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SENATE

{ REPORT
106-62

CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA

JUNE 7, 1999.—Ordered to be printed

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

REPORT

[To accompany S. 109]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 109) to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia, 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 4, strike line 20 and all that follows through page 5, line 9, and insert the following:

“(2)(A) by striking the fourth sentence and inserting the following: ‘No sooner than 180 days after the date of enactment of this Act, the Secretary of the Interior (hereinafter referred to as the “Secretary”) may modify the boundaries of the recreation area to include other land within the Chattahoochee River corridor by submitting a revised map or other boundary description to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. The revised map or other boundary description shall be prepared by the Secretary after consultation with affected landowners, the State of Georgia, and affected political subdivisions of the State. The revised boundaries shall take effect 180 days after the date of submission unless, within the 180-day period, Congress enacts a joint resolution disapproving the revised boundaries; and”.

2. On page 5, line 17, strike “is amended—“and all that follows through line 24 and insert the following: “is amended by striking subsection (f).”

3. On page 7, line 23 through 25, strike “Not later than 3 years after the date of enactment of this subparagraph,” and insert in lieu thereof “Within 3 years after the date funds are made available”.

4. On page 8, line 4, strike “areas added to”.

5. On page 8, lines 5 and 6, strike “area after the date of submission of the initial general management plan and insert in lieu thereof, “area.”.

PURPOSE OF THE MEASURE

The purpose of S. 109, as ordered reported, is to modify the boundaries of the Chattahoochee River National Recreation Area, in Georgia, to establish a system of greenway buffer areas between the river and private lands to prevent pollution, enhance flood and erosion control and to maintain high water quality.

BACKGROUND AND NEED

The Chattahoochee River National Recreation Area was established August 15, 1978 and boundary adjustments and other legislative changes were made in October 1984. The recreation area is along a 48-mile stretch of the Chattahoochee River within four counties, north and northeast of downtown Atlanta, Georgia. The area immediately adjacent to the park is being heavily developed and Forsyth County is the fastest growing county in the United States. The park currently contains about 9,238 acres of which approximately 4,500 are Federally owned. The park includes thirteen separate land units. Popular recreational activities in the park include fishing, hiking, picnicking, canoeing, rafting, tubing and boating. It also contains a number of natural habitats, 19th century historic sites and ruins and Native American archaeological sites. Annual visitation is about 3.5 million visitors.

LEGISLATIVE HISTORY

S. 109 was introduced on January 19, 1999 by Senators Coverdell and Cleland. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 109 on April 15, 1999.

Similar legislation was passed by the House of Representatives during the 105th Congress, although no further action was taken in the Senate.

At its business meeting on May 19, 1999, the Committee on Energy and Natural Resources ordered S. 109, favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 19, 1999, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 109, as amended as described herein.

COMMITTEE AMENDMENTS

In addition to technical and clarifying changes, the amendments provide the National Park Service with the power of eminent domain within the Recreational Area; and change the date for the submittal of the General Management Plan from three years after the enactment of this Act to three years after funds are made available for the completion of the plan.

SECTION-BY-SECTION ANALYSIS

Section 1 contains Congressional findings and purposes.

The purposes are to increase the protection of open spaces and to enhance visitor enjoyment of the open spaces as well as to authorize appropriations for the federal portion of the land acquisition effort.

Section 2 amends P.L. 95-344, the enabling legislation for the Chattahoochee River National Recreation Area.

Subsection (a) amends section 101 (16 U.S.C. 460ii) to adjust the boundaries of the recreation area and to increase the maximum federal acreage from 6,800 to 10,000 acres. No sooner than 180 days after the date of enactment of the Act, the Secretary may revise the boundaries in consultation with State and local officials and affected landowners and submit a revised map to the Senate Committee on Energy and Natural Resources and the House of Representatives Committee on Resources. The revised boundaries will take effect 180 days after the date submitted, unless with the 180 days, Congress enacts a joint resolution disapproving the revised boundaries.

