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### MINUTEMAN MISSILE NATIONAL HISTORIC SITE BOUNDARY MODIFICATION ACT

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APRIL 22, 2013.—Ordered to be printed

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Mr. WYDEN, from the Committee on Energy and Natural Resources, submitted the following

### R E P O R T

[To accompany S. 459]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 459) to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE

The purpose of S. 459 is to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, to add approximately 29 acres of land to be used for a visitor facility and administrative site.

#### BACKGROUND AND NEED

In 1999, Congress established the Minuteman Missile National Historic Site in South Dakota to recognize the significance of the Minuteman Intercontinental Ballistic Missile (ICBM) program. The ICBM was developed during the Cuban missile crisis of 1962 and played a critical role in the Cold War arms race as America's first 'push-button' nuclear missile.

The U.S. Air Force deployed over 1,000 Minuteman missiles in underground silos throughout the central states during the Cold War. As the Cold War was ending, the United States and the former Soviet Union signed the Strategic Arms Reduction Treaty (START) in 1991. This agreement required that all Minuteman missiles be deactivated, including the missiles at Ellsworth Air Force Base in South Dakota.

In 1993, the National Park Service and the Air Force entered into a cooperative agreement to temporarily preserve two Minuteman sites, the Delta One and Delta Nine sites at Ellsworth Air Force Base. The Air Force simultaneously requested and funded a Special Resource Study to assess the suitability and feasibility of adding the sites to the National Park System. After finding that the sites fit the criteria, Congress enacted the Minuteman Missile National Historic Site Establishment Act of 1999 (Public Law 106–115). S. 459 modifies the park boundary to include land currently administered as part of the Buffalo Gap National Grasslands, on which to establish a visitor facility, administrative site, and parking lot.

#### LEGISLATIVE HISTORY

S. 459 was introduced by Senators Johnson of South Dakota and Thune on March 3, 2013. At its business meeting on March 14, 2013, the Committee ordered S. 459 favorably reported.

During the 112th Congress, Senators Johnson of South Dakota and Thune introduced similar legislation, S. 1478, on August 2, 2011. The Subcommittee on National Parks held a hearing on S. 1478 on October 19, 2011 (S. Hrg. 112–224). At its business meeting on November 10, 2011, the Committee ordered S. 1478 favorably reported without amendment (S. Rpt. 112–128).

A similar bill, S. 2726, was introduced in the 111th Congress by Senator Johnson on November 4, 2009. The Subcommittee on National Parks held a hearing on the bill on December 3, 2009 (S. Hrg. 111–318). The Committee on Energy and Natural Resources ordered S. 2726 favorably reported with an amendment on August 5, 2010 (S. Rpt. 111–262).

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on March 14, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 459.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* provides the short title, the “Minuteman Missile National Historic Site Boundary Modification Act.”

*Section 2* amends section 3(a) of the Minuteman Missile National Historic Site Establishment Act (Public Law 106–115; 16 U.S.C. 461 note) to include in the historic site a 25-acre parcel on which the visitor facility and administrative offices are to be located, and an additional 3.65 acre parcel for a parking lot and for other administrative uses. Administrative jurisdiction over the site is transferred from the Secretary of Agriculture to the Secretary of the Interior, and the boundaries of the Buffalo Gap National Grassland are modified to exclude the site.

#### COST AND BUDGETARY CONSIDERATIONS

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

*S. 459—Minuteman Missile National Historic Site Boundary Modification Act*

S. 459 would approve the transfer of administrative jurisdiction of about 29 acres of the Buffalo Gap National Grasslands from the Forest Service to the National Park Service (NPS). The NPS would use the land for a visitor center, administrative site, and parking lot for the Minuteman Missile National Historic Site in South Dakota.

Based on information provided by the NPS, CBO estimates that implementing S. 459 would have no significant effect on the federal budget. Authority to transfer the land and build and operate a facility was provided in the legislation that established the park unit in 1999. At that time, CBO estimated that the cost of constructing the facility would be about \$5 million. That amount has already been appropriated for the project. Enacting S. 459 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 459 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 Martin von Gnechten. The estimate was approved by Theresa Gullo, 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. 459.

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. 459, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

S. 459, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

#### EXECUTIVE COMMUNICATIONS

Executive Communications were not requested by the Senate Committee on Energy and Natural Resources in the 113th Congress. The following Administration testimony references similar legislation introduced in the 112th Congress.

The testimony provided by the National Park Service at the October 19, 2011, Subcommittee on National Parks hearing on S. 1478 follows.

STATEMENT OF WILLIAM D. SHADDOX, ACTING ASSOCIATE  
DIRECTOR FOR PARK PLANNING, FACILITIES AND LANDS,  
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 1478, a bill to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota.

