

Calendar No. 298

111TH CONGRESS
2d Session "

SENATE

REPORT
111-148

DOROTHY BUELL MEMORIAL VISITOR CENTER PARTNERSHIP ACT

MARCH 2, 2010.—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 H.R. 1287]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1287) to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

The purpose of H.R. 1287 is to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore.

BACKGROUND AND NEED

Indiana Dunes National Lakeshore is located in northern Indiana along the southern shore of Lake Michigan. Two million visitors travel to the national lakeshore each year, many from the Chicago metropolitan area. Visitors are often unaware that the national lakeshore is a unit of the National Park System. The National Park Service would like to relocate the primary visitor contact point to a more prominent location outside of the park and provide the opportunity to contact and educate many more visitors regarding the national lakeshore's programs and resources.

In 1998, the National Park Service and the Porter County Convention, Recreation and Visitor Commission (PCCRVC) began to explore the concept of a joint visitor center. Additionally, the Park Service general management plan for the national seashore recommended that the Park Service relocate its visitor center to the more heavily traveled corridor outside of the park.

After forming a partnership in 1998, the PCCRVC and the Park Service selected a prominent location outside the national lakeshore but within the primary travel corridors. The PCCRVC provided funding for the purchase of the property and the construction of a new visitor center. In October 2006, the Dorothy Buell Memorial Visitor Center was built. It is located approximately three quarters of a mile south of the national lakeshore on Indiana Highway IN49 and is owned by the PCCRVC. The Park Service would like to jointly staff the visitor center and lease some of its space for offices, exhibits, a theater and interpretive information about park resources.

H.R. 1287 would provide the Secretary of the Interior authority to expend federally appropriated funds outside of the national lakeshore boundaries in order to lease space for exhibits, offices, a book store, and a theatre. It would further authorize the expenditure of funds for the planning, design, and development of exhibits to be placed in the new facility.

LEGISLATIVE HISTORY

H.R. 1287 was introduced on March 3, 2009, by Representative Visclosky. It passed the House of Representatives by a voice vote on September 8, 2009.

The Subcommittee on National Parks held a hearing on H.R. 1287 on November 4, 2009. At its business meeting on December 16, 2009, the Committee on Energy and Natural Resources ordered H.R. 1287 favorably reported without amendment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on December 16, 2009, by a voice vote of a quorum present, recommends that the Senate pass H.R. 1287.

SECTION-BY-SECTION ANALYSIS

Section 1 authorizes the Secretary of the Interior to enter into a memorandum of understanding (MOU) to establish a joint partnership with PCCRVC in regard to the use of the Dorothy Buell Memorial Visitor Center. The memorandum of understanding shall identify the goals and purpose of the visitor center and the responsibilities of the Park Service and the PCCRVC.

The MOU would also authorize the Secretary to plan, design, construct, and install exhibits in the Dorothy Buell Memorial Visitor Center at a cost not to exceed \$1,500,000 and allow National Park Service staff from Indiana Dunes National Lakeshore to work in the visitor center in order to provide visitor information and education.

Section 2 amends section 19 of the Indiana Dunes National Lakeshore's enabling Act (16 U.S.C. 4604–19) to permit the Secretary of the Interior to accept donations of lands located outside the present

boundaries of the lakeshore if the lands are either contiguous to or separated from such lands by a right-of-way only.

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 1287—Dorothy Buell Memorial Visitor Center Partnership Act

H.R. 1287 would authorize the National Park Service (NPS) to plan, design, construct, and install exhibits in the Dorothy Buell Memorial Visitor Center at a cost of up to \$1.5 million.

Assuming the availability of appropriated funds, CBO estimates that the NPS would spend \$1.5 million over the 2010–2014 period to carry out the legislation. This amount would be used to develop exhibits in the new visitor facility, which is not a federal building. The legislation also would authorize the NPS to accept donations of land separated from the existing park by a road or other right-of-way. Based on information provided by the agency, CBO expects that the cost of administering any property that may be added to the park would be minimal. Enacting the legislation would not affect direct spending or revenues.

H.R. 1287 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, 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 H.R. 1287.

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 H.R. 1287, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 1287, as 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

The testimony provided by the National Park Service at the November 4, 2009, Subcommittee hearing on H.R. 1287 follows:

STATEMENT OF KATHERINE H. STEVENSON, ASSISTANT DIRECTOR, BUSINESS SERVICES, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on H.R. 1287, a bill to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

The Department supports H.R. 1287 as passed by the House with technical amendments.

Indiana Dunes National Lakeshore was established as a unit of the National Park System in 1966. It lies on the southern tip of Lake Michigan and covers some 15,000 acres with 15 miles of shoreline. In 1998, the national lakeshore and the Porter County Convention, Recreation and Visitor Commission (PCCRVC) began to explore the concept of a joint visitor center to be shared by the PCCRVC, the national lakeshore, and the Indiana Dunes State Park. At that time, both the national lakeshore and the PCCRVC suffered from low visitation at their respective visitor centers due to their poor locations away from the primary thoroughfares. Because of their location, size, and layout, the national lakeshore's 1997 General Management Plan recommended relocating the visitor center to the more heavily traveled IN 49 corridor.

A partnership to acquire land for a new site was initiated. A more prominent location outside the national lakeshore but within the primary travel corridor to the dunes was selected. Using a series of Transportation Enhancement grants, the PCCRVC purchased the land, which is located approximately three quarters of a mile south of the national lakeshore boundary on IN 49, the principal north/south artery into the national lakeshore and secured a contract for construction. The new Dorothy Buell Memorial Visitor Center was completed in October 2006.

The NPS currently has an interim lease of the space in the new visitor facility and is in the process of securing a General Services Administration lease agreement for offices, storage, exhibits, bookstore, and a theatre. The payments for this lease come from funds in the park's authorized annual operating budget.

H.R. 1287 would authorize the Secretary of the Interior to enter into an agreement with the PCCRVC that would outline the terms of the partnership, including cooperative management of the new visitor facility and sharing of operational activities. The two parties will jointly plan and staff the new visitor center and offer "one-stop shopping," with exhibits and theater space to educate visitors about the resources found in the park, aspects of threatened and

endangered species management, habitat preservation, and wetlands restoration.

H.R. 1287 would also authorize \$1,500,000 to plan, design, construct, and install exhibits to be placed in the new facility for visitor information and education. The space leased by the National Park Service (NPS) includes room for exhibits, offices, a theatre, and a bookstore. All funds are subject to NPS priorities and the availability of appropriations.

H.R. 1287 also would amend Section 19 of Public Law 89-761 to authorize the Secretary of the Interior to accept donated lands that are considered contiguous to Indiana Dunes National Lakeshore but physically separated from the boundary by a public or private right-of-way, such as a road, railroad, or utility corridors.

The park is segmented with numerous isolated parcels. The northern portion of Indiana is crisscrossed with numerous interstate highways, oil and gas pipeline corridors, and electrical lines. A number of these rights of way exist within the national lakeshore. Several landowners have offered to donate land adjacent to the park (separated by utility, roadways, and rail corridors), but the park's ability to accept such lands is ambiguous. It is unclear whether the NPS can accept these lands under the minor boundary revision authority of the Land and Water Conservation Fund Act of 1965. The bill would clarify this terminology as it relates to the Indiana Dunes National Lakeshore and allow the park to accept donated lands to further the purposes of the park unit when they adjoin the park's boundary.

Mr. Chairman, thank you for the opportunity to comment. We look forward to working with the Committee to provide technical amendments to the bill. This concludes my prepared remarks and I will be happy to answer any questions you or other committee members might have.

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 H.R. 1694 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):

INDIANA DUNES NATIONAL SEASHORE ACT

(Public Law 89-761, Approved November 5, 1966)

§ 16 U.S.C. 460u-19

AN ACT To provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That in order to preserve for the educational, inspirational, and recreational use of the public certain portions of the Indiana dunes and other areas of scenic, scientific, and historic interest and recreational value in the State of Indiana, the Secretary of the Interior is authorized to establish and administer the Indiana Dunes National Lakeshore (hereinafter referred to as the "lakeshore") in accordance with the provisions of this Act. The lakeshore shall comprise the area within the boundaries delineated on a map identified as "A Proposed Indiana Dunes National Lakeshore", dated September 1966, and bearing the number "LNPNE-1008-ID", which map is on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior.

* * * * *

SEC 19. *¿*After notifying (a) *After notifying* the Committees on Interior and Insular Affairs of the United States Congress, in writing, of his intentions to do so and of the reasons therefor, the Secretary may, if he finds that such lands would make a significant contribution to the purposes for which the lakeshore was established, accept title to any lands, or interests in lands, located outside the present boundaries of the lakeshore but contiguous thereto or to lands acquired under this section, such lands the State of Indiana or its political subdivisions may acquire and offer to donate to the United States or which any private person, organization, or public or private corporation may offer to donate to the United States and he shall administer such lands as a part of the lakeshore after publishing notice to that effect in the Federal Register.

(b) *CONTIGUOUS CLARIFIED*.—For purposes of subsection (a), lands may be considered contiguous to other lands if the lands touch the other lands, or are separated from the other lands by only a public or private right-of-way, such as a road, railroad, or utility corridor.

* * * * *