Subsection (b) amends section 102 (17 U.S.C. 460ii-1) to delete subsection (f) that pertaining to exchanges of Federal land.

Subsection (c) amends section 103 (16 U.S.C. 460ii-2) to authorize cooperative agreements with the State of Georgia, political subdivisions of the State and other entities to ensure standardized acquisition, planning, design, construction and operation of the recreation area.

Subsection (d) amends section 105 (U.S.C. 460ii-4) to authorize land acquisition funding of \$25 million; however, donations of land or funds may be accepted. In addition, a revised general management plan for the entire recreation area is to be prepared within three years after funds are made available. Public participation in the planning process is to be encouraged.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 27, 1999.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 109, a bill to improve pro-

tection and management of the Chattahoochee River National Recreation Area in the state of Georgia.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

S. 109—A bill to improve protection and management of the Chattahoochee River National Recreation Area in the state of Georgia

CBO estimates that up-front costs to implement S. 109 over the next five or six years would be \$10 million to \$20 million, depending on the amounts appropriated. For each year during that period, and for every year thereafter, the federal government would incur additional administrative costs to manage and operate new lands and facilities. Those costs would range from about \$200,000 in fiscal year 2000 to about \$1 million by 2004, for a total of about \$3 million over the first five years. Spending for all activities would be subject to the appropriation of the necessary amounts.

S. 109 would create a system of public land corridors to link existing units of the Chattahoochee River National Recreation Area (NRA) in Georgia. For this purpose, the bill would expand the boundaries of the NRA by about 3,200 acres. Subsection 2(d) of the bill would authorize the appropriation of \$25 million for fiscal years after 1998 for acquiring land within the enlarged NRA. This subsection also would allow the National Park Service (NPS) to accept donations of funds or real property from state or local agencies or nonprofit organizations that are involved in current efforts to protect land around the NRA. The NPS would be authorized to execute cooperative agreements with such entities in order to coordinate land acquisition, development, and other activities. Finally, S. 109 would require the NPS to complete a revised general management plan for the area within four years of receiving funding for that purpose.

Assuming appropriate of the necessary amounts, CBO estimates that the NPS would spend about \$1 million to develop a new management plan for the NRA and establish guidelines and standards for coordinating activities at federal and nonfederal properties. Until the management plan (which would identify future development needs of the expanded NRA) has been completed, the extent of other development activities is uncertain. CBO expects that they would include the construction of one or more small administrative and maintenance structures as well as new recreational facilities such as trails, parking lots, and restrooms—at an estimated cost of about \$9 million.

In addition, the bill would authorize the appropriation of \$25 million after fiscal year 1998 for land acquisition. A total of \$25 million has already been appropriated for that purpose, \$10 million for 1998 and \$15 million for 1999. Thus the bill would authorize another \$10 million for land acquisition. If that additional sum is appropriated and spent, it would add another \$10 million to the costs of the bill—but current plans only call for federal expenditures of \$25 million for land acquisition.

S. 109 could affect governmental receipts from contributions by allowing the NPS to accept donated funds. CBO estimates that any amounts collected would be offset by additional spending for land acquisition. Because the bill could affect direct spending and receipts, pay-as-you-go procedures would apply. However, we expect that in most cases other government agencies and nonprofit organizations participating in this project would purchase land directly from property owners and then either donate it to the NPS or manage it themselves. As a result, we expect that any additional receipts and spending would not be significant.

S. 109 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. State and local governments might incur some costs as a result of the bill's enactment, but these costs would be voluntary.

The CBO staff contact is Deborah Reis. This estimate was approved by Robert A. Sunshine, 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. 109. The bill is not a regulatory measure in the sense of imposing Government-established standards of 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 enactment of S. 109, as ordered reported.

EXECUTIVE COMMUNICATIONS

A representative from the National Park Service testified in support of S. 109 and recommended a number of amendments. The testimony follows:

STATEMENT OF KATHERINE STEVENSON, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCE STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 109, to improve protection and management of the Chattahoochee River National Recreation Area. We support this legislation with the amendments discussed later in the testimony.

