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SENATE

{ REPORT
{ 109-308

GRAND TETON NATIONAL PARK EXTENSION ACT OF 2006

JULY 31, 2006.—Ordered to be printed

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

R E P O R T

[To accompany S. 2403]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2403) to authorize the Secretary of the Interior to include in the boundaries of the Grand Teton National Park land and interests in land of the GT Park Subdivision, and for other purposes, having considered the same, reports favorably thereon with an amendment and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Grand Teton National Park Extension Act of 2006”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **PARK.**—The term “Park” means the Grand Teton National Park.

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

(3) **SUBDIVISION.**—The term “Subdivision” means the GT Park Subdivision, with an area of approximately 49.67 acres, as generally depicted on—

(A) the plat recorded in the Office of the Teton County Clerk and Recorder on December 16, 1997, numbered 918, entitled “Final Plat GT Park Subdivision”, and dated June 18, 1997; and

(B) the map entitled “2006 Proposed Grand Teton Boundary Adjustment”, numbered 136/80,198, and dated March 21, 2006, which shall be on file and available for inspection in appropriate offices of the National Park Service.

SEC. 3. ACQUISITION OF LAND.

(a) **IN GENERAL.**—The Secretary may accept from any willing donor the donation of any land or interest in land of the Subdivision.

(b) **ADMINISTRATION.**—On acquisition of land or an interest in land under subsection (a), the Secretary shall—

(1) include the land or interest in the boundaries of the Park; and

(2) administer the land or interest as part of the Park, in accordance with all applicable laws (including regulations).

(c) DEADLINE FOR ACQUISITION.—It is the intent of Congress that the acquisition of land or an interest in land under subsection (a) be completed not later than 1 year after the date of enactment of this Act.

(d) RESTRICTION ON TRANSFER.—The Secretary shall not donate, sell, exchange, or otherwise transfer any land acquired under this section without express authorization from Congress.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

2. Amend the title so as to read: “To modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.”

PURPOSE OF THE MEASURE

The purpose of S. 2403 is to authorize the Secretary of the Interior to include certain lands in the Grand Teton Park subdivision within the boundaries of the Grand Teton National Park.

BACKGROUND AND NEED

The Grand Teton Park subdivision is located in the Lost Creek drainage between Grand Teton National Park and the Bridger-Teton National Forest. One lot in the 50-acre subdivision is owned by the Gerald Halpin family. The other seven lots were donated by the Halpin family to private organizations, including the National Fish and Wildlife Foundation, the National Park Foundation, and the Grand Teton National Park Foundation. All of these owners would like to donate their land to Grand Teton National Park; but, their parcels are currently outside the existing park boundary. The law that established Grand Teton National Park in September, 1950 (64 Stat. 849), prohibited the extension of any park in Wyoming without the express authorization of Congress. S. 2403 would authorize the Secretary to adjust the boundary of Grand Teton National Park and accept the donation of lands within the subdivision.

LEGISLATIVE HISTORY

S. 2403 was introduced by Senator Thomas on March 13, 2006. Senator Enzi is a cosponsor. The Subcommittee on National Parks held a hearing on S. 2403 on April 6, 2006. At the business meeting on May 24, 2006, the Committee on Energy and Natural Resources ordered S. 2403, as amended, favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 24, 2006, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 2403, if amended as described herein.

COMMITTEE AMENDMENT

During consideration of S. 2403, the Committee adopted an amendment in the nature of a substitute to S. 2403. The amendment replaces the requirement that the Secretary “shall accept” lands in the Grand Teton subdivision with the phrase that the Sec-

retary “may accept” lands in the subdivision. The amendment also adds a provision stating that it is the intent of Congress that the acquisition of lands in Grand Teton subdivision be completed no later than one year after the enactment of this Act.

SECTION-BY-SECTION ANALYSIS

Section 1 titles the bill the “Grand Teton National Park Expansion Act of 2006.”

Section 2 defines key terms used in the bill.

Section 3(a) authorizes the Secretary of the Interior to accept land or interest in land from any willing donor in the Grand Teton Park Subdivision.

Subsection (b) requires the Secretary to include the donated land within the boundaries of Grand Teton National Park and to manage it as part of the park.

Subsection (c) expresses the intent of Congress that land in the subdivision be acquired no later than one year after the enactment of this Act.

Subsection (d) prohibits the Secretary of the Interior from transferring any of the land acquired through the authority in subsection 3(a) without express authorization from Congress.

Section 4 authorizes the appropriation of such sums necessary to carry out the Act.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 8, 2006.

Hon. PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2403, the Grand Teton National Park Extension Act of 2006.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis and Leigh Angres.

Sincerely,

DONALD B. MARRON,
Acting Director.

Enclosure.

S. 2403—Grand Teton National Park Extension Act of 2006

S. 2403 would authorize the Secretary of the Interior to accept the donation of about 50 acres of land in Wyoming. Once acquired, the property would become part of the Grand Teton National Park under the administration of the National Park Service. Subject to the availability of appropriated funds, CBO estimates that implementing S. 2403 would cost less than \$500,000, mostly for surveys and appraisals. Enacting S. 2403 would not affect revenues or direct spending.

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

The CBO staff contacts for this estimate are Deborah Reis and Leigh Angres. This estimate was approved by Robert A. Sunshine, 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. 2403. 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. 2403, as ordered reported.

EXECUTIVE COMMUNICATIONS

The views of the Administration on S. 2403 were included in testimony received by the Committee at a hearing on the bill on April 6, 2006. This testimony follows:

STATEMENT OF SUE MASICA, ASSOCIATE DIRECTOR, NATIONAL PARK SERVICE, 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. 2403, a bill to authorize the Secretary of the Interior to include in the boundaries of the Grand Teton National Park land and interests in land of the GT Park Subdivision, and for other purposes. The Department supports S. 2403 with one amendment.

S. 2403 would direct the Secretary of the Interior (Secretary) to accept, by donation, approximately 49 acres adjacent to Grand Teton National Park, and upon donation, adjust the park boundary to include these lands within the park and to administer the acquired lands in accordance with all applicable laws. In addition, the Secretary would be prohibited from selling, donating, exchanging, or otherwise transferring the acquired land without authorization from Congress. The lands added to the boundary would be donated at no cost to the federal government, and no additional costs would be associated with management or administration of the donated lands. Costs that would be associated with the conveyance of the land include closing and other associated costs. We estimate those costs to be approximately \$300,000, and we currently do not have a funding source identified for these costs.

The privately owned land that is the subject of S. 2403 is located approximately one mile from the major road through the park and is visible from that road. The land consists of eight lots that total 49.67 acres and are located

near the Lost Creek Ranch, adjacent to the park's eastern boundary. Similar in character and quality to adjacent park lands, the lots are primarily grassland and sagebrush meadow and provide habitat for a wide variety of wildlife including elk, deer, antelope, bison, coyotes, and wolves. The lots offer spectacular and unobstructed views of the Teton Range across the broad valley of Jackson Hole.

The National Park System includes countless examples of philanthropic efforts that have added immeasurably to the preservation of our Nation's natural and cultural treasures. Nowhere is this more evident than at Grand Teton National Park, where the gift of John D. Rockefeller, Jr. in 1949, of more than 38,000 acres, helped to ensure the creation of the park. Today, the spirit of philanthropy is very much alive at Grand Teton, and a prime example is the extraordinary generosity of Gerald T. Halpin and his family. Of the eight lots which are the subject of this bill, one is owned by the Halpin family, and the other seven were previously donated by the Halpins to several foundations with the understanding that they would ultimately be donated to the federal government for inclusion in Grand Teton National Park. These foundations include the National Park Foundation, the National Fish and Wildlife Foundation, and the Grand Teton National Park Foundation.

Inclusion of these lands within Grand Teton National Park cannot be accomplished without this legislation. When Congress established the park in 1950, it included a provision in the park's enabling legislation that prohibited any expansion of national parks or monuments in the State of Wyoming without the express authorization of Congress.

We recommend one amendment to the bill. Section 3(a) as written may imply that the Secretary shall accept the donation of the land regardless of any potential environmental hazards on the land or the condition of the title. We recommend donation language that has been used in other similar donation transactions and is attached to this testimony.

Mr. Chairman, we wish to thank you for your efforts in sponsoring and introducing this legislation. It is the product of many generous and forward-looking people working together to continue protecting Grand Teton National Park for the American people.

That concludes my statement. I would be glad to answer any questions that you or other members of the subcommittee might have.

PROPOSED AMENDMENT

S. 2403, GRAND TETON NATIONAL PARK EXTENSION ACT OF
2006

Page 2, strike lines 18–20 and insert the following: “(a) The Secretary is authorized to acquire, by donation, lands and interests in land in the Subdivision.”

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. 2403, as ordered reported.

