104TH CONGRESS 1ST SESSION

S. 1127

To establish the Vancouver National Historic Reserve, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 7 (legislative day, JULY 10), 1995

Mr. Gorton (for himself and Mrs. Murray) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Vancouver National Historic Reserve, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Vancouver National
- 5 Historic Reserve Act of 1995".
- 6 SEC. 2. FINDINGS AND DECLARATIONS; PURPOSES.
- 7 (a) FINDINGS AND DECLARATIONS.—Congress finds
- 8 and declares that—
- 9 (1) the lower Columbia River basin and Van-
- 10 couver, Washington, have been the focal point of a

- number of important periods, themes, and events in American history and prehistory, including native settlements, westward expansion of the British colonies and the United States from 1763 to 1898, and political and military affairs from 1856 to 1941;
 - (2)(A) the Columbia River is the central feature around which the history of the Vancouver National Historic Reserve and the entire Pacific Northwest revolve and has been an artery for communication and trade since prehistoric times; and
 - (B) the Historic Reserve is located on the shores of the Columbia River 78 miles from the Pacific Ocean;
 - (3) Fort Vancouver was founded in 1825 by the Hudson Bay Company, and its development from 1825 to 1860 was seminal to Euro-American settlement of the Northwest;
 - (4) Fort Vancouver National Historic Site was established as a unit of the National Park System in 1948;
 - (5) Vancouver Barracks served as the principal administrative outpost of the United States Army in the Pacific Northwest from 1849 until World War I, served as a command post during the Native American Wars of the mid- to late-19th century, and pro-

- vided major facilities for support of United States military ventures throughout the Pacific during the Spanish-American War and the two World Wars;
 - (6) as part of Vancouver Barracks, Pearson Airfield was the site of significant events in the history of aviation in the Pacific Northwest during the interwar period between 1923 and 1941;
 - (7) Pearson Airfield continues to be an important home to historic aircraft and historic aviation;
 - (8) the Historic Reserve contains a number of discovered as well as unrecovered archaeological sites significant to the history of North America and the growth of the United States;
 - (9) the Historic Reserve is located close to major metropolitan areas, including Portland, Oregon, Tacoma, Washington, and Seattle, Washington, and is immediately adjacent to Interstate Route 5, the major north-south interstate highway of the Pacific Northwest;
 - (10) many Federal, State, and local government entities, private organizations, and individuals have expressed a desire to join forces and work together in a cooperative spirit in order to preserve, interpret, and enhance the cultural, recreational, and educational potential of the Historic Reserve;

1	(11) the document entitled "Vancouver Na-
2	tional Historical Reserve Feasibility Study and Envi-
3	ronmental Assessment", as required by Public Law
4	101-523 (104 Stat. 2297), made certain findings
5	and recommendations, including recommendations
6	that—
7	(A) the Vancouver National Historic Re-
8	serve be established; and
9	(B) a partnership among Federal, State
10	and local agencies be formed to—
11	(i) manage, enhance, and preserve the
12	historical assets of the area;
13	(ii) plan and develop a new Pearson
14	Airpark Historical Museum; and
15	(iii) continue operation of Pearson
16	Airpark after 2002, with measures and a
17	timetable by which Pearson Airpark will be
18	converted from general aviation to long-
19	term historical uses; and
20	(12) Congress endorses the findings and rec-
21	ommendations made in the Vancouver National His-
22	torical Reserve Feasibility Study and Environmental
23	Assessment.
24	(b) Purposes.—The purposes of this Act are—

1	(1) to preserve, enhance, and interpret the sig-
2	nificant aspects of the land, water, structures, and
3	history of the Historic Reserve; and
4	(2) to establish a cooperative arrangement
5	through which an integrated cultural, historical, rec-
6	reational, and educational land resource manage-
7	ment program may be developed and implemented to
8	achieve those purposes.
9	SEC. 3. DEFINITIONS.
10	In this Act:
11	(1) Chairperson.—The term "Chairperson"
12	means the Chairperson of the Partnership elected
13	under section 5(e)(3).
14	(2) Cooperative agreement.—The term "co-
15	operative agreement" means a cooperative agree-
16	ment entered into under section 5(g).
17	(3) Historic Aircraft.—The term "historic
18	aircraft" means an aircraft that—
19	(A) is based on a design from the World
20	War II era or earlier;
21	(B) is 50 years old or older; or
22	(C) is of historical significance, as deter-
23	mined by a qualified aviation advisory group se-
24	lected by the Partnership.