Mr. Chairman, Congress established the Chattahoochee River National Recreational Area in 1978 to preserve and protect the natural, scenic, recreational, historic, and other values of a 48-mile segment of one of our nation's great urban rivers. Six years later, in 1984, as development around and within the recreation area increased, Congress acted to facilitate State and local government efforts to protect the area by declaring the 2,000-foot-wide corridor adjacent to each bank of the Chattahoochee an area of national concern.

Since that last action fifteen years ago, the pace of residential and commercial development in the Chattahooche River corridor accelerated rapidly. In fact, a U.S. Census Bureau report issued last month named Forsyth County, where the recreation area boundary begins, the fastest-growing county in the nation. The three other counties in which the recreation area lies are also experiencing a surge in growth. We agree with Senators Coverdell and Cleland that the time is right for new legislation to provide additional protection for this important resource.

Several years ago, realizing that our efforts to protect the resources, including water quality, and to provide for visitor use of the recreation area were threatened by the development pressures in the area, the National Park Service joined with several conservation organizations to map out a strategy to address these challenges. We agreed that a boundary study was needed to evaluate what lands could still be protected, along with a plan for their protection.

The Trust for Public Land undertook this study for the National Park Service. Through the course of the study, it became apparent to the counties and municipalities within the Chattahooche River corridor that establishing links between the separate units of the national recreation area could meet the goals of providing recreational opportunities for their residents while protecting some of the remaining open space along the 48-mile segment of the river.

These local governments, along with the State government, private foundations, and other private entities have become enthusiastic supporters of the proposed expansion and are willing to contribute substantially to the cost of acquiring the land needed to link Chattahoochee's separate units if Congress provides the necessary authority to expand the land base, along with \$25 million for land purchases. Congress did, in fact, make available \$25 million for land acquisition at Chattahoochee last year, and a private philanthropic foundation has now matched that amount in full.

Contributing to the need for a larger land base for the recreation area is the fact that visitor use at the park has largely shifted from water-based to land-based activities. When the recreation area was first created, people flocked to it to raft, float, canoe, and kayak down the river. These are still popular activities; however, the use of park lands for hiking, biking, picnicking, and other such land-based activities has increased dramatically as the area's population has grown. The Cochran Shoals unit, for example, which includes a fitness trail, has more than two million visitors annually. Thus, expanding the recreation area would enable the National Park Service to better serve the majority of visitors who now use the park for land-based activities.

Mr. Chairman, S. 109 would provide the foundation for a cooperative effort by the Federal government, the State of Georgia, local governments, and private entities to link the separate units of the recreation area, protect much of the remaining open space along the 48-mile Chattahoochee River corridor, and provide additional recreational opportunities in that area.

While the Department of the Interior supports these important goals, we believe some changes are needed in S. 109.

First, Section 2(a) of the bill establishes a procedure for enlarging the recreation area that allows the Secretary of the Interior to submit a final map of the new boundaries after this legislation is enacted. We are in agreement with this approach, but we recommend striking the date of July 1, 1999 for the Secretary's submission of a revised map to Congress and specifying, instead, that the submission be made no less than 180 days, or six months, after enactment. Not knowing when this legislation will be enacted, it would be more practicable to specify a 180-day, or six-month, timeframe for the submission than a particular date.

In addition, we suggest inserting in this section a provision specifying that in the event Congress enacts a joint resolution rejecting the revised boundaries submitted by the Secretary, that the Secretary submit a further revision of the boundaries. We also recommend that the legislation specify that the map revisions be submitted to the Committee on Energy and Natural Resources in the Senate and the Committee on Resources in the House, rather than to "Congress."

