

HUDSON RIVER VALLEY SPECIAL RESOURCE STUDY ACT

MARCH 11, 2010.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 4003]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4003) to direct the Secretary of the Interior to conduct a special resource study to evaluate resources in the Hudson River Valley in the State of New York to determine the suitability and feasibility of establishing the site as a unit of 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 all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hudson River Valley Special Resource Study Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STUDY AREA.—The term “study area”—

(A) means the portion of the Hudson River that flows from Rodgers Island at Fort Edward to the southern-most boundary of Westchester County, New York; and

(B) includes any relevant sites and landscapes within the counties in New York that abut the area described in subparagraph (A).

SEC. 3. AUTHORIZATION OF STUDY.

(a) **IN GENERAL.**—As soon as funds are made available for this purpose, the Secretary shall complete a special resource study of the Hudson River Valley in the State of New York to evaluate—

- (1) the national significance of the area; and
- (2) the suitability and feasibility of designating the area as a unit of the National Park System.

(b) **STUDY GUIDELINES.**—In conducting the study under subsection (a), the Secretary shall—

- (1) use the criteria for the study of areas for potential inclusion in the National Park System in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c));
- (2) determine the effect of the designation of the area as a unit of the National Park System on existing commercial and recreational activities, including but not limited to hunting, fishing, trapping, recreational shooting, motor boat use, off-highway vehicle use, snowmobile use, and on the authorization, construction, operation, maintenance, or improvement of energy production and transmission infrastructure, and the effect on the authority of State and local governments to manage those activities;
- (3) identify any authorities that will compel or permit the Secretary to influence local land use decisions (such as zoning) or place restrictions on non-Federal land if the area is designated a unit of the National Park System; and
- (4) closely examine park unit models, in particular national river and recreation areas, as well as other landscape protection models, that—
 - (A) encompass large areas of non-Federal lands within their designated boundaries;
 - (B) foster public and private collaborative arrangements for achieving National Park Service objectives; and
 - (C) protect and respect the rights of private land owners.

SEC. 4. REPORT.

Not later than 36 months after the date that funds are first made available for this purpose, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study authorized by this Act.

PURPOSE OF THE BILL

The purpose of H.R. 4003 is to direct the Secretary of the Interior to conduct a special resource study to evaluate resources in the Hudson River Valley in the State of New York to determine the suitability and feasibility of establishing the site as a unit of the National Park System, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Hudson River played an important role in the history of area Native American communities and figured prominently in American history following Henry Hudson’s successful exploration of the river in 1609. Crucial events relating to the French and Indian War and the American Revolution, the debate over the Constitution, the Industrial Revolution and Robert Fulton’s first successful steamboat voyage, the life of President Franklin Delano Roosevelt, and the modern labor and environmental movements all took place in the Hudson River Valley.

Since 1966 with the creation of the Hudson River Valley Commission, the federal government, joined by the state governments of New Jersey and New York and local municipalities, recognized the important cultural legacy of the river valley as well as its troubled environmental state. The commission set in motion future planning directives that would designate and celebrate important historical attributes of the river valley, look for ways to expand rec-

reational opportunities in the river corridor, and establish a process for returning the river valley to a healthier state.

The passage of legislation in 1996 establishing the Hudson River Valley National Heritage Area provided a framework for additional heritage tourism opportunities in the river valley. By establishing specific themes that highlight the historic, social and environmental history of the valley, the National Heritage Area encouraged area governments to work closely with private groups and businesses to encourage area tourism.

H.R. 4003 would direct the Interior Department to study the resources of the Hudson River Valley in New York to determine the area's suitability and feasibility for inclusion in the National Park System. The study would encompass nearly 200 river miles in 12 counties, from Fort Edward, south of Adirondack State Park, to the entrance to New York City. The bill directs the Department to examine other units of the National Park System such as national river and recreation areas, and other landscape protection models that could serve as an example.

COMMITTEE ACTION

H.R. 4003 was introduced on November 3, 2009 by Representative Maurice D. Hinchey (D-NY). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On January 21, 2010, the subcommittee held a hearing on the bill. Representatives of the Department of the Interior spoke in favor of the legislation. A representative of the Property Rights Foundation of America, Inc. spoke in opposition.

On February 24, 2010, the Subcommittee was discharged from further consideration of H.R. 4003 and the full Natural Resources Committee met to consider the bill. Representative Hinchey, (D-NY) offered an amendment in the nature of a substitute to strike the findings, extend the duration of the study from 24 to 36 months, refer to the study as a "special resource study," and correct the public law citation.