1	(4) HISTORIC RESERVE.—The term "Historic
2	Reserve" means the Vancouver National Historic
3	Reserve established by section 4.
4	(5) Management plan.—The term "manage-
5	ment plan" means the management plan developed
6	and submitted under section 8.
7	(6) Member agency.—The term "member
8	agency" means—
9	(A) the National Park Service;
10	(B) the Historic Preservation Office of the
11	State of Washington;
12	(C) the Department of the Army; and
13	(D) the city of Vancouver, Washington.
14	(7) Partnership.—The term "Partnership"
15	means the Vancouver National Historic Reserve
16	Partnership described in section 5.
17	(8) Pearson economic plan.—The term
18	"Pearson economic plan" means the Pearson Air-
19	park economic viability and mitigation plan under
20	section 9(b).
21	(9) Secretary.—The term "Secretary" means
22	the Secretary of the Interior, acting through the Di-
23	rector of the National Park Service.

SEC. 4. VANCOUVER NATIONAL HISTORIC RESERVE. 2 (a) ESTABLISHMENT.—There is established the Van-3 couver National Historic Reserve. 4 (b) Areas To Be Included in the Historic Re-5 SERVE.—The Historic Reserve— (1) shall be comprised of approximately 366 6 7 acres of publicly owned land, as generally depicted on the map entitled "Vancouver National Historic 8 Reserve—Proposed Reserve Area", contained in the 9 report entitled "Vancouver National Historical Re-10 serve Feasibility Study and Environmental Assess-11 ment" at page 97, published by the Vancouver His-12 torical Study Commission and dated April 1993; and 13 (2) shall include the following lands and facili-14 15 ties: 16 (A) Fort Vancouver National Historic Site. (B) Vancouver Barracks. 17 18 (C) Pearson Airfield and Air Museum. 19 (D) Officers Row. (E) Old Apple Tree Park. 20 21 (F) Marine Park. 22 (G) The area of the Columbia River water-23 front identified in the map described in para-

graph (1).

1	(H) The land and easements dedicated to
2	the city of Vancouver, Washington, for a water-
3	front trail within the Columbia Shores property.
4	(I) A pedestrian-only path between the
5	Marine Park and the southeastern corner of the
6	Historic Reserve at Columbia Way.
7	(c) Availability of Map.—The map described in
8	subsection $(b)(1)$ shall be on file and available for public
9	inspection in the offices of the Director of the National
10	Park Service.
11	SEC. 5. VANCOUVER NATIONAL HISTORIC RESERVE PART-
12	NERSHIP.
13	(a) AUTHORIZATION.—The Secretary and the Sec-
14	retary of the Army may participate as members of a body
15	to be known as the "Vancouver National Historic Reserve
16	Partnership" in accordance with the terms and conditions
17	stated in this Act.
18	(b) Nature of Partnership.—
19	(1) IN GENERAL.—The Partnership shall serve
20	as a vehicle for cooperation and collaboration among
21	the member agencies in accordance with this Act,
22	but—
23	(A) the Partnership shall not constitute an
24	advisory committee under the Federal Advisory
25	Committee Act (5 U.S.C. App.), an agency of

