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SENATE

{ REPORT  
110-291

### ACADIA NATIONAL PARK IMPROVEMENT ACT

APRIL 10, 2008.—Ordered to be printed

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

### R E P O R T

[To accompany S. 1329]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1329) to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 1, line 5, strike “2007” and insert “2008”.
2. On page 2, line 24, strike “shall” and insert “may”.
3. On page 3, line 8, strike “and cooperative agreements” and insert “and, notwithstanding chapter 63 of title 31, United States Code, cooperative agreements.”.
4. On page 3, line 16, strike “system” and insert “system (or any successor transit system)”.

#### PURPOSE

The purposes of S. 1329 are to increase the authorization ceiling for land acquisition at Acadia National Park; to extend the term of the Acadia National Park Advisory Commission; and to provide for improved visitor services at the park.

#### BACKGROUND AND NEED

Acadia National Park encompasses over 47,000 acres on Mount Desert Island in Maine and includes granite-domed mountains, woodlands, lakes and ponds, and dramatic ocean shoreline. In 1986, the park’s boundary was formally established by Public Law 99–420. S. 1329 contains four provisions extending its land convey-

ance authority, extending the park's advisory commission, increasing the land acquisition ceiling, and authorizing the Secretary to participate in planning, construction and operation of an inter-modal transportation center to improve the visitor enjoyment of the park.

Public Law 99-420 also established a process through which the park and nearby towns could convey lands to one another so that lands owned by towns within the park boundary could be transferred to the National Park Service and small parcels of Federal land outside of the park boundary could be transferred to adjacent towns. However, the law contained a ten-year sunset of this authority. S. 1329 eliminates the ten-year limitation.

Public Law 99-420 also established a 16-member advisory commission to advise the Secretary of the Interior on matters relating to the management and development of Acadia National Park, including the acquisition of lands and interests in lands (including conservation easements on islands), and termination of rights-of-use and occupancy. The advisory commission plays an important role advising the park and serving as a liaison between the park and the local community that still resides in the park. The authority for the Commission terminated on September 25, 2006. S. 1329 extends the Commission's authority for an additional twenty years.

S. 1329 also increases Acadia National Park's land acquisition ceiling by \$10 million, to \$28 million. There are still many tracts of private land within Acadia's authorized boundary that can be developed in ways incompatible with the purposes of the park. Congress established the official boundary in 1986. The National Park Service was directed to buy properties within the boundary from willing sellers to complete the park; however, due to escalating real estate prices on Mount Desert Island, the park is now limited in its ability to protect additional lands. Increasing the land acquisition ceiling will address this problem.

Finally, S. 1329 authorizes the Secretary of the Interior to participate in the planning, construction and operation of an inter-modal transportation center that would be located outside of park boundaries that is needed to reduce traffic congestion as well as preserve park resources and the visitor experience. The proposed center would be located in Trenton, Maine.

#### LEGISLATIVE HISTORY

S. 1329 was introduced by Senators Collins and Snowe on May 8, 2007. The Subcommittee on National Parks held a hearing on the bill on September 11, 2007. (S. Hrg. 110-213) During the 109th Congress, the Committee considered a similar bill, S. 1154. S. 1154 was ordered reported by the Committee on September 28, 2005 (S. Rpt. 109-151) and it passed the Senate by unanimous consent on November 16, 2005.

At its business meeting on January 30, 2008, the Committee on Energy and Natural Resources ordered S. 1329 favorably reported, with amendments.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on January 30, 2008, by a voice vote of a quorum

present, recommends that the Senate pass S. 1329, if amended as described herein.

#### COMMITTEE AMENDMENTS

During the consideration of S. 1329 the Committee adopted three amendments related to the Intermodal Transportation Center near the park. The amendments clarify that the Secretary's authority to provide assistance for the center is discretionary, not mandatory, and make other clarifying and conforming amendments. A fourth amendment updates the short title of the bill.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* contains the short title, the "Acadia National Park Improvement Act of 2008".

*Section 2* amends section 102(d) of Public Law 99-420 (16 U.S.C. 341) to eliminate a deadline by which towns owning lands within the park boundary could convey those lands to the park or receive parcels of Federal land outside the park boundary.

*Section 3* amends section 103(f) of Public Law 99-420 to extend the authorization of the Acadia National Park Advisory Commission by an additional 20 years.

*Section 4* amends section 106(a) of Public Law 99-420 to increase the park's authorization for land acquisition from \$9.1 million to \$28 million.

