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FIRST STATE NATIONAL HISTORICAL PARK

APRIL 22, 2013.—Ordered to be printed

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

R E P O R T

[To accompany S. 347]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 347 to establish the First State National Historical Park in the State of