1	the United States, or other form of legal entity
2	separate from the member agencies; and
3	(B) the member agencies shall not be
4	treated as partners in a legal sense.
5	(2) RETENTION OF AUTHORITY.—Each member
6	agency shall retain direct management authority
7	over its lands, facilities, and programs in the His-
8	toric Reserve.
9	(c) Purpose.—The purpose of the Partnership shall
10	be to oversee the protection, enhancement, and develop-
11	ment of the Historic Reserve.
12	(d) ACTIVITIES.—The Partnership shall—
13	(1) act as a forum for cooperation and coordi-
14	nation among the member agencies;
15	(2) make reasonable efforts to minimize staff-
16	ing, development, and operational costs to each
17	member agency;
18	(3) promote the coordinated protection, use,
19	and interpretation of the cultural, recreational, and
20	educational resources of the Historic Reserve;
21	(4) identify additional opportunities for appro-
22	priate public use and enjoyment of the Historic Re-
23	serve; and
24	(5) develop and coordinate implemention of the
25	management plan (including the Pearson economic

1	plan) and an interpretive plan for the Historic Re-
2	serve under section 8(b)(2).
3	(e) Representatives.—
4	(1) IN GENERAL.—The Partnership shall be
5	comprised of—
6	(A) a representative of the National Park
7	Service, appointed by the Secretary;
8	(B) a representative of the Historic Preser-
9	vation Office of the State of Washington, ap-
10	pointed by the Governor of the State of Wash-
11	ington;
12	(C) a representative of the Department of
13	the Army, appointed by the Secretary of the
14	Army;
15	(D) a representative of the city of Van-
16	couver, Washington, appointed by the mayor of
17	the city of Vancouver; and
18	(E) a representative of the general public,
19	appointed by the Secretary from among citizens
20	of the State of Washington recommended by
21	the Governor of the State of Washington and
22	the mayor of Vancouver, Washington.
23	(2) Terms of Service.—
24	(A) IN GENERAL.—A representative to the
25	Partnership—

1	(i) shall be appointed for terms of 3
2	years; and
3	(ii) may be reappointed.
4	(B) VACANCIES.—A representative to the
5	Partnership appointed to fill a vacancy occur-
6	ring before the expiration of the term for which
7	the representative's predecessor was appointed
8	shall be appointed only for the remainder of the
9	term.
10	(C) CONTINUED SERVICE UNTIL APPOINT-
11	MENT OF SUCCESSOR.—A representative to the
12	Partnership appointed for a definite term may
13	serve after the expiration of the representative's
14	term until the representative's successor has
15	taken office.
16	(3) Chairperson.—The Partnership shall have
17	a Chairperson who—
18	(A) shall be elected by the representatives
19	to the Partnership for a term of 2 years; and
20	(B) shall coordinate and preside over meet-
21	ings, discussions, and other activities of the
22	Partnership.
23	(f) Meetings.—

- (1) IN GENERAL.—The Partnership shall meet at least quarterly at the call of the Chairperson or a majority of the representatives to the Partnership.
 - (2) Open meetings.—Meetings of the Partnership shall be held in accordance with the principles embodied in section 552b of title 5, United States Code, adapted as appropriate to apply to the Partnership.
 - (3) HEARINGS.—The Partnership may, for the purposes of carrying out this Act, hold hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Partnership considers appropriate.

(g) COOPERATIVE AGREEMENT.—

- (1) IN GENERAL.—Not later than 1 year after the Partnership conducts its first meeting, the Partnership shall prepare and submit to the Secretary for review and approval a cooperative agreement to govern the operations of the Partnership.
- (2) PUBLIC PARTICIPATION.—The cooperative agreement shall be prepared with public participation.
- 23 (3) CONTENTS.—The cooperative agreement shall—

1	(A) describe the goals and objectives of the
2	Historic Reserve and the basic responsibilities
3	of the members of the Partnership, in fulfilling
4	the purposes and carrying out the activities of
5	the Partnership;
6	(B) contain a brief outline of the objectives
7	that are likely to be included in the manage-
8	ment plan in order to achieve the purposes of
9	the Historic Reserve; and
10	(C) provide for the making available by the
11	member agencies of such staffing, administra-
12	tive support services, and facilities for the use
13	of the Partnership as will enable the Partner-
14	ship to perform its functions.
15	(4) APPROVAL.—The cooperative agreement
16	shall become effective on approval by the Secretary.
17	SEC. 6. STAFFING, ADMINISTRATIVE SUPPORT, AND USE OF
18	FACILITIES.
19	(a) IN GENERAL.—The member agencies shall pro-
20	vide staffing, administrative support services, and facilities
21	for the Partnership as specified in the cooperative agree-
22	ment (including facilities leased by a member agency and
23	made available for use by the Partnership).
24	(b) Experts and Consultants.—The Secretary
25	may procure and make available to the Partnership tem-

