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SENATE

{ REPORT  
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### REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT ACT OF 2004

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SEPTEMBER 28, 2004.—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. 2567]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2567) to adjust the boundary of Redwood National Park in the State of California, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE MEASURE

The purpose of S. 2567 is to adjust the boundary of Redwood National Park to include approximately 36,400 acres that have been acquired by the California Department of Parks and Recreation.

#### BACKGROUND AND NEED

By the 1960's, ninety percent of the redwoods in California had been harvested and many citizens across the country were concerned that this magnificent resource would soon be lost forever. Amid much controversy, a compromise with the timber industry was negotiated, and on October 2, 1968, President Johnson signed into law the Act that established Redwood National Park (Public Law 90-545; 16 U.S.C. 79b). The new park placed 58,000 acres in the care of the National Park Service (NPS) and also included lands that would remain under the jurisdiction of the State of California. As logging continued outside the park boundary, sediment loads increased dramatically along Redwood Creek. In March 1978, in response to the threatened health of the stream-side redwoods within the national park, President Carter signed into law the addition of 48,000 acres to Redwood National Park.

In 1994, the National Park Service and the California Department of Parks and Recreation entered into a cooperative agreement to jointly manage and protect the State and park lands within the boundary of Redwood National Park. The State of California and the National Park Service retain separate ownership of their land and facilities in the parks; however, both Federal and State lands are managed and operated cooperatively. The three California state parks and Redwoods National Park are now collectively referred to as the Redwood National and State Parks (RNSP). These units represent approximately 45 percent of all the old-growth redwood forest remaining in California. The RNSP are designated a World Heritage Site and are part of the California Coast Range Biosphere Reserve.

In recent years the California Department of State Parks and Recreation has acquired approximately 26,400 acres of additional land. S. 2567 would amend Public Law 90–545 to expand the boundary of the park and to authorize the California Department of Parks and Recreation and the National Park Service to manage the additional lands under the terms of the existing cooperative management agreement.

#### LEGISLATIVE HISTORY

S. 2567 was introduced by Senator Feinstein on June 23, 2004. A companion measure, H.R. 3638, was introduced by Representative Thompson on November 21, 2003. The Senate Committee on Energy and Natural Resources' Subcommittee on National Parks held a hearing on S. 2567 on July 15, 2004. At the business meeting on September 15, 2004, the Committee on Energy and Natural Resources ordered S. 2567 favorably reported.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in an open business session on September 15, 2004, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 2567.

#### SECTION-BY-SECTION ANALYSIS

Section 1 entitles this Act the “Redwoods National Park Boundary Adjustment Act of 2004.”

Section 2 amends section 2(a) of the Act of Public Law 90–545 (16 U.S.C. 79b (a)) by adjusting the park boundary as referenced on the map entitled “Redwood National Park, Revised Boundary, numbered 167/60502 and dated February 2003”. The referenced map must be on file and available for public inspection in the appropriate National Park Service offices and also be provided to the appropriate officers of Del Norte and Humboldt Counties, California. This section further amends Public Law 90–545 by increasing the maximum number of acres within the boundary of Redwood National Park from 106,000 acres to 133,000 acres.

#### COST AND BUDGETARY CONSIDERATIONS

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

*S. 2567—Redwood National Park Boundary Adjustment Act of 2004*

S. 2567 would expand the boundary of the Redwood National Park in California to include an additional 27,000 acres. CBO estimates that enacting this legislation would have no significant impact on the federal budget and would not affect revenues or direct spending. The added lands, including the 25,500-acre Mill Creek property, are already owned by California. Like other state park property within the existing boundary of the Redwood National Park, these lands would continue to be owned by the state and would be managed cooperatively by the state and the National Park Service.

S. 2567 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. 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. 2567.

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. 2567.

#### EXECUTIVE COMMUNICATIONS

On July 6, 2004, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 2567. These reports had not been received when this report was filed. The testimony provided by the Department of the Interior at the Subcommittee hearing on S. 2567 follows:

STATEMENT OF A. DURAND JONES, 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. 2567, a bill to adjust the boundary of Redwood National Park in the State of California.

The Department supports enactment of S. 2567. This legislation would enable the National Park Service and the California Department of Parks and Recreation to manage a large swath of state-owned redwood forest land, known as the Mill Creek property, under the same terms that state park lands currently within the boundary of Redwood National Park are managed. It would thus provide for

more efficient and cost-effective management and protection of a very ecologically important resource in the coastal redwood region of northern California. There would be no Federal costs for land acquisition or development resulting from this legislation, and only negligible operation and maintenance costs.

S. 2567 would revise the boundary of Redwood National Park and increase the park's acreage limitation from 106,000 acres to 133,000 acres to accommodate the addition of the 25,500-acre Mill Creek property and about 900 acres of state park lands that have been acquired since the last park boundary adjustment was enacted in 1978. The Mill Creek property consists of the watersheds of Mill Creek and Rock Creek, tributaries to the Smith River, and is contiguous to the Redwood National Park boundary. This property has been studied and proposed for park status since the early 1900's, most recently in the 1960's as the heart of an early proposal to establish Redwood National Park. Coast redwoods comprise almost 95 percent of the forest type on the property. The land includes about 121 acres of ancient redwood forest, and contains 23 species that are endangered, threatened, or of special concern. Mill Creek supports the most significant run of Coho salmon in the entire Smith River watershed and has been identified as critical to the recovery of the species.