*Section 5* adds a new section 108 to Public Law 99-420 to authorize the Secretary of the Interior to assist with the planning, construction, and operation of an intermodal transportation center outside the park's boundaries. New Section 108(b) as added by Section 5 authorizes the Secretary to enter into interagency agreements with other Federal, State and local agencies, and nonprofit organizations to provide exhibits, interpretive services, and technical assistance; disseminate information relating to the park and Island Explorer transit system; provide financial assistance for the construction of the transportation center; and assist with the operation and maintenance of the transportation center. Finally, new section 108(c) as added by section 5 authorizes appropriations to carry out section 108.

#### COST AND BUDGETARY CONSIDERATIONS

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

##### *S. 1329—Acadia National Park Improvement Act of 2007*

Summary: S. 1329 would amend existing laws that govern the authority of the National Park Service (NPS) to operate the Acadia National Park in Maine. Assuming appropriation of the necessary amounts, CBO estimates that implementing this bill would cost \$14 million over the 2009–2013 period. Enacting S. 1329 would have no effect on revenues or direct spending.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1329 is shown in the following table. The costs

of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2009	2010	2011	2012	2013
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level .....	3	3	3	3	2
Estimated Outlays .....	3	3	3	3	2

Basis of estimate: For the estimate, CBO assumes that S. 1329 will be enacted before the start of 2009. We assume that the entire amounts authorized or estimated to be necessary will be appropriated for each fiscal year. Estimated outlays are based on historical patterns for similar NPS acquisition and development projects.

S. 1329 would increase the statutory ceiling for land acquisition costs at Acadia from \$9.1 million to \$28 million. Because \$18 million has already been appropriated and spent for this purpose, the proposed increase represents a change of \$10 million. CBO estimates that this amount would be spent over a five-year period (2009 through 2013) to purchase up to 100 tracts of land within the park's existing boundaries.

The bill also would authorize the NPS to participate in designing, building, and operating a transportation center located outside of park boundaries. Based on information provided by the agency, CBO expects that most of the cost of constructing the center would be borne by the Department of Transportation under existing authority. We estimate that the NPS would spend about \$4 million over the 2009–2012 period to furnish a small visitor facility within the center and develop appropriate exhibits and other interpretive materials. We estimate that new annual costs to help operate the center would be less than \$500,000 annually.

Finally, S. 1329 would extend the life of the Acadia National Park Advisory Committee for an additional 20 years. Authority for the commission expired near the end of fiscal year 2006. CBO estimates that the cost of operating the commission would be less than \$50,000 a year.

Intergovernmental and private-sector impact: S. 1329 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Mark Grabowicz; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: MarDestinee C. Perez.

Estimate approved by: Peter H. Fontaine, 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. 1329. 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. 1329, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

In accordance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides the following identification of congressionally directed spending items contained in the bill, as reported:

*Section: 4; Provision: \$28 million; Members: Senators Collins and Snowe.*

#### EXECUTIVE COMMUNICATIONS

##### STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, 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. 1329, a bill to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes. The Department supports enactment of this bill with two technical amendments.

If enacted, S. 1329 would accomplish four objectives. First, it would extend the life of the 16-member Acadia National Park Advisory Commission, which expired in September 2006, for an additional 20 years. Second, the bill would extend the authority of the Secretary to exchange land with local towns in order to allow both parties to consolidate land holdings within their borders. Third, the bill would increase the park's land acquisition ceiling from \$9.1 million to \$28 million. Fourth, it would authorize Acadia National Park to participate in the planning, construction, and operation of an intermodal transportation center outside the park's boundaries.

##### ACADIA NATIONAL PARK ADVISORY COMMISSION

The Acadia National Park Advisory Commission had been in operation for almost 20 years, before it expired on September 30, 2006, and was a valuable asset that enhanced communication between park managers and local communities. The Commission's state and local representatives participated actively, and they strongly support its reauthorization. The cost of administering the Commission is minimal and is covered by the park's operating budget.

##### EXTENSION OF LAND CONVEYANCE AUTHORITY

Before 1986, Acadia National Park did not have a well-defined boundary. The boundary established in 1986 by Public Law 99-420 included certain lands owned by local towns and excluded certain lands owned by the National Park Service. In order to allow the park and the towns to consolidate holdings within their respective boundaries, section 102(d)(2) gave the Secretary the authority to convey lands outside the park boundary to the towns for no

consideration after the towns had conveyed all of their land within the park boundary to the park. This provision set a 10-year deadline for these conveyances in order to encourage timely action.