Subcommittee Ranking Member Rob Bishop (R-UT) offered an amendment to the amendment in the nature of a substitute that would instruct the Secretary of the Interior to determine the effects of National Park Service designation on a variety of recreational, commercial, and energy concerns in the Hudson River Valley. The amendment also would instruct the Secretary to determine any authorities that will compel or permit the Secretary to influence local land use decisions or place restrictions on non-federal land. The amendment was adopted by a roll call vote of 35 to 0, as follows:

COMMITTEE ON NATURAL RESOURCES
U.S. House of Representatives
111th Congress

Date: 2/24/2010

Convened:10:05

Adjourned: 11:00

Meeting on: **HR 4003 - Mr.Bishop amendment to the amendment in the nature of a substitute was AGREED TO by a roll call vote of 35 yeas and 0 nays.**

Recorded Vote # 1

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Rahall, WV	✓			Mr. Wittman, VA	✓		
Mr. Hastings, WA	✓			Mr. Boren, OK	✓		
Mr. Miller, CA				Mr. Broun, GA	✓		
Mr. Young, AK				Mr. Sablan, MP	✓		
Mr. Markey, MA				Mr. Fleming, LA	✓		
Mr. Gallegly, CA	✓			Mr. Heinrich, NM	✓		
Mr. Kildee, MI	✓			Mr. Coffman, CO	✓		
Mr. Duncan, TN				Mr. Hinchey, NY	✓		
Mr. DeFazio, OR				Mr. Chaffetz, UT			
Mr. Flake, AZ	✓			Mrs. Christensen, VI			
Mr. Faleomavaega, AS				Mrs. Lummis, WY	✓		
Mr. Brown, SC				Ms. DeGette, CO			
Mr. Abercrombie, HI	✓			Mr. McClintock, CA	✓		
Mrs. Morris-Rodgers, WA	✓			Mr. Kind, WI			
Mr. Pallone, NJ	✓			Mr. Cassidy, LA	✓		
Mr. Gohmert, TX				Mrs. Capps, CA	✓		
Mrs. Napolitano, CA	✓			Mr. Inslee, WA			
Mr. Bishop, UT	✓			Mr. Baca, CA	✓		
Mr. Holt, NJ	✓			Ms. Herseth Sandlin, SD	✓		
Mr. Shuster, PA	✓			Mr. Sarbanes, MD	✓		
Mr. Grijalva, AZ	✓			Ms. Shea-Porter, NH	✓		
Mr. Lamborn, CO	✓			Ms. Tsongas, MA	✓		
Mrs. Bordallo, GU				Mr. Kratovil, Jr., MD	✓		
Mr. Smith, NE	✓			Mr. Pierluisi, PR	✓		
Mr. Costa, CA	✓						
				Total	35	0	

Markups - 1/3 to meet (16), 25 to report
February 24, 2010 (11:37am)

The amendment in the nature of a substitute, as amended, was then adopted by voice vote. H.R. 4003, 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 Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants 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 direct the Secretary of the Interior to Conduct a special resource study to evaluate resources in the Hudson River Valley in the State of New York to determine the suitability and feasibility of establishing the site as a unit of the National Park System, and for other purposes.

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:

H.R. 4003—Hudson River Valley Special Resource Study Act

H.R. 4003 would require the National Park Service (NPS) to conduct a study of the Hudson River Valley in New York to evaluate the national significance of the area and to determine the feasibility and suitability of designating the valley as a unit of the National Park System. Based on information provided by the NPS and assuming the availability of appropriated funds, CBO estimates that conducting the required study would cost less than \$500,000 over the next three years. Enacting H.R. 4003 would not affect revenues or direct spending; therefore, pay-as-you-go procedures would not apply.

H.R. 4003 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 Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 4003 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

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.

ADDITIONAL VIEWS ON H.R. 4003, HUDSON RIVER VALLEY
SPECIAL RESOURCE STUDY ACT

We are pleased that by an overwhelming bipartisan vote the Committee adopted the Bishop of Utah Amendment that requires the National Park Service to document activities that will be limited or eliminated by a park designation to follow the authorized study. As Congress considers additions to the National Park System, the public is entitled to know which existing activities, such as hunting, fishing, boating, snowmobiling, and energy production and transmission, will be prohibited or limited. National Park designation comes with an abundance of regulations and direct federal management, and it is important that people living in the affected area know ahead of time how much authority over their local affairs will be ceded to the federal government.

The Bishop amendment also requires the National Park Service to detail the various authorities in their holster that will allow it to become involved in local land-use planning and zoning decisions that restrict the property rights of neighboring homeowners and communities. The citizens included in and around any designation must be made aware that whatever can be seen, heard, or sometimes even smelled from the park may fall under the guardianship of a federal bureaucrat, where property rights and economic health do not enter into the decision-making process.

We look forward to including this amendment in subsequent legislation authorizing studies for new Park designations and welcome the support of our Democrat colleagues.

ROB BISHOP.
DOC HASTINGS.

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