AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Calendar No. 243

109TH CONGRESS, *1st Session* | SENATE | REPORT 109–151

ACADIA NATIONAL PARK IMPROVEMENT ACT OF 2005

OCTOBER 19, 2005.—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. 1154]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1154) 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 2, line 9, strike "shall" and insert "may".

2. On page 2, line 26, insert "or any successor transit system" after "system".

PURPOSE OF THE MEASURE

The purposes of S. 1154 are to extend the authorization for the Acadia National Park Advisory Commission, to increase the appropriation ceiling for land acquisition within the park, and to authorize assistance for the planning, construction, and operation of an intermodal transportation center in 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. That law also established a 16-member Acadia National Park Advisory Commission to advise the Secretary of the Interior on matters relating to the management and development of Acadia National Park, including, but not limited to the acquisition of lands

and interests in lands (including conservation easements on islands), and termination of rights-of-use and occupancy. The Commission will terminate September 25, 2006.

The advisory commission plays an important role advising the park and serving as a liaison between the park and the local community which still resides in the park. S. 1154 will extend the advisory commission for an additional 20 years, through 2026.

The Maine Department of Transportation, Friends of Acadia, and others are continuing to explore the development of an intermodal facility in Trenton that would allow Downeast Transportation and Island Explorer to meet, with a parking lot, in an effort to reduce traffic. With the National Park Service's (NPS) involvement, this site could eventually be home to a visitor center. However, because this area is outside of the park boundary, the NPS is currently unable to contribute funds or staff to this project. The legislation would authorize the NPS to participate in the Trenton intermodal facility.

The bill also increases Acadia National Park's land acquisition ceiling by $18.9 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.

LEGISLATIVE HISTORY

S. 1154 was introduced by Senators Collins and Snowe on May 26, 2005. The Subcommittee on National Parks held a hearing on S. 1154, on July 28, 2005. At its business meeting on September 28, 2005, the Committee on Energy and Natural Resources ordered S. 1154 favorably reported as amended.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on September 28, 2005, by a voice vote of a quorum present, recommends that the Senate pass S. 1154 if amended as described herein.

COMMITTEE AMENDMENTS

During its consideration of S. 1154 the Committee adopted two clarifying amendments recommended by the NPS. The first amendment would make clear that the Secretary of the Interior has discretion whether to assist with the Intermodal Transportation Center authorized in section 4. The second amendment authorized the NPS to work with the current provider of the park's transit system or any successor transit system.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill, the "Acadia National Park Improvement Act of 2005."

Section 2 amends section 103(f) of Public Law 99–420 (16 U.S.C. 341 note) by extending the term for the Acadia National Park Advisory Commission an additional 20 years.

Section 3 amends section 106 (a) of Public Law 99–420 (16 U.S.C. 341 note) to increase the land acquisition ceiling to $28,000,000.

Section 4 amends title I of Public Law 99–420 (16 U.S.C. 341 note) by adding a new section which provides for the need and commitments to develop an intermodal transportation center outside the boundary of the park to be located in Trenton, Maine.

COST AND BUDGETARY CONSIDERATIONS

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

S. 1154—Acadia National Park Improvement Act of 2005

Summary: S. 1154 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 the NPS about $12 million over the 2006–2010 period. Enacting S. 1154 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 significant costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1154 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—				
	2006	2007	2008	2009	2010
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	2	3	3	2	2
Estimated Outlays	2	4	2	2	2

Basis of estimate: For the estimate, CBO assumes 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. 1154 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 evenly over a five-year period 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 $2 million over the 2007–2008 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 minimal.

Finally, S. 1154 would extend the life of the Acadia National Park Advisory Committee for an additional 20 years. Authority for the commission is set to expire near the end of fiscal year 2006. CBO estimates that the cost of operating the commission would be less than $50,000 a year beginning in 2007.

Intergovernmental and private-sector impact: S. 1154 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no significant costs on state, local, or tribal governments.

Estimated prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Marjorie Miller; Impact on the Private Sector: Paige Piper/Bach.

Estimate 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. 1154. 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. 1154, as ordered reported.

EXECUTIVE COMMUNICATIONS

The views of the Administration on S. 1154 were included in testimony received by the Committee at a hearing on the bill on July 28, 2005 as follows:

STATEMENT OF STEPHEN P. MARTIN, 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. 1154, 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.1154 would accomplish three objectives. First, it would extend the life of the 16-member Acadia National Park Advisory Commission, which is set to expire in September 2006, for an additional 20 years. Second, the bill would increase the park's land acquisition ceiling from $9.1 million to $28 million. Third, 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 has been in operation for almost 20 years, and continues to be a valuable asset that enhances communication between park managers and local communities. The Commission's state and local representatives participate actively, and they strongly support its continuation. The cost of administering the Commission is minimal and is covered by the park's operating budget.