- porary and intermittent services under section 3109(b) of
- title 5, United States Code, but at rates determined by
- the Partnership to be reasonable.
- 4 (c) STAFF OF GOVERNMENT AGENCIES.—
- (1) Federal agencies.—On request of the Secretary, the head of any Federal agency may de-6 tail, on a reimbursable basis, any of the personnel 7 8 of the agency to the Secretary to assist the Partner-9 ship in carrying out the Partnership's activities.
- (2) STATE AND LOCAL AGENCIES.—The Part-10 nership may accept the service of personnel detailed 12 from the State, or any political subdivision or re-13 gional planning organization, and may reimburse the 14 State, political subdivision, or regional planning organization for those services. 15
- (d) Administrative Support Services.—The Ad-16 ministrator of the General Services Administration shall provide to the Partnership on a reimbursable basis such administrative support services as the Secretary may re-20 quest.
- (e) Mails.—The Secretary may use the United 21 States mails for correspondence of the Partnership in the performance of the activities of the Partnership in the same manner and under the same conditions as for cor-

- respondence of the Department of the Interior in the performance of activities of the Department of the Interior. 3 SEC. 7. REAL AND PERSONAL PROPERTY. 4 (a) Acceptance.—For purposes of carrying out its activities, the Partnership may— (1) seek, accept, and dispose of donations of 6 7 real property (including an interest in real property), 8 money or other personal property, or services received from any source; and 9 (2) acquire real property (including an interest 10 11 in real property) by purchase from a willing seller with donated funds or funds appropriated to the 12 Secretary and made available for the purposes of the 13 14 Historic Reserve. (b) Treatment.—Any real property or money or 15 other personal property accepted or acquired by the Part-16 nership under subsection (a)— 17 18 (1) shall be held by a member agency des-19 ignated by the Partnership in trust for the Partner-20 ship pending disposition of the property under sub-21 section (c): and 22 (2) shall be treated as a charitable contribution 23 under section 170(c) of the Internal Revenue Code of 1986. 24
- 25 (c) Disposition.—

1	(1) Use of funds as matching funds.—The
2	Partnership may use its funds to obtain money from
3	any source under any program or law requiring the
4	recipient of such money to make a contribution in
5	order to receive such money.
6	(2) CONVEYANCE.—As soon as practicable after
7	real property or personal property is accepted or ac-
8	quired by the Partnership under subsection (a)—
9	(A) the Partnership shall determine wheth-
10	er the property should be conveyed to 1 of the
11	member agencies, on condition that the prop-
12	erty be used for the benefit of the Historic Re-
13	serve, or sold to raise funds to be used for the
14	benefit of the Historic Reserve; and
15	(B) the member agency holding the prop-
16	erty in trust shall effectuate the conveyance or
17	sale.
18	SEC. 8. HISTORIC RESERVE MANAGEMENT PLAN.
19	(a) DEVELOPMENT AND SUBMISSION TO SEC-
20	RETARY.—Not later than 3 years after the Partnership
21	conducts its first meeting, the Partnership shall develop
22	a Historic Reserve management plan and submit the plan
23	to the Secretary for review and approval.

