

## Calendar No. 60

115TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
115-47

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### JOHN MUIR NATIONAL HISTORIC SITE EXPANSION ACT

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MAY 9, 2017.—Ordered to be printed

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Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

### R E P O R T

[To accompany S. 729]

[Including Cost Estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 729) to authorize the Secretary of the Interior to acquire approximately 44 acres of land in Martinez, California, for inclusion in the John Muir National Historic site, 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. 729 is to acquire approximately 44 acres of land in Martinez, California, for inclusion in the John Muir National Historic Site.

#### BACKGROUND AND NEED

The John Muir National Historic Site was established by Congress in 1964 (Public Law 88-547) and is located in the San Francisco Bay Area, in Martinez, California. The historic site preserves the 14-room Italianate Victorian mansion where the naturalist and writer John Muir lived, as well as a nearby 325-acre tract of native oak woodlands and grasslands historically owned by the Muir family.

The legislation would authorize the Department of the Interior to acquire by donation approximately 44 acres for inclusion in the John Muir National Historic Site. The 44 acres includes adjacent lands from John Swett's historic estate, who was also a farmer, friend, and neighbor of John Muir in the Alhambra Valley hills. Se-

curing this property would benefit the Muir site as it will help protect habitat for a number of rare species, and provide improved access to the site from the Bay Ridge Trail.

#### LEGISLATIVE HISTORY

Senators Harris and Feinstein introduced S. 729 on March 27, 2017.

Companion legislation, H.R. 1719, was introduced in the House of Representatives by Representative DeSaulnier on March 24, 2017.

In the 114th Congress, Representative DeSaulnier introduced similar legislation, H.R. 1289, on March 4, 2015. The bill was reported with an amendment by the House Committee on Natural Resources on July 21, 2015 (S. Rept. 114–213), and passed the House of Representatives on a voice vote on September 16, 2015.

Senators Boxer and Feinstein introduced a companion, S. 651, on March 4, 2015. The Subcommittee on National Parks held a hearing on H.R. 1289 and S. 651 on March 17, 2016. The Committee on Energy and Natural Resources met in open business session on July 13, 2016, and ordered H.R. 1289 favorably reported (S. Rept. 114–312).

In the 113th Congress, Representative Miller introduced similar legislation, H.R. 5699, on November 13, 2014. The bill was reported with an amendment by the Committee on Natural Resources on December 9, 2014, and passed the House of Representatives on a vote of 361–39 on December 11, 2014.

The Committee on Energy and Natural Resources met in open business session on March 30, 2017, and ordered S. 729 favorably reported.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on March 30, 2017, by a majority voice vote of a quorum present, recommends that the Senate pass S. 729.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

Section 1 provides a short title.

##### *Section 2. Definitions*

Section 2 provides definitions.

##### *Section 3. John Muir National Historic Site land acquisition*

Section 3(a) authorizes the Secretary of the Interior to acquire by donation the land, and interests in such land, identified on the map described in section 2(2).

Subsection (b) permits the Secretary to adjust the boundaries of the John Muir Historic Site in Martinez, California, to include the land identified on the map.

Subsection (c) directs that the acquired land and interests in the land be administered as part of the Historic Site.

## COST AND BUDGETARY CONSIDERATIONS

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

*S. 729—John Muir National Historic Site Expansion Act*

S. 729 would expand and adjust the boundary of the John Muir National Historic Site in California to include approximately 44 acres of donated land. The bill stipulates that the land would be donated voluntarily by the Muir Heritage Land Trust and would be administered as part of the historic site.

Based on an analysis of information provided by the National Park Service (NPS), CBO estimates that implementing S. 729 would have no significant effect on the federal budget. Under the legislation, the additional acres could only be acquired through donation. We estimate that annual costs to operate and maintain the new properties would be minimal because the NPS does not anticipate the need for additional resources or expenditures to manage the property once it is acquired.

Enacting S. 729 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting S. 729 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 729 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Jon Sperl. The estimate was approved by H. Samuel Papenfuss, 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. 729. 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. 729, as ordered reported.

## CONGRESSIONALLY DIRECTED SPENDING

S. 729, 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

Because S. 729 is similar to legislation considered by the Committee in the 114th Congress, the Committee did not request Executive Agency views. The testimony provided by the National Park Service at the hearing before the Subcommittee on National Parks on March 17, 2016, follows:

STATEMENT OF PEGGY O'DELL, DEPUTY DIRECTOR FOR OPERATIONS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 651 and H.R. 1289, bills to adjust the boundary of John Muir National Historic Site to accept a land donation, and for other purposes.

The Department strongly supports this legislation to adjust the boundary of John Muir National Historic Site (park) by 44 acres, but we recommend the committee conform the language of S. 651 to that of H.R. 1289 for the reasons described below. The boundary adjustment would help the National Park Service (NPS) protect the southern boundary from potential development and also help to preserve the scenic and biological resources of this property.

The proposed boundary modification includes 44 acres of land acquired by the John Muir Land Trust (formerly the Muir Heritage Lands Trust) adjacent to the southern boundary of the park. The John Muir Land Trust (Trust), a local land trust preserving open space in Contra Costa County, acquired the property in May 2015. The Trust pursued the acquisition for a number of years in an attempt to prevent development adjacent to the park's south boundary, with the intent of donating the land to the NPS to become part of the park. S. 651 requires that the Trust acquire the land by August 31, 2015, while H.R. 1289 has no similar language. We prefer the House language because the Trust has already acquired the land.

The parcel was originally part of the John Swett Ranch, a neighbor and friend of John Muir, and there are no structures present on the property. The property is critical habitat for the Alameda whipsnake, federally listed as threatened. This acquisition would open up the area to recreational uses that are currently inaccessible to the public, but compatible with the protection and preservation of the plant communities and critical species habitat. There are existing unimproved roads on the site, which connect to the exiting trail access in the park and would require little if any improvements for immediate use.

The boundary modification is supported by the City of Martinez. It is not anticipated that any facilities would be proposed for the 44-acre parcel due to its current undeveloped and undisturbed condition. Therefore, there would be minimal cost associated with the long-term operation and maintenance of the property, which would be easily absorbed into the current operations of the park. The property is being donated, so acquisition costs are not an issue.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions you or other members of the subcommittee 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 bill as ordered reported.