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, thus leaving valuable resources within the park threatened with incompatible development.

The current law allowing Congress to exceed the ceiling by 10% or $1 million per year has resulted in an additional $8.9 million appropriated over the ceiling, for a total appropriation of $18 million for land acquisition at Acadia National Park to date. However, because the current law is limited to $1 million per year, it does not adequately address situations where available tracts are valued higher 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 surrounded 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 within S. 1154 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 would recommend two technical amendments be made to section 4 of the bill. First, we need 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 flexibility in how resources are allocated, we would recommend that the word "may" be used instead of "shall".

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. 1154, THE ACADIA NATIONAL PARK IMPROVEMENT ACT OF 2005

On p. 2, line 9, strike "shall" and insert "may".

On p. 2, line 26, strike "system;" and insert "system or any successor transit system;".

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. 1154, as ordered reported, are shown as follows (existing law proposed to be omitted is shown 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—SEPT. 25, 1986

AN ACT To establish a permanent boundary for the Acadia National Park in the State of Maine, and for other purposes.

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

TITLE I

SEC. 101. BOUNDARIES OF ACADIA NATIONAL PARK.

In order to protect and conserve the land and water resources of Acadia National Park in the State of Maine (hereinafter in this title referred to as "the Park"), and to facilitate the administration of the Park, the boundary depicted on the map entitled "Acadia National Park Boundary Map", numbered 123–80011, and dated May 1986 (hereinafter in this title referred to as "the map") is hereby established as the permanent boundary for the Park. The map

shall be on file and available for public inspection in the offices of the National park Service, Department of the Interior, and it shall be made available to the Registry of Deeds for Hancock and Knox Counties, Maine.

* * * * * * *

SEC. 103. ADVISORY COMMISSION.

(a) There is hereby established an Acadia National Park Advisory Commission (hereinafter referred to as "the Commission"). The Commission shall be composed of 16 members appointed by the Secretary as follows:

(1) 3 members at large.

(2) 3 members appointed from among individuals recommended by the Governor of Maine.

(3) 4 members, appointed from among individuals recommended by each of the four towns on the island of Mount Desert.

(4) 3 members appointed from among individuals recommended by each of the three Hancock County mainland communities of Gouldsboro, Winter Harbor, and Trenton.

(5) 3 members, appointed from among individuals recommended by each of the three island towns of Cranberry Isles, Swans Island, and Frenchboro.

(b) The terms of the Commission members shall be 3 years except that, for initial appointments under each paragraph, one member shall serve for a term of one year, and one member shall serve for a term of 2 years.

(c) The Commission shall elect its own chairman and adopt its own bylaws. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the Commission shall serve without compensation as such, except that the Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this title.

(e) The Secretary shall consult with the Commission on matters relating to the management and development of the Park, including but not limited to each of the following:

(1) The acquisition of lands and interests in lands (including conservation easements on islands).

(2) Termination of rights of use and occupancy.

(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, but not to exceed [$9,100,000] *$28,000,000* for acquisition of lands and interests therein.

(b) For the purposes of paragraph 7(a)(3) of the Land and Water Conservation Fund Act of 1965 as amended (16 U.S.C. 4601–9), the statutory ceiling provided in subsection (a) shall be deemed to have been enacted prior to the convening of the Ninety-fifth Congress.

* * * * * * *

SEC. 107. PAYMENTS TO LOCAL GOVERNMENTS.

(a) Notwithstanding the limitation in subsection 3(d) of the Act of October 20, 1976 (90 Stat. 2662) payments in the manner provided in section 3 of that Act shall be made to the appropriate units of local government having jurisdiction over lands with the boundary of the Park. Such payments shall be made only for a period of 12 years.

(b) Payments received by the units of local government pursuant to this section shall be used only for fire protection, police protection, solid waste management and road maintenance and improvement.

(c) Payments pursuant to this section may be made only from funds appropriated therefore. Such payments shall be in addition to and not in place of any other funds or form of Federal assistance to which the units of local government are entitled.

SEC. 108. INTERMODAL TRANSPORTATION CENTER.

(a) IN GENERAL.—The Secretary may 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 or any successor 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.

○