The Department supports S. 1478. This bill would transfer administrative jurisdiction over two parcels of Buffalo Gap National Grasslands from the U.S.D.A. Forest Service (FS) to the National Park Service (NPS) for administration as part of Minuteman Missile National Historic Site in Philip, South Dakota. Of the land transferred, 25 acres would be used for a visitor facility and administrative site and an additional 3.65 acres would be used for the construction of a parking lot and other administrative uses.

The new visitor facility and administrative site would be located north of exit 131 on Interstate 90 in Jackson County, South Dakota. Minuteman Missile's enabling legislation states, "*On a determination by the Secretary of the appropriate location for a visitor facility and administrative site, the boundary of the historic site shall be modified to include the selected site.*" The enabling legislation also included a map of the visitor center site indicating that the proposed area would be 10 acres in size. Later planning indicated that a minimum size for the visitor center site would require 25 acres. National Park Service (NPS) and FS personnel, in consultation with our respective solicitors, have determined that in view of the increase in acreage, it would be appropriate to provide for that increase in new legislation. There would be no cost involved in this land transfer.

The 3.65 acres is located directly adjacent to the Delta 1 Launch Control Facility. The parking lot will be used to accommodate visitors to this facility. Currently, visitors must park inside in the fence of the launch facility, but this is an intrusion on the cultural landscape. In addition, the parking lot is not large enough to accommodate all visitors to this site.

The FS is in agreement with the recommended land transfers and has provided Minuteman Missile National Historic Site with an outline of the land transfer process. The NPS architects and engineers conducted an on-site visit in March 2009 to determine the number of acres necessary for the land transfer. They met with representatives from the FS and agreed to the transfer.

Public Law 106-115 established the Minuteman Missile National Historic Site. The General Management Plan/Environmental Impact Statement (GMP/EIS) scoping began in 2001 and the record of decision was signed on July 2, 2009. The GMP's preferred alternative included the development of a visitor center/administrative facility and a land transfer from the FS to the NPS for the site of the

facility and recommended the preferred location at 1–90 South Dakota Exit 131 with up to 25 acres for the complete facility. The GMP also recommended the development of an unpaved parking lot and other support functions on the 3.65 acres at the Delta 1 Launch Control Facility to provide for additional opportunities for visitors arriving in commercial and school groups, RVs and passenger vehicles.

The estimated cost to build the visitor center and administrative site is \$4.4 million, and the estimated cost of annual operations and maintenance of both facilities would be approximately \$750,000. All funds would be subject to NPS priorities and the availability of appropriations.

The transfer between the NPS and the FS would be conducted in accordance with applicable laws, regulations, and policies.

Mr. Chairman, this concludes my testimony. I look forward to working with the Committee on a technical issue with the map reference. I am prepared to answer any questions from members of the Committee.

#### 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 bill S. 459, 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):

#### **MINUTEMAN MISSILE NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 1999**

(Public Law 106–115; Approved November 29, 1999)

AN ACT To establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes

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

\* \* \* \* \*

#### **SEC. 3. MINUTEMAN MISSILE NATIONAL HISTORIC SITE.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Minuteman Missile National Historic Site in the State of South Dakota (referred to in this Act as the ‘historic site’) is established as a unit of the National Park System.

(2) COMPONENTS OF SITE.—The historic site shall consist of the land and interests in land comprising the Minuteman II ICBM launch control facilities, as generally depicted on the map referred to as “Minuteman Missile National Historic Site”, numbered 406/80,008 and dated September, 1998, including—

(A) the area surrounding the Minuteman II ICBM launch control facility depicted as “Delta 1 Launch Control Facility”; and

(B) the area surrounding the Minuteman II ICBM launch control facility depicted as “Delta 9 Launch Facility”.

(3) VISITOR FACILITY AND ADMINISTRATIVE SITE.—

(A) IN GENERAL.—In addition to the components described in paragraph (2), the historic site shall include a visitor facility and administrative site located on the parcel of land described in subparagraph (B).

(B) DESCRIPTION OF LAND.—The land referred to in subparagraph (A) consists of—

(i) approximately 25 acres of land within the Buffalo Gap National Grassland, located north of exit 131 on Interstate 90 in Jackson County, South Dakota, as generally depicted on the map entitled “Minuteman Missile National Historic Site Boundary Modification”, numbered 406/80,011A, and dated January 14, 2011; and

(ii) approximately 3.65 acres of land located at the Delta 1 Launch Control Facility for the construction and use of a parking lot and for other administrative uses.

(C) AVAILABILITY OF MAP.—The map described in subparagraph (B) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service.

(D) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land described in subparagraph (B) is transferred from the Secretary of Agriculture to the Secretary, to be administered as part of the historic site.

(E) BOUNDARY ADJUSTMENT.—The boundaries of the Buffalo Gap National Grassland are modified to exclude the land transferred under subparagraph (D).

[(3)] (4) AVAILABILITY OF MAP.—The map described in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

[(4)] (5) ADJUSTMENTS TO BOUNDARY.—The Secretary of the Interior (referred to in this Act as the “Secretary”) is authorized to make minor adjustments to the boundary of the historic site.

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