Several towns missed the 10-year deadline, but are still interested in exchanging lands with the National Park Service. This bill would extend the authority of the Secretary to exchange lands with the towns indefinitely. Without this amendment, the park would continue to own isolated small tracts of land outside the park boundary, and the towns would continue to own small isolated tracts of land inside the park boundary. The proposed change would benefit both the park and the towns by continuing to allow each of them to consolidate land ownership.

#### INCREASE IN LAND ACQUISITION CEILING

Acadia National Park's authorized land acquisition ceiling of \$9.1 million has been reached, although there are over 100 tracts left to be acquired to complete the park as authorized by Congress in 1986. Land prices on Mount Desert Island, where Acadia National Park is located, have increased dramatically since 1986 and may continue to do so if local home-inflation trends continue. Many willing landowners are anxious to sell, but the park cannot buy the land because the land acquisition ceiling does not permit the use of sufficient appropriated funds to acquire them, thus leaving valuable resources within the park threatened with incompatible development.

The Land and Water Conservation Fund Act (LWCF) authorizes the National Park Service to exceed the land acquisition ceiling by 10%, or \$1 million annually, whichever is greater. Under this authority, Acadia NP may exceed the land acquisition ceiling by a maximum of \$1 million per year. To date, Congress has appropriated \$8.9 million beyond Acadia's land acquisition ceiling, bringing total appropriations for land acquisition at the park to \$18 million. However, because the LWCF authorization limits National Park Service annual expenditures on additional land acquisition to \$1 million or less, the National Park Service has been unable to purchase several undeveloped tracts that are valued at more than \$1 million. If these undeveloped tracts within the boundaries of the park are developed with new structures, acquisition costs will increase. Acquiring these lands sooner rather than later is more cost-effective for the National Park Service in the long run. In addition, the park currently faces encroachment issues, where private landowners use adjacent park lands for swing sets, hot tubs, sheds and the like. The proposed \$28 million ceiling would allow the National Park Service to acquire all parcels of land that are located within the boundary of the park that are currently available for sale.

Incompatible development within park boundaries can degrade the natural and cultural values that are important to the visitors of Acadia National Park. There are also "spillover" impacts from use of private lands that are sur-

rounded by park land including noise and light impacts, which tend to drive the public away from these parts of the park. Finally, larger blocks of land are more cost-effective to manage than smaller discontinuous parcels that are owned by multiple owners and thus, result in higher boundary monitoring and patrol costs.

#### INTERMODAL TRANSPORTATION CENTER

The intermodal transportation center is the final piece of a three-phase transportation strategy that was developed with the assistance of an interagency team of transportation and park managers. The interagency team was established pursuant to the 1997 Memorandum of Understanding between the Secretary of Transportation and the Secretary of the Interior to comprehensively address public transportation in and around our national parks. Language in S. 1329 authorizing Acadia National Park to participate in the planning, construction and operation of an intermodal transportation center outside park boundaries is essential for completion of a highly successful transportation system that operates through a consortium of twenty partners. These partners include the U.S. Department of Transportation, the Maine Department of Transportation, and many local interests who developed this transportation strategy and have combined their resources to offer the Island Explorer, a bus system that uses clean propane-powered vehicles to move visitors around the Island. The operational costs are paid for by a special transportation fee imposed at Acadia, state and local funds, and business contributions.

Daily summer use of the Island Explorer has averaged 3,700 riders and more than 1.5 million riders have used the popular system since it began in 1999. Traffic congestion on Mount Desert Island and the negative impacts of too many vehicles in Acadia National Park have been reduced, and the park's air quality has improved annually.

Currently, overnight visitors are picked up at their lodgings by the Island Explorer, but the increasing numbers of day use visitors do not have access to the transit system because it lacks a central parking and bus boarding area. As planned, the project calls for developing an off-island intermodal transportation center to serve day users of Mount Desert Island and Acadia National Park. The center is needed to maximize the benefits of the transit system and to fully achieve the project's goals of reducing traffic congestion, preserving park resources and the visitor experience, and ensuring a vibrant tourist economy.

The proposed center would be strategically located on Route 3 (the only road to Mount Desert Island and Acadia National Park) in Trenton, Maine. A non-profit partner will acquire the land using donated funds. The Maine Department of Transportation and the Federal Transit Administration will have the lead in the planning and construction of the center, which will include parking for day users, a visitor orientation facility highlighting park and

regional points of interest, a bus boarding area, and a bus maintenance garage.