(b) CONTENTS.—The management plan shall—

1	(1) define a timetable for actions of the Part-
2	nership and for development of the specific programs
3	and facilities of the Historic Reserve;
4	(2) establish requirements for an interpretive
5	plan for the Historic Reserve, to be developed by the
6	Partnership, that—
7	(A) provides a framework for all the insti-
8	tutions within the Historic Reserve to incor-
9	porate information on the overlapping contin-
10	uum of history represented in the Historic Re-
11	serve area; and
12	(B) addresses coordination of facilities pro-
13	grams; and
14	(3) include the Pearson economic plan.
15	(c) Approval.—The management plan shall become
16	effective on approval by the Secretary.
17	(d) Amendment and Review.—As appropriate, the
18	Partnership shall evaluate the progress made in imple-
19	menting the management plan and shall submit to the
20	Secretary a revised management plan for the Secretary's
21	review and approval.
22	(e) Memoranda of Agreement.—For purposes of
23	carrying out the management plan, the Partnership may
24	enter into a memorandum of agreement with a State, po-
25	litical subdivision of a State, or private person or organiza-

tion that, at a minimum, establishes procedures for providing notice to the Partnership of any action proposed by the State, political subdivision, or person or organization that may affect implementation of the management plan. 5 SEC. 9. PEARSON AIRPARK. 7 (a) CONDITIONS ON CONTINUED GENERAL AVIATION USE.—General aviation at Pearson Airpark, as permitted 8 to be conducted on National Park Service property on the date of enactment of this Act, shall be permitted after the year 2002 subject to the following conditions: (1) MUSEUM.—Pearson Airfield and Air Mu-12 seum shall be operated by the city of Vancouver, 13 14 Washington, or its designated entity. (2) FEE AND RENTAL.—The city of Vancouver, 15 16 Washington, shall pay the National Park Service— 17 (A) a fee of \$1 per year for the continued 18 use and occupancy of Pearson Airpark on Na-19 tional Park Service property; and 20 (B) the appraised fair market land rental 21 value of the portion of the National Park Serv-22 ice property that is used for development of the Pearson Airpark Historical Museum, as deter-23 24 mined in consultation with the Partnership.

- 1 (3) Removal of extraneous buildings and 2 Devices.—All nonhistoric aviation-related facilities 3 and equipment, including T-hangars and associated 4 taxiways, shall be removed by the city of Vancouver 5 from National Park Service property by April 6, 2003, except those necessary for navigation and safety.
 - (4) No compensation.—The city of Vancouver shall not be compensated for historic aviation-related facilities or equipment remaining on National Park Service property, but shall be liable and responsible for continued use and maintenance of those facilities and that equipment.
 - (5) Improvements and additions.—The approval of the Secretary shall be required for all improvements and additions to facilities or equipment of the Air Museum located on property of the National Park Service.
 - (6) Helicopters.—Helicopters shall not be based at Pearson Airpark except as necessary to accommodate emergency, disaster, or national security needs.
 - (7) NUMBER OF AIRCRAFT.—The number of airworthy aircraft based at Pearson Airpark shall be determined under the Pearson economic plan.

(b) Pearson Economic Plan.—

- (1) IN GENERAL.—The Partnership shall prepare an economic viability and mitigation plan for Pearson Airpark and include the plan in the management plan.
- (2) REQUIREMENTS.—The Pearson economic plan shall require the following:
 - (A) A report, through the Secretary, to Congress by the year 2022 regarding the advisability of continuing to base some general aviation aircraft at Pearson Airpark, taking into account their impact on National Park Service operations, the needs of the community, and whether or not general aviation aircraft are necessary to support the economic viability of the historic aircraft mission within the Historic Reserve.
 - (B) Incentives and regulations to encourage a transition from basing predominantly general aviation aircraft to basing only historic aircraft by April 6, 2022, after which date no general aviation aircraft shall be allowed at Pearson Airpark unless a continuation of general aviation is expressly authorized by Act of

1	Congress enacted after the date of enactment of
2	this Act.
3	(C) A program, coordinated with the Fed-
4	eral Aviation Administration and other agen-
5	cies, to mitigate or eliminate any conflicts relat-
6	ed to the operation of Pearson Airpark and
7	other activities within the Historic Reserve, that
8	addresses noise, safety, visual intrusion, and the
9	location of new facilities.
10	(D) A Pearson Airpark Historical Museum
11	plan, including budgetary strategies by which
12	proceeds from general aviation and other
13	sources will fund the museum and other avia-
14	tion curation activities.
15	SEC. 10. DUTIES AND POWERS OF THE SECRETARY.
16	(a) IN GENERAL.—The National Park Service shall
17	have the lead Federal agency role for—
18	(1) implementing the management plan; and
19	(2) planning, designing, constructing, and su-
20	pervising Historic Reserve facilities.
21	(b) Assistance in Preparing the Cooperative
22	AGREEMENT AND MANAGEMENT PLAN.—On request of
23	the Partnership, the Secretary may—