Section 2(b)(1) of the bill limits the Secretary's land acquisition authority to willing sellers. We believe that this provision unfairly ties the hands of the Secretary. Throughout the National Park System, we usually have the power of eminent domain. We are reluctant to use that authority, and we doubt that condemnation will be used at the Chattahoochee River National Recreation Area. However, in the case of potentially severe and irreparable damage to the resource or to clear title, condemnation may be the only viable option. Therefore, we recommend the deletion of Section 2(b)(1).

Finally, Section 2(d)(2)(D) specifies that a general management plan be prepared for the new areas of the park and requires submittal of the plan within three years after the enactment of the Act. Because the additional areas would be intertwined with the current Federal areas, and because the recreation area has been affected by a tremendous increase in land-based activities by visitors, we believe the National Park Service, in alliance with its partners, would need to take a fresh look at the management of the entire national recreation area—not just the new areas. Thus, we recommend amending this section to ensure that the general management plan covers the entire recreation area.

In addition, this same section directs the submittal of the new general management plan to Congress within three years following enactment of the legislation. We believe that the three-year time frame for completing the study should be tied to the date funds are made available for that purpose, as has become the customary way of providing for the timing of such studies.

This concludes my statement, Mr. Chairman. I will be happy to respond to questions from you or other committee members.

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. 109, 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 95-344—AN ACT TO AUTHORIZE THE ESTABLISHMENT
OF THE CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA IN
THE STATE OF GEORGIA, AND FOR OTHER PURPOSES

SEC. 101. The Congress finds the natural, scenic, recreation, historic, and other values of a forty-eight-mile segment of the Chattahoochee River and certain adjoining lands in the State of Georgia from Burford Dam downstream to Peachtree Creek are of special national significance, and that such values should be preserved and protected from development and uses which would substantially impair or destroy them. In order to assure such preservation and protection for public benefit and enjoyment, there is hereby established the Chattahoochee River National Recreation Area (hereinafter referred to as the "recreation area"). The recreation area shall consist of the river and its bed together with the lands, waters, and interests therein within the boundary originally depicted on the map entitled "Chattahoochee River National Recreation Area", numbered CHAT—20,003 and dated September 1984, *and on the maps entitled 'Chattahoochee River National Recreation Area Interim Boundary Map #1', 'Chattahoochee River National Recreation Area Interim Boundary Map #2', 'Chattahoochee River National Recreation Area Interim Boundary Map #3', and dated August 6, 1998, which shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.* [Following reasonable notice in writing to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate of its intention to do so, the Secretary of the Interior (hereinafter referred to as the "Secretary") may, by publication of a revised map or other boundary description in the Federal Register, (1) make minor revisions in the boundary of the recreation area, and (2) revise the boundary to facilitate access to the recreation area, or to delete lands which would be of little or no benefit to the recreation area due to the existence of valuable improvements completely constructed prior to the date of enactment of this Act.] *No sooner than 180 days after the date of enactment of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") may modify the boundaries of the recreation area to include other land within the Chattahoochee River corridor by submitting a revised map or other boundary description to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives, the revised map or other boundary description shall be prepared by the Secretary after consultation with affected landowners, the State of Georgia, and affected political subdivisions of the State. The revised boundaries shall take effect 180 days after the date of submission unless, within the 180-day period Congress enacts a joint resolution disapproving the revised boundaries.* The total area, exclusive of the river and its bed, within the recreation area [may not exceed approximately 6,800 acres] *may not exceed 10,000 acres.*

* * * * *

SEC. 102(a) Within the recreation area the Secretary is authorized to acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchanges. Prop-

erty owned by the State of Georgia or any political subdivision thereof may be acquired only by donation.

* * * * *

[(f)(1) The Secretary shall exchange those federally owned lands identified on the map referenced in section 101 of this Act as 'exchange lands' for non-Federal lands which are within the boundaries of the recreation area. The values of the lands exchanged under this subsection shall be equal, or shall be equalized in the same manner as provided in section 206 of the Federal Land Policy and Management Act of 1976.

