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SENATE

{ REPORT  
109-19

### ROCKY MOUNTAIN NATIONAL PARK BOUNDARY ADJUSTMENT ACT OF 2005

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MARCH 8, 2005.—Ordered to be printed

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

### R E P O R T

[To accompany S. 55]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 55) to adjust the boundary of Rocky Mountain National Park in the State of Colorado, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE MEASURE

The purpose of S. 55 is to direct the Secretary of Interior to enter into a land exchange to benefit Rocky Mountain National Park in the State of Colorado.

#### BACKGROUND AND NEED

Rocky Mountain National Park was established by Congress on January 26, 1915. Encompassing approximately 266,000 acres, the spectacular high alpine scenery and abundant wildlife of Rocky Mountain National Park attracts over 3 million visitors annually.

In the 1970's, hikers and rock climbers began using a private access road near Estes Park, Colorado to reach the Twin Owls Trailhead that is located just inside the park boundary and adjacent to the MacGregor Ranch. Although the MacGregor Ranch is located inside the authorized boundary of the national park it remains in private ownership. Over the last 20 years the popularity of the Twin Owls trailhead has grown steadily and in recent years overflow parking from the trailhead has negatively impacted the ranch. The increase in traffic on the one-lane access road has affected the

character of the historic homestead by diminishing the quality of the historic scene that visitors to the ranch come to experience.

For several years the National Park Service (NPS) and the MacGregor Ranch have been working to find a solution to the traffic and parking problems. In 2003, based on public participation and an environmental assessment, the NPS decided to relocate the Twin Owls parking lot to the east end of the MacGregor Ranch, a location well away from the historic homestead. Construction of a new access road and a larger parking lot for the trailhead is planned at the new location.

In order to enforce NPS regulations on the new access road and at the new trailhead, the land must be located within the park boundary. Under S. 55 the MacGregor Trust will convey 5.9 acres of land to the NPS to facilitate the construction and management of the new facilities. In exchange, the MacGregor Trust will acquire up to 70 acres from the NPS to be used for the purpose of growing hay and cattle. The Secretary of the Interior will reserve a conservation easement on the 70 acres that is transferred to the MacGregor Trust. S. 55 is necessary to authorize the land exchange and to adjust the park boundary to include the newly acquired lands.

#### LEGISLATIVE HISTORY

S. 55 was introduced by Senator Allard on January 24, 2005. During the 108th Congress, the Committee considered identical legislation, S. 2181, sponsored by Senator Campbell. The Subcommittee on National Parks held a hearing on S. 2181 on July 15, 2004. At its business meeting on September 15, 2004, the Committee on Energy and Natural Resources ordered S. 2181, as amended, favorably reported (S. Rept. 108-367). S. 2181 passed the Senate, as amended by unanimous consent on October 10, 2004. The House of Representatives did not consider the bill prior to the *sine die* adjournment of the 108th Congress.

At its business meeting on February 16, 2005, the Committee on Energy and Natural Resources ordered S. 55 favorably reported.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in an open business session on February 16, 2005, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 55.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* entitles this bill the “Rocky Mountain National Park Boundary Adjustment Act of 2004.”

*Section 2* defines key terms used in the Act.

*Section 3(a)(1)* directs the Secretary of the Interior (Secretary) to accept conveyance of all right, title and interest in and to non-Federal parcels in exchange for the Federal parcels, as described in section 2.

Paragraph (2) directs the Secretary to complete the land exchange not later than 60 days after an offer is made.

Paragraph (3) directs the Secretary to reserve a permanent easement to the Federal parcel for the purposes of protecting, pre-

serving and enhancing the conservation values of the Federal parcel.

Subsection (b)(1) directs the Secretary to adjust the boundary of the Park to reflect the acquisition of the non-Federal parcels described in section 2.

Paragraph (2) directs the Secretary to manage the non-Federal parcels as part of the park in accordance with laws and regulations.

#### COST AND BUDGETARY CONSIDERATIONS

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

##### *S. 55—Rocky Mountain National Park Boundary Adjustment Act of 2005*

S. 55 would direct the National Park Service (NPS) to convey to a private landowner about 70 acres of federal land within the boundaries of the Rocky Mountain National Park in exchange for about 6 acres of property adjacent to the park. Once acquired by the NPS, the new property would be added to the national park and developed as an access site.

Based on information provided by the NPS, CBO estimates that implementing S. 55 would cost about \$1 million over the next year or two, subject to the availability of appropriated funds. This amount would be used to complete the required land exchange and construct facilities such as a parking lot, access road, and a rest area on the newly acquired property. Enacting S. 55 would not affect revenues or direct spending. For this estimate, CBO assumes that the properties to be exchanged would be determined by NPS to be roughly equal in value.

S. 55 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This 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 S. 55.

