, the Committee on Energy and Natural Resources ordered H.R. 1712 favorably reported.

SECTION-BY-SECTION ANALYSIS

Section 1 amends section 2(b) of the Act establishing the National Park of American Samoa (16 U.S.C. 410qq-1(b)). The bill authorizes the Secretary of the Interior to make adjustments to the boundary of the park to include portions of the islands of Ofu and Olosega, in accordance with an agreement with the Governor of American Samoa and contingent upon the lease to the Secretary of the newly added lands. Once the boundary adjustment has been completed, the Secretary shall modify the appropriate maps.

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. 1712, an act to authorize the Secretary of the Interior to make adjustments to the boundary

of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park.

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

Sincerely,

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

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 1712—An act to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park

H.R. 1712 would allow the National Park Service (NPS) to modify the boundary of the National Park of American Samoa if the lands and adjacent waters to be added to the park can be leased by the federal government.

Based on information provided by the NPS and assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 1712 would cost the federal government less than \$500,000 annually beginning within a year following enactment. This amount would be used to lease and manage up to about 1,500 acres of land on the islands of Ofu and Olosega. (An additional 1,500 acres of adjacent waters might also be leased, at no cost to the government.)

H.R. 1712 would not affect direct spending; therefore, pay-as-you-go procedures would not apply. The legislation contains no inter-governmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On March 5, 2002, CBO transmitted a cost estimate for H.R. 1712 as ordered reported by the House Committee on Resources on February 27, 2002. The two versions of the legislation are identical, as are the cost estimates.

The CBO staff contact for this estimate is Deborah Reis. The 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. 1712. 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. 1712, as ordered reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth Executive agency recommendations relating to H.R. 1712 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, July 24, 2002.

Hon. JEFF BINGAMAN,
*Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This letter sets forth the views of the Department of the Interior on H.R. 1712, a bill to authorize the Secretary of the Interior to make minor adjustments to the boundary of the National Park of American Samoa, to include certain lands of the islands of Ofu and Olosega within the park, and for other purposes. The House passed this legislation on March 19, 2002.

The Department does not oppose H.R. 1712. This legislation will provide authority for the Secretary of the Interior to adjust the boundary of the National Park of American Samoa to include up to approximately 1,000 acres of land on the island of Olosega, up to approximately 450 acres on the island of Ofu, and approximately 1,500 acres of ocean waters offshore of Olosega and Ofu. The lands on the island of Olosega and the adjacent offshore waters will add important cultural, biological and marine resources to the national park. The lands on the island of Ofu will ensure the long-term protection of important and fragile coral reef resources presently within the national park.

Proposed additions on Ofu contain excellent wildlife and coral reef habitats. Currently, only a strip of sand beach and the associated coral reef are within the national park boundary on Ofu. This coastal area contains a world-class coral reef area of remarkably high diversity and beauty. The proposed addition would protect the upland watershed so that the coral reef would not be impaired by non-park developments. Coastal areas on the north side of Ofu are proposed because of the exceptionally healthy and diverse coral communities found there, and because the north shores of Ofu and Olosega are connected and constitute a single coral reef ecosystem.

The archeological resources found on Olosega between the 300 and 800-foot elevations are not only important, but are unique in American Samoa. Unique to Olosega are the number of star mounds and what appears to be a remnant agro-forestry system. Archeological reconnaissance surveys carried out on Olosega in July 1999 by the National Park Service and the University of North Dakota's Department of Anthropology identified 31 star mounds, 46 modified terraces, 14 house platforms, an elevated grave site believed to be associated with the Tui Olosega (King of Olosega), and numerous stone tools. Star mounds are massive rock platforms with radiating arms built by the ancient Samomans for cultural and sporting events. Up until 1999, star mounds were known to exist only on Upolo (in Samoa) and Tutuila islands. Archeologists believe the agro-forestry system found on Olosega, with further study, could prove to be an agricultural system that

existed in relative equilibrium with the native forest system. Most of the sites and artifacts found on Olosega were well-preserved.

Also in 1999, a survey of Olosega's biotic resources by the park's wildlife biologist found that the unoccupied portions of the island provide excellent habitat for native wildlife. Large tracts of land on Olosega remain relatively wild and the island is free of many of the introduced species that compete with the native wildlife within the park on Tutuila. In addition, Olosega includes the presence of the rarer bird species that occur in American Samoa. Fiji shrikebill, uncommon on the other islands, were consistently seen on Olosega during the 1999 survey. The Friendly ground dove and the Blue-crowned lory are also present. The Friendly ground dove is a candidate for listing as an endangered species. Biologists believe the shrikebill found on Olosega may be a separate subspecies found only on the Manu's Islands.

