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SENATE

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DENALI NATIONAL PARK AND ALASKA RAILROAD EXCHANGE ACT OF 2007

APRIL 10, 2008.—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. 830]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 830) to authorize the exchange of certain interests in land in Denali National Park in the State of Alaska, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

The purpose of H.R. 830 is to authorize the exchange of certain interests in land in Denali National Park in the State of Alaska.

BACKGROUND AND NEED

The Alaska Railroad provides passenger rail service from Whittier, Anchorage, and Fairbanks to Denali National Park. In 2005, the railroad carried more than 260,000 passengers to Denali National Park. In 2006, that number rose to over 300,000. The Railroad's ability to manage this increasing traffic is limited by the lack of a turn-around at Denali. Under current conditions, trains carrying visitors from Anchorage to Denali must continue to Fairbanks. Trains traveling south from Fairbanks to Denali must likewise continue to Anchorage. To accommodate existing traffic, the Railroad concentrates passenger service into two trains to Denali per day, one in the morning and one in the afternoon. These trains average 20 coach cars in length and carry up to 1,500 passengers each. The arrival of so many visitors to the park at one time often causes congestion, crowding, and traffic. For example, visitors who travel by train to Denali Park Station must travel by bus to enter

the park. The concentration of rail traffic results in two major concentrations of buses that leave the park entrance and travel into the park each day.

A turnaround would allow trains to run round trips from either Fairbanks or Anchorage to the park. It would offer the Railroad the ability to economically use smaller trains and to offer more trips to the park each day. This expanded schedule would, in turn, allow the park to smooth out the bus schedule and provide a less crowded experience for visitors.

H.R. 830 would authorize the Secretary of the Interior to convey to the Alaska Railroad an exclusive use easement to not more than 25 acres of land in exchange for the Railroad's relinquishment of an exclusive use easement of equal size to the federal government. The bill would limit the use of the easement conveyed to the Railroad to activities necessary for the operation of the railway.

The lands that would be affected by this bill are within the boundary of Denali National Park and owned by the federal government. The Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201–1214) conveyed to the state an exclusive use easement to the Railroad for the approximately 35 miles of track through the park. This Act limited the use of the easement to activities necessary for the operation of the railway and mandated that the state operate the Railroad subject to laws and regulations for the protection of park values. H.R. 830 would apply these same conditions to the easement it conveys to the Railroad.

Although not specified in the bill, the proposed location of the turn-around is approximately four miles south of Denali Park Station on land that has been determined to be unsuitable for wilderness designation. The Railroad has identified four parcels of land that are of interest to the National Park Service and may be suitable for designation as wilderness.

LEGISLATIVE HISTORY

H.R. 830, sponsored by Congressman Young, passed the House of Representatives by voice vote on October 22, 2007 (H. Rpt. 110–395).

A companion bill, S. 1808, sponsored by Senators Murkowski and Stevens, was introduced on July 17, 2007. The Subcommittee on National Parks held a hearing on S. 1808 on September 27, 2007. (S. Hrg. 110–266.) At its business meeting on January 30, 2008, the Committee on Energy and Natural Resources ordered H.R. 830 favorably reported, without amendment.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on January 30, 2008, by voice vote of a quorum present, recommends that the Senate pass H.R. 830.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title.

Section 2 contains definitions.

Section 3(a) authorizes the Secretary of the Interior to grant to the Alaska Railroad Corporation an exclusive-use easement on land identified by the Secretary within Denali National Park for the

purpose of providing a location to the Corporation for construction, maintenance, and on-going operation of track and associated support facilities for turning railroad trains around near Denali Park Station. In addition, this subsection states that, in exchange for the easement, the Secretary shall require the relinquishment of certain portions of the Corporation's existing exclusive use easement within the boundary of Denali National Park.

Subsection (b) sets forth the conditions of the exchange and include the following: the exchange of easements shall be on an approximately equal-acre basis, the easement granted to the Railroad shall not exceed 25 acres, the Railroad shall pay all costs associated with the exchange, and the lands underlying any easement relinquished to the United States that are adjacent to designated wilderness are hereby designated as wilderness and added to the Denali Wilderness.

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 830—Denali National Park and Alaska Railroad Land Exchange Act of 2007

H.R. 830 would authorize the Secretary of the Interior to exchange easements on land within the Denali National Park with the Alaska Railroad Corporation to build a turnaround for train traffic arriving at the Denali Park Station. The legislation would not affect federal ownership of the land, and the Alaska Railroad would be responsible for all costs associated with the exchange. CBO estimates that implementing H.R. 830 would have no significant impact on the federal budget. Enacting the legislation would not affect direct spending or revenues.

H.R. 830 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The legislation would authorize the Secretary to grant to the Alaska Railroad Corporation an exclusive-use easement—an agreement that would allow the Alaska Railroad the right to use a specified parcel of land for certain purposes to the exclusion of all others—on up to 25 acres within the Denali National Park. The corporation would use the easement to construct and maintain a turnaround for trains arriving at Denali Park Station. In exchange, the corporation would relinquish an equal amount of land that is currently subject to an exclusive-use easement between the federal government and the railroad.

On October 19, 2007, CBO transmitted a cost estimate for H.R. 830 as ordered reported by the House Committee on Natural Resources on October 10, 2007. The two versions of the legislation are identical, as are the estimated costs.

The CBO staff contact for this estimate is Daniel Hoople. This 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. 830. The Act 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. 830, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 830, 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 views of the Administration were included in testimony received by the Committee at a hearing on H.R. 830 on September 27, 2007.

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 1808, a bill to authorize the exchange of exclusive use easements between the National Park Service and the Alaska Railroad within Denali National Park.

The Department supports S. 1808.

S. 1808 would authorize the Secretary of the Interior to convey to the Alaska Railroad (Railroad) an exclusive use easement to not more than 25 acres of land in exchange for the Railroad's relinquishment of an exclusive use easement of equal size to the federal government. The bill would limit the use of the easement conveyed to the Railroad to activities necessary for the operation of the railway. The bill would also require the Railroad to pay the costs associated with the exchange, including the costs for surveys and compliance with the National Environmental Policy Act (NEPA). To complete the exchange, the Alaska Legislature would have to approve any release of Railroad land interests as the Alaska Railroad is a state-owned corporation. The exchange would have to be carried out within five years after enactment.

Both easements in question are located within Denali National Park on land owned by the federal government. The exchange of easements would not affect federal ownership of underlying lands. The easement conveyed to the Railroad would be used to build a train turn-around at Denali National Park. The easement relinquished by the Railroad would be managed in its natural state as part of Denali National Park. If it is adjacent to the Denali Wilderness, this bill would add the land to the wilderness.

The Alaska Railroad provides passenger rail service from Whittier, Anchorage, and Fairbanks to Denali National Park. In 2005, the Alaska Railroad carried more

than 260,000 passengers to Denali National Park. In 2006, that number rose to over 300,000. The Railroad's ability to manage this increasing traffic is limited by the lack of a turn-around at Denali. Under current conditions, trains carrying visitors from Anchorage to Denali must continue to Fairbanks. Trains traveling south from Fairbanks to Denali must likewise continue to Anchorage. To accommodate existing traffic, the Railroad concentrates passenger service into two trains to Denali per day, one in the morning and one in the afternoon. These trains average 20 coach cars in length and carry up to 1,500 passengers each. The arrival of so many visitors to the park at one time often causes congestion, crowding, and traffic. For example, visitors who travel by train to Denali Park Station must travel by bus to enter the park. The concentration of rail traffic results in two major "pulses" of buses that leave the park entrance and travel into the park each day.

A turnaround would allow trains to run round trips from either Fairbanks or Anchorage to the park. It would offer the Railroad the ability to economically use smaller trains and to offer more trips to the park each day. This expanded schedule would, in turn, allow the park to smooth out the bus schedule and provide a less crowded experience for visitors.

The lands that would be affected by this bill are within the boundary of Denali National Park and owned by the federal government. The Alaska Railroad Transfer Act of 1982 (45 U.S.C. Sections 1201-1214) conveyed to the state an exclusive use easement to the Railroad for the approximately 35 miles of track through park. This Act limited the use of the easement to activities necessary for the operation of the railway and mandated that the state operate the Railroad subject to laws and regulations for the protection of park values. S. 1808 would apply these same conditions to the easement it conveys to the Railroad.

Although not specified in the bill, the proposed location of the turn-around is approximately four miles south of Denali Park Station on land that has been determined to be unsuitable for wilderness designation. The Railroad has identified four parcels of land that are of interest to the National Park Service.

The National Park Service believes that full public involvement in the planning process should occur prior to deciding if a land exchange should occur. This would occur through the NEPA compliance that is provided for in the proposed legislation.

Mr. Chairman, this concludes my testimony. I would be pleased to answer any questions you or the 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, the Committee notes that no changes in existing law are made by the bill H.R. 830, as ordered reported.

