AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Calendar No. 669

110TH CONGRESS
2d Session

SENATE

REPORT
110–317

TAUNTON, MASSACHUSETTS SPECIAL RESOURCES STUDY ACT

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. 1021]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1021) to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

The purpose of H.R. 1021 is to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes.

BACKGROUND AND NEED

The City of Taunton, located in southeastern Massachusetts in Bristol County, can trace its roots back to the earliest days of our Nation. The first county courthouse was built in Taunton in 1772, and the town served as an organizational center for the Revolutionary War.

In 1774, Taunton was the site of the raising of the Liberty and Union flag, one of the earliest actions to gain international attention as a symbol of America's defiance of British rule and taxation. The town settlement was anchored around the Taunton River and

its tributaries, which provided a focus for its shipbuilding and shipping activities during the 1800s. The historic nature of the city draws tourists to visit the well-preserved greens and houses that date back to the 1800s. Taunton's history spans from its earliest beginnings as an agrarian hinterland to its development as a major industrial urban core (particularly for iron) and regional political center during the Revolutionary War. The city emerged at an early date as a regional communications focus for the exchange and interaction of goods, people, and information.

LEGISLATIVE HISTORY

H.R. 1021 passed the House of Representatives on March 19, 2007. A companion measure, S. 1184, was introduced in the Senate on April 4, 2007. During the 108th Congress, a similar bill passed the House of Representatives by voice vote on October 10, 2004, H.R. 2129, although no further action was taken in the Senate.

The Subcommittee on National Parks held a hearing on H.R. 1021 on September 11, 2007. The Committee on Energy and Natural Resources ordered it favorably reported on January 30, 2008.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on January 30, 2008, by a voice vote of a quorum present, recommends that the Senate pass H.R. 1021.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title.

Section 2 contains findings.

Section 3 directs the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System.

Section 4 requires the Secretary to submit, to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report on the findings, conclusions, and recommendations of the study required under section 3.

Section 5 requires the recommendations in the report to include discussion and consideration of the concerns expressed by private landowners with respect to designating certain structures referred to in this Act as a unit of the National Park System.

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 1021—Taunton, Massachusetts Special Resources Study Act

H.R. 1021 would direct the Department of the Interior, in consultation with various state and local stakeholders, to conduct a special resource study to determine the feasibility and suitability of designating certain historic buildings and areas of Taunton, Massachusetts, as a unit of the National Park System. The bill would require the department to report its findings and rec-

ommendations to the appropriate Congressional committees within three years of receiving funding for the study.

Assuming the availability of appropriated funds, CBO estimates that implementing the legislation would cost $300,000 over the next three years. Enacting this legislation would not affect direct spending or revenues.

H.R. 1021 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 Tyler Kruzich. The 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. 1021. 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 H.R. 1021, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 1021, 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 testimony provided by the National Park Service at the September 11, 2007 Subcommittee hearing on H.R. 1021 follows:

STATEMENT OF DANIEL N. WENK, 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 H.R. 1021 and S. 1184, identical bills that direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System.

The Department does not support these bills. On June 15, 2004, in the 108th Congress, the Department also did not support H.R. 2129, a similar bill.

The City of Taunton, located in southeastern Massachusetts in Bristol County, can trace its roots back to the earliest days of our Nation. As the seat of Bristol County since 1746, Taunton was the site of that county's first courthouse built in 1772, and the town served as a locale for colonial discontent prior to the Revolutionary War. In 1774, Taunton was the site of the raising of the Liberty

and Union flag, one of a number of symbolic representations in the Colonies expressing discontent with British rule. The town settlement was anchored around the Taunton River and its tributaries, which provided a focus for its shipbuilding and shipping activities during the 1800s. The historic nature of the city draws tourists to visit the well-preserved greens and houses that date back to the 1800s. Taunton's history spans from its earliest beginnings as an agrarian hinterland to its development as a major industrial urban core (particularly for iron) and regional political center during the Revolutionary War. The city emerged at an early date as a regional communications focus for the exchange and interaction of goods, people, and information.

H.R. 1021 and S. 1184 both propose that the Secretary conduct a study of historic buildings and areas in Taunton, to evaluate the suitability and feasibility of designating them as a unit of the National Park System. The study is to be conducted in accordance with the National Park Service Organic Act (16 U.S.C. 1a–5). In addition to the criteria set out in the Organic Act, the bills also require an evaluation of these areas against a list of criteria commonly seen in study legislation for evaluating individual National Heritage Areas, and not part of the usual evaluation of a park unit.

The Department has concerns about enactment of these bills, because the named historic properties have been studied and determined not to be nationally significant, the first criterion that must be met for inclusion in the National Park System as spelled out in the Organic Act and in National Park Service Management Policies 2006. Most of the historic properties cited in the findings were included in a Multiple Resource Area nomination to the National Register of Historic Places, completed in 1984 and nominated by the Commonwealth of Massachusetts, which formed the basis for listing properties. The Multiple Resource Area nomination documented and evaluated Taunton's historic properties including buildings, structures and districts that were found to have architectural and historic merit. These properties were evaluated within the context of significant historical themes and time periods in Taunton's history. The Multiple Resource Area nomination included 86 individual properties, two districts, three industrial complexes, and one religious complex, primarily spanning from the mid-18th Century through the mid-20th Century. The Massachusetts State Historic Preservation Officer nominated these properties for their local historic or architectural significance, rather than for their state or national significance. The National Park Service agreed with this recommendation and listed the properties in the National Register of Historic Places for their local historic or architectural importance.

The Department is concerned with H.R. 1021 and S. 1184 because other authorities and mechanisms exist at the Federal, State, and local levels, to support the preser-

vation of historic properties of local significance. To expend limited study funds on properties that are known not to meet National Park Service standards seems ill-advised when the Department is pressed to meet the budgetary needs of previously authorized studies of nationally significant resources.

Currently, the National Park Service is in various stages of progress with 37 studies previously authorized by Congress. These studies are focusing on potential National Park System Units, National Heritage Areas, additions to the National Wild and Scenic Rivers System, or additions to the National Trails System. Our highest priority is to complete the studies previously authorized by Congress, and to begin work on newly authorized studies as soon as funds are available.

In addition, the Department notes that the National Park Service is currently in the midst of a wild and scenic river study of the Taunton River, authorized by Congress in December 2000. The City of Taunton is actively engaged in this process along with the nine other communities that abut the main stem of the Taunton River. Historical and cultural resources associated with the river, including sites in the City of Taunton, are an important part of the study, recognizing that the river has a rich history dating from Native American use to colonial settlement and early industrial development. The study is currently out for public comment and we expect to finalize and transmit it to Congress in 2008.

It would appear that the wild and scenic river study is evaluating many of the same resources identified in H.R. 1021 and S. 1184. Furthermore, the wild and scenic river study is appropriately considering a larger area than the city limits of Taunton. To launch an overlapping study with similar but slightly different criteria from those governing the wild and scenic river study, would seem to invite both confusion and duplication. Therefore, the Department does not support enactment of H.R. 1021 and S. 1184.

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.

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. 1021, as ordered reported.

○