The Mill Creek property was purchased by the Save-the-Redwoods League for \$60 million from the Stimson Lumber Company, which was phasing out logging operations on the property and wanted to sell the land. Funding for the purchase came from a variety of state and private sources. The land became part of the California state park system in June, 2002, and is being managed under an interim plan pending action by Congress to add the property to Redwood National Park.

If the Mill Creek property is included within the boundary of Redwood National Park, it will be managed under the same cooperative management agreement that the National Park Service and the California Department of Parks and Recreation currently use to manage the National Park Service property and the three state parks within the boundary. The joint Federal-state management arrangement at Redwood is unusual within the National Park System, but has come to serve as a model of inter-agency cooperative management efforts.

The Federal-state management arrangement at Redwood stems from the origins of the park. The 1968 legislation that established Redwood National Park and the 1978 legislation that expanded it included three existing state parks within the boundary in anticipation of eventual conveyance from the state to the National Park Service. For a variety of reasons, that conveyance did not occur. The state parks currently own about 32 percent of the land within the Redwood National Park boundary, and about half the acreage of the ancient redwood forest in the park. In the 1990's, after years of experiencing duplication of ef-

forts and management conflicts, the National Park Service and the California Department of Parks and Recreation established a framework for cooperative management of the Federal and state parks. Congress facilitated this effort by providing authority for the National Park Service to enter into a cooperative management agreement for the Redwood parks with the state agency-and, incidentally, has since extended that authority to all units of the National Park System due in large part to the success of the arrangement at Redwood.

The Federal-state cooperative management agreement at Redwood National Park allows the two park agencies to operate the entire 105,000-acre area in a unified manner. In a reflection of that unity, while "Redwood National Park" remains the legal name for the park, the name of the site that is used for public information purposes is "Redwood National and State Parks." The management decisions of both agencies are guided by a joint General Management Plan, adopted in 2000. The two agencies share staff, equipment, and facilities to fulfill common resource protection and visitor service goals. They develop common procedures for activities such as issuing special use permits, and common programs for park operations such as staff training and media relations. They develop and implement schedules so that the two agencies cover for each other and avoid duplication. Both agencies benefit from efficiencies in the areas of law enforcement, interpretation, administration, resource management and maintenance. Facilities and space on the new parcel will increase these efficiencies by providing centralized staging areas, storage space and offices for these joint operations.

Adding the Mill Creek property to the boundary of Redwood National Park, as S. 2567 would do, would enable the National Park Service and the California Department of Parks and Recreation to extend all the benefits of the cooperative management agreement to that property, as well. The result would be the more efficient and effective management and protection of land that provides a critically important contribution to the ecological values that the National Park Service protects at Redwood National Park.

Mr. Chairman, that concludes my statement. I would be happy to answer any questions you or other members of the subcommittee may 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 S. 2567, 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 90-545

AN ACT To establish a Redwood National Park in the State of California, 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 significant examples of the primeval coastal redwood (*Sequoia sempervirens*) forests and the streams and seashores with which they are associated for purposes of public inspiration, enjoyment, and scientific study, there is hereby established a Redwood National Park in Del Norte and Humboldt Counties, California.

SEC. 2. **[(a)** The area to be included, within the Redwood National Park is that generally depicted on the maps entitled “Redwood National Park,” numbered NPS-RED-7114—A and NPS-RED-7114—B, and dated September 1968, copies of which maps shall be kept available for public inspection in the offices of the National Park Service, Department of the Interior, and shall be filed with appropriate officers of Del Norte and Humboldt Counties.**]**  
*(a)(1) The Redwood National Park consists of the land generally depicted on the map entitled ‘Redwood National Park, Revised Boundary’, numbered 167/60502, and dated February, 2003.*

*(2) The map referred to in paragraph (1) shall be—*

*(A) on file and available for public inspection in the appropriate offices of the National Park Service; and*

*(B) provided by the Secretary of the Interior to the appropriate officers of Del Norte and Humboldt Counties, California.”*

**[The Secretary]** *(3) The Secretary of the Interior (hereinafter referred to as the “Secretary”) may from time to time, with a view to carrying out the purpose of this Act and with particular attention to minimizing siltation of the streams, damage to the timber, and assuring the preservation of the scenery within the boundaries of the national park as depicted on said maps, modify said boundaries, giving notice of any changes involved therein by publication of a revised drawing or boundary description in the Federal Register and by filing said revision with the officers with whom the original maps were filed, but the acreage within said park shall at no time exceed [one hundred and six thousand acres] 133,000 acres, exclusive of submerged lands and publicly owned highways and roads.*

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