(2) At three year intervals after the date of the enactment of this subsection, the Secretary shall publish in the Federal Register a progress report on the land exchanges which have taken place and the exchanges which are likely to take place under the authority of this subsection. Such report shall identify the lands which are unsuitable for exchange pursuant to such authority.

(3) Effective on the date ten years after the date of the enactment of this subsection, the exchange lands identified under paragraph (1) shall terminate. The exchanged lands identified under paragraph (1) which have not been exchanged prior to such date shall be retained in Federal ownership as a part of the recreation area.

(4) The Secretary shall publish a revision of the boundary map referred to in section 101 to exclude from the boundaries of the recreation area any exchange lands which are used to acquire non-Federal lands under paragraph (3).]

SEC. 103(a) The Secretary shall administer, protect, and develop the recreation area in accordance with the Act of August 15, 1916 (39 Stat. 535), and in accordance with any other statutory authorities available to him for the conservation and management of historic and natural resources, including fish and wildlife, to the extent he finds such authority will further the purposes of this Act. In developing and administering the recreation area, the Secretary shall take into consideration applicable Federal, State, and local recreation plans and resource use and development plans, including, but not limited to, the Atlanta Regional Commission Chattahoochee Corridor Study, dated July 1972.

[(b) The Secretary is authorized and encouraged to enter into cooperative agreements with the State or its political subdivisions whereby he may assist in the planning for and interpretation of non-Federal publicly owned lands within or adjacent or related to the recreation area to assure that such lands are used in a manner consistent with the findings and purposes of this Act.]

(b) The Secretary may enter into cooperative agreements with the State of Georgia, political subdivisions of the State, and other entities to ensure standardized acquisition, planning, design, construction, and operation of the recreation area.

* * * * *

SEC. 105. [(a) From the appropriations authorized for fiscal year 1978 and succeeding fiscal years pursuant to the Land and Water Conservation Fund Act (78 Stat. 897), as amended, not more than \$72,900,000 may be expended for the acquisition of lands and inter-

ests in lands authorized to be acquired pursuant to the provisions of this Act.】

(a) *FUNDING.*—

(1) *AUTHORIZATION OF APPROPRIATIONS.*—*In addition to funding and the donation of land and interests in land by the State of Georgia, local government authorities, private foundations, corporate entities, and individuals, and funding that may be made available as a result of the settlement of litigation, there is authorized to be appropriated for land acquisition for the recreation area \$25,000,000 for fiscal years after fiscal year 1998.*

(2) *DONATIONS.*—*The Secretary may accept a donation of funds or land or an interest in land to carry out this Act.*

* * * * *

SEC. 105. 【(c) Within】 (c) *GENERAL MANAGEMENT PLAN.*—

(1) *INITIAL PLAN.*—*Within three years from the effective date of this Act, the Secretary shall, after consulting with the Governor of the State of Georgia, develop and 【transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives】 transmit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a general management plan for the use and development of the recreation area consistent with the findings and purpose of this Act, indicating:*

【(1)】 (A) lands and interests in lands adjacent or related to the recreation area which are deemed necessary or desirable for the purpose of resource protection, scenic integrity, or management and administration of the area in furtherance of the purposes of this Act, the estimated cost of acquisition, and the recommended public acquisition agency;

【(2)】 (B) the number of visitors and types of public use within the recreation area that can be accommodated in accordance with the full protection of its resources; and

【(3)】 (C) the facilities deemed necessary to accommodate and provide access for such visitors and uses, including their location and estimated cost.

(2) *REVISED PLAN.*—

(A) *IN GENERAL.*—*Within 3 years after the date funds are made available, the Secretary shall submit to the committees specified in paragraph (1) a revised general management plan to provide for the protection, enhancement, enjoyment, development, and use of the recreation area.*

(B) *PUBLIC PARTICIPATION.*—*In preparing the revised plan, the Secretary shall encourage the participation of the State of Georgia and affected political subdivisions of the State, private landowners, interested citizens, public offi-*

*cials, groups, agencies, educational institutions, and other
entities.*

* * * * *