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. 55.

#### EXECUTIVE COMMUNICATIONS

During the 108th Congress, the Committee considered identical legislation (S. 2181). The views of the Administration on S. 2181

were included in testimony received by the Committee at a hearing on the bill on July 15, 2004, as follows:

STATEMENT OF A. DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 2181, a bill to adjust the boundary of Rocky Mountain National Park in the State of Colorado. The Department supports S. 2181 with a technical amendment to update the map reference. This bill would direct the Secretary of the Interior to proceed with a land exchange involving Federal land within Rocky Mountain National Park and private lands owned by the MacGregor Ranch, located near Estes Park, Colorado. This exchange would allow the park to address significant access issues to improve public access to the park while protecting the private property rights of landowners. The Secretary would receive title to three parcels of vacant land encompassing approximately 6 acres. Two of the parcels are located within the authorized boundary of Rocky Mountain National Park. This legislation would authorize a boundary adjustment to include the third parcel within the park boundary. In exchange for the three parcels, the Secretary would convey up to 70 acres of Federal land to the MacGregor Ranch. As a condition of the land exchange, the Secretary would reserve a perpetual easement on the Federal parcel for the purposes of protecting, preserving and enhancing the conservation values of the Federal parcel. The parcel conveyed to the MacGregor Ranch will remain within the authorized boundary of the park, and will be used as an irrigated hay meadow and for grazing cattle.

Rocky Mountain National Park was established by Congress on January 26, 1915, for the benefit and enjoyment of the people of the United States and to protect the natural conditions and scenic beauties of this portion of the Rocky Mountains. The park currently encompasses approximately 266,000 acres and has some of the most beautiful mountain scenery to be found anywhere in our country. Each year the park draws over 3 million visitors.

The MacGregor Ranch was homesteaded in 1873, which predates the establishment of Rocky Mountain National Park. In 1917, shortly after the establishment of the national park, the National Park Service built a residence for park employees just inside the park boundary, with access via a one-lane dirt road which crosses the MacGregor Ranch for about  $\frac{3}{4}$  of a mile. This access was provided with the permission of the MacGregor family, but no easement, right-of-way, or other legal document was ever recorded.

The MacGregor Ranch is listed on the National Register of Historic Places and is owned by the charitable Muriel MacGregor Trust. The mission of the Trust is to support youth education through the preservation and interpreta-

tion of the historic buildings and educational tours of this working high mountain cattle ranch. In 1980, the boundary of Rocky Mountain National Park was amended to include much of the MacGregor Ranch, and in 1983 the National Park Service purchased a conservation easement covering 1,221 acres of the ranch. While much of the ranch is located within the authorized boundary of the national park, it remains private property.

In the early 1970's, hikers and rock climbers began using the access road through the MacGregor Ranch to reach a small parking lot located just inside the park boundary. Known as the Twin Owls trailhead, the popularity of the area has grown steadily. In recent years, overflow parking has negatively impacted the ranch, and traffic on the one-lane access road has negatively affected the character of the historic homestead and has diminished the quality of the historic scene that visitors to the ranch come to experience.

For several years, the National Park Service and the MacGregor Ranch have been working to find a solution to the traffic and parking problems. Several Environmental Assessments have been prepared to examine various alternatives and gather public input. In 2003, based on public input and an Environmental Assessment, the National Park Service decided to relocate the Twin Owls parking lot to the east end of the MacGregor Ranch, some distance away from the historic homestead. A new access road and a larger trailhead parking lot that can accommodate 80 to 100 cars will be built at the new location.

So that the rules and regulations governing Rocky Mountain National Park can be enforced at the new trailhead and along the access road, the land needs to be incorporated into the national park. To accomplish this, the MacGregor Trust and the National Park Service have agreed to a land exchange. The three parcels acquired by the National Park Service will be used for the development of the new parking lot and access road. The conveyance of up to 70 acres of Federal land to the MacGregor Ranch with a conservation easement will ensure that the property is used solely for ranching.

No appraisals have been done on the properties to be included in the land exchange; however, the National Park Service believes that the lands are of comparable value. It is estimated that the cost of the exchange could be approximately \$13,000, which includes an environmental site assessment and other closing costs.

The estimated development cost for the parking lot, access road, vault toilet, connector trail and related improvements is \$800,000. Rocky Mountain National Park has already programmed the funds for this development from 80% Fee Demonstration and National Parks Pass revenues. Annual operating costs are not expected to increase as the new development is replacing existing facilities and employs sustainable design principles.

That concludes my prepared statement Mr. Chairman. I would be pleased to answer any questions you or members of the committee may have.

Proposed amendment: Page 2, line 4 strike "121/60,467, dated September 12, 2003." and insert "121/80,154, dated June 2004.".

#### 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 S. 55 as ordered reported.