Although Olosega shares the same fauna found on the other islands of American Samoa, the species composition of the forest trees is somewhat unique. The 1999 survey found a high concentration of Samoan medicinal plants. Many of these medicinal plants are disappearing from the native forests of Samoa. The survey also found that the area between the 200 and 800-foot elevation represented a traditional mixed agro-forestry system developed over decades of manipulation and cultural use. The system appeared to be relatively stable and may have reached a sustainable equilibrium.

Small populations of two species of flying foxes are believed to exist on Olosega. Protection of these fruit-eating bats is included in the park's enabling legislation. In addition, there are indications that a few individuals of the nearly extirpated sheath-tailed bat are present on Olosega. This small insectivorous bat is a candidate for listing as an endangered species and is not currently found within the existing boundary of the park.

The coastal and marine areas of Olosega contain rich coral and fish communities and would complement the Ofu reef currently included within the park boundary. Surveys have found that Olosega's offshore waters are among the richest and most densely populated with fish species in the entire Samoan archipelago. Both the endangered Hawksbill and the threatened Green sea turtles are present in Olosega's offshore waters. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service believe that the Hawksbill turtle is a species rapidly approaching extinction, making its protection in Olosega's reefs and offshore waters of vital importance.

The law that established the National Park of American Samoa does not provide the authority for the National Park Service to acquire park lands, but instead requires that lands must be leased from the Governor of American Samoa. Lands within the authorized boundary expansion would be added to the park incrementally, based on future discussions with village landowners and modification of the existing lease. The park's enabling legislation places the responsibility for determining the rental value of lands to be leased for the national park with the High Court of American Samoa. As a point of reference, the park currently leases approximately 8,000 acres for \$419,000 annually. The offshore waters would be leased from the Government of American Samoa at no cost. No develop-

ment is contemplated within the boundary adjustment areas, so no line-item construction or significant development costs are anticipated in connection with H.R. 1712.

In March 1998, the Olosega Village Council noted in a letter to American Samoa's Congressional representative, Congressman Eni F.H. Faleomavaega, that the national park has contributed much to the preservation of Samoan culture, the rainforest and the coral reef. In addition, the council noted that the park has also been a positive factor to the economic well-being of the territory through tourism and lease payments to the villages in the park. The village council of Olosega expressed its support for expansion of the park boundaries, and we are pleased that this has been a grassroots effort supported by the community.

Also significant would be inclusion of the coral reefs around portions of Olosega within the national park, which would further the Governor's directive to local agencies to protect 20 percent of the territory's coral reefs. At present, only about six percent of the territory's reefs are in protected areas.

At the House hearing on February 14, 2002, we recommended two technical amendments, which the House included in the bill that passed on March 19, 2002.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CRAIG MANSON,
*Assistant Secretary for Fish
and Wildlife and Parks.*

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 1712, as ordered 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):

Public Law 100-571, 100th Congress

AN ACT To establish the National Park of American Samoa

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

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SEC. 2. ESTABLISHMENT.

(a) * * *

(b) AREA INCLUDED.—(1) The park shall consist of three units as generally depicted on the following maps entitled "Boundary Map, National Park of America Samoa": [(1)] (A) map number NP-AS 80,000A, dated August 1988, [(2)] (B) map number NP-AS 80,000B, dated August 1988, and [(3)] (C) map number NP-AS 80,000C, dated August 1988. Before publication of the maps, the Secretary, after consultation with the Governor of American Samoa and other appropriate leaders, may adjust the boundaries of the

part to correspond with the appropriate village boundaries and modify the maps accordingly. The maps should be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary may at any time make revisions of the boundary of the park in accordance with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 and following), pursuant to agreement with the Governor of American Samoa, and contingent upon the lease to the Secretary of lands within the new boundaries.

(2) The Secretary may make adjustments to the boundary of the park to include within the park certain portions of the islands of Ofu and Olosega, as depicted on the map entitled "National Park of American Samoa, Proposed Boundary Adjustment", number 82,035 and dated February 2002, pursuant to an agreement with the Governor of America Samoa and contingent upon the lease to the Secretary of the newly added lands. As soon as practicable after a boundary adjustment under this paragraph, the Secretary shall modify the maps referred to in paragraph (1) accordingly.

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