- 1 (1) through the Director of the National Park
 2 Service, provide matching funds to assist the Part3 nership in development of the management plan; and
 4 (2) provide technical assistance in preparing
 5 and developing the management plan.
 6 (c) Approval and Disapproval of Cooperative
 7 Agreement and Management Plan.—
 8 (1) In general.—The Secretary shall approve
 - (1) IN GENERAL.—The Secretary shall approve or disapprove a proposed cooperative agreement or management plan not later than 90 days after receiving the proposed cooperative agreement management plan.
 - (2) DISAPPROVAL.—If the Secretary disapproves a cooperative agreement or management plan, the Secretary shall advise the Partnership in writing of the reasons for the disapproval and shall make recommendations for revisions of the agreement or plan.
 - (3) Revision.—The Secretary shall approve or disapprove a proposed revision not later than 90 days after the date on which the revision is submitted.
- 23 (d) AMENDMENTS TO MANAGEMENT PLAN.—The 24 Secretary shall review, and approve or disapprove, sub-25 stantial amendments to the management plan.

- 1 (e) Assistance in Implementing the Manage-2 ment Plan.—
- (1) IN GENERAL.—The Secretary may, on request of the Partnership, provide technical and financial assistance in developing and implementing the management plan.
- 7 (2) Nonfederally owned property.—The
 8 Secretary, through the Director of the National
 9 Park Service, may make grants to pay not more
 10 than 50 percent of the cost of renovation or repair
 11 of nonfederally owned property in the Historic Re12 serve consistent with the management plan.
- 13 (3) PUBLIC INFORMATION.—In cooperation
 14 with other Federal agencies, the Secretary shall pro15 vide the public with information regarding the loca16 tion and character of components of the Historic Re17 serve.

18 SEC. 11. DUTIES OF OTHER FEDERAL ENTITIES.

- 19 (a) IN GENERAL.—Any Federal entity conducting or
- 20 supporting activities directly affecting the Historic Re-
- 21 serve, and any unit of government acting pursuant to a
- 22 grant of Federal funds or a Federal permit or agreement
- 23 conducting or supporting such activities, shall, to the max-
- 24 imum extent practicable—

1	(1) consult with the Secretary and the Partner-
2	ship with respect to such activities;
3	(2) cooperate with the Secretary and the Part-
4	nership in carrying out activities under this Act and
5	coordinate those activities with the carrying out of
6	activities under this Act; and
7	(3) conduct or support activities in a manner
8	that is consistent with the management plan unless
9	the Federal entity, after consultation with the Part-
10	nership, determines that there is no practicable al-
11	ternative.
12	(b) Assistance Under Other Law.—Nothing in
13	this Act shall be construed to prohibit the Secretary or
14	other units of government from providing technical or fi-
15	nancial assistance as authorized under any other law.
16	SEC. 12. AUTHORIZATION OF APPROPRIATIONS.
17	(a) IN GENERAL.—There are authorized to be appro-
18	priated, in addition to amounts authorized to be appro-
19	priated for the Fort Vancouver National Historic Site
20	under other law, such sums as are necessary to carry out
21	this Act.
22	(b) Cost Share.—
23	(1) IN GENERAL.—The Federal share of the

costs of activities of the Partnership for any fiscal

1	year may not exceed 50 percent of the total costs of
2	the activities of the Partnership for that fiscal year.

3 (2) FORM.—The Federal and non-Federal 4 share of the costs for activities of the Partnership 5 may be in the form of cash, services, or in-kind con-6 tributions, fairly valued.

 \bigcirc

S 1127 IS——2