

## BUFFALO BAYOU NATIONAL HERITAGE AREA STUDY ACT

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OCTOBER 30, 2001.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. HANSEN, from the Committee on Resources,  
submitted the following

### REPORT

[To accompany H.R. 1776]

The Committee on Resources, to whom was referred the bill (H.R. 1776) to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Buffalo Bayou National Heritage Area Study Act”.

#### SEC. 2. NATIONAL PARK SERVICE STUDY REGARDING BUFFALO BAYOU, TEXAS.

(a) FINDINGS.—The Congress finds the following:

(1) The area beginning at Shepherd Drive in west Houston, Texas, and extending to the Turning Basin, commonly referred to as the “Buffalo Bayou”, made a unique contribution to the cultural, political, and industrial development of the United States.

(2) The Buffalo Bayou is distinctive as the first spine of modern industrial development in Texas and one of the first along the Gulf of Mexico coast.

(3) The Buffalo Bayou played a significant role in the struggle for Texas independence.

(4) The Buffalo Bayou developed a prosperous and productive shipping industry that survives today.

(5) The Buffalo Bayou led in the development of Texas’ petrochemical industry that made Houston the center of the early oil boom in America.

(6) The Buffalo Bayou developed a sophisticated shipping system, leading to the formation of the modern day Houston Ship Channel.

(7) The Buffalo Bayou developed a significant industrial base, and served as the focal point for the new city of Houston.

(8) There is a longstanding commitment by the Buffalo Bayou Partnership, Inc., to complete the Buffalo Bayou Trail along the 12-mile segment of the Buffalo Bayou.

(9) There is a need for assistance for the preservation and promotion of the significance of the Buffalo Bayou as a system for transportation, industry, commerce, and immigration.

(10) The Department of the Interior is responsible for protecting the Nation's cultural and historical resources. There are significant examples of such resources within the Buffalo Bayou region to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the Buffalo Bayou Partnership, Inc., the State of Texas, and other local and governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall, in consultation with the State of Texas, the City of Houston, and other appropriate organizations, carry out a study regarding the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in Houston, Texas.

(2) CONTENTS.—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(H) has a conceptual boundary map that is supported by the public.

(c) BOUNDARIES OF THE STUDY AREA.—The Study Area shall be comprised of sites in Houston, Texas, in an area roughly bounded by Shepherd Drive and extending to the Turning Basin, commonly referred to as the “Buffalo Bayou”.

(d) SUBMISSION OF STUDY RESULTS.—Not later than 3 years after funds are first made available for this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study.

#### PURPOSE OF THE BILL

The purpose of H.R. 1776 is to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Areas in west Houston, Texas.

#### BACKGROUND AND NEED FOR LEGISLATION

The Buffalo Bayou has played an important role in the history of Houston and therefore in the history of Texas in general. In the 1820s, when immigration to Texas commenced, Buffalo Bayou was considered the most reliable route for navigation into the “interior” of Texas. The Houston Ship Channel permits ocean-going ships to travel fifty miles inland from the Gulf of Mexico. Today, the port ranks first in the nation in foreign shipping and ranks second in tonnage, serving as home to the country's largest concentration of oil refining and petrochemical production.

The Buffalo Bayou, nicknamed the “Highway of the Republic,” is nationally significant in American military history. The Battle of San Jacinto was fought in 1836 at the confluence of Buffalo Bayou and the San Jacinto River. This resulted in the independence of Texas from Mexico and ultimately led to the expansion of the United States into the northern half of Mexico in 1848.

A multitude of historic sites, early ethnic neighborhoods and some of Houston’s oldest park areas line the banks of the Buffalo Bayou. The Buffalo Bayou National Heritage Area would highlight important military leaders, oil wildcatters, and industrial titans, along with providing the city an opportunity to highlight the lives of early Mexican American and Afro-American residents who lived along the Bayou, and worked in the early rail yards and in the Port of Houston.

The Buffalo Bayou is considered by many a significant natural and recreational resource. Several segments have been designated as part of the world-famous Great Coastal Texas Birding Trail. More than 15 miles of hiking and biking trails line its banks.

#### COMMITTEE ACTION

H.R. 1776 was introduced on May 9, 2001, by Congressman Gene Green (D–TX). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On July 17, 2001, the Subcommittee held a hearing on the bill. On September 25, 2001, the Subcommittee met to mark up the bill. Congressman George Radanovich (R–CA) offered an amendment in the nature of a substitute that specified criteria the Secretary shall consider in the development of the study, removed the appropriations authorization, and added the standard three-year time limit for completing the study. The amendment was offered to make the study consistent with the requirements specified in Section 303 of Public Law 105–391, which requires studies of new areas to consider whether the area under study possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country, and is a suitable and feasible addition to the system. It was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the Full Committee by voice vote. On October 3, 2001, the Full Resources Committee met to consider the bill. No further amendments were offered and the bill as amended was ordered favorably reported by voice vote to the House of Representatives.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources’ oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. *Cost of Legislation.*—Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. The Committee believes that enactment of this bill would have minimal impact on the federal budget.

2. *Congressional Budget Act.*—As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. *General Performance Goals and Objectives.*—This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. *Congressional Budget Office Cost Estimate.*—Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office.

## COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

## PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

## CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