Most of the proposed facility would be built with funds provided by the U.S. Department of Transportation to the State of Maine. The National Park Service would be responsible for the design, construction, and operation of all or part of the visitor orientation portion of the center, which would include exhibits, media presentations, and general information for park visitors bound for Acadia National Park. The National Park Service might also contribute to maintenance and operation of the facility. The proposed center would replace the park's inadequate Thompson Island Information Center, which is too small to accommodate the large number of summer visitors to the park, contains out-of-date exhibits, and is not optimally located to intercept visitors.

We recommend two technical amendments be made to section 5 of the bill. First, we would like to clarify that the Secretary would be authorized to conduct activities that facilitate the dissemination of information relating to the Island Explorer or any successor to the Island Explorer in case the transit system is renamed. Second, in order to preserve the Secretary's flexibility in how resources are allocated in the National Park Service, we recommend an amendment to the authority provided to the Secretary to contribute to the Intermodal Transportation Center. The amendments are attached to this testimony.

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks and I will be happy to answer any questions you or other committee members might have.

#### TECHNICAL AMENDMENTS TO S. 1329, THE ACADIA NATIONAL PARK IMPROVEMENT ACT OF 2007

On p. 2, line 24, strike "shall" and insert "may".

On p. 3, line 16, strike "system;" and insert "system or any successor transit system;".

The testimony provided by the National Park Service at the September 11, 2007 Subcommittee hearing on S. 1329.

#### 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. 1329 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):

#### Public Law 99-420

A BILL To establish a permanent boundary for the Acadia National Park in the State of Maine, and for other purposes

\* \* \* \* \*



**SEC. 102. LANDS WITHIN BOUNDARIES.**

\* \* \* \* \*

(d)(1) In exercising his authority to acquire lands by exchange pursuant to this title [this note], the Secretary may accept title to non-Federal property located within the boundary of the Park and may convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary which lies outside said boundary and depicted on the map. Properties so exchanged shall be approximately equal in value, as determined by the Secretary, except that the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the value of the properties exchanged.

[(2) Federally owned property under jurisdiction of the Secretary referred to in paragraph (1) of this subsection which is not exchanged within 10 years after enactment of this Act, shall be conveyed to the towns in which the property is located without encumbrance and without monetary consideration, except that no town shall be eligible to receive such lands unless, within 10 years after enactment of this Act, lands within the Park boundary and owned by the town have been acquired by the Secretary.]

*(2) Federally-owned property under jurisdiction of the Secretary referred to in paragraph (1) of this subsection shall be conveyed to the towns in which the property is located without encumbrance and without monetary consideration, except that no town shall be eligible to receive such lands unless lands within the Park boundary and owned by the town have been conveyed to the Secretary.*

\* \* \* \* \*

**SEC. 103. ADVISORY COMMISSION.**

\* \* \* \* \*

(f) The Commission established under this section shall terminate [20] 40 years after the enactment of this Act.

\* \* \* \* \*

**SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

(a) Effective October 1, 1986, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of *this title* [this note], but not to exceed [\$9,100,000] \$28,000,000 for acquisition of lands and interests therein.

\* \* \* \* \*

**SEC. 108. INTERMODAL TRANSPORTATION CENTER.**

*(a) IN GENERAL.—The Secretary shall provide assistance in the planning, construction, and operation of an intermodal transportation center located outside of the boundary of the Park in the town of Trenton, Maine to improve the management, interpretation, and visitor enjoyment of the Park.*

*(b) AGREEMENTS.—To carry out subsection (a), in administering the intermodal transportation center, the Secretary may enter into interagency agreements with other Federal agencies, and cooperative agreements, under appropriate terms and conditions, with State and local agencies, and nonprofit organizations—*

(1) *to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;*

(2) *to conduct activities that facilitate the dissemination of information relating to the Park and the Island Explorer transit system;*

(3) *to provide financial assistance for the construction of the intermodal transportation center in exchange for space in the center that is sufficient to interpret the Park; and*

(4) *to assist with the operation and maintenance of the intermodal transportation center.*

(c) *AUTHORIZATION OF APPROPRIATIONS.—*

(1) *IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section (including planning, design and construction of the intermodal transportation center).*

(2) *OPERATIONS AND MAINTENANCE.—There are authorized to be appropriated such sums as are necessary to maintain and operate the intermodal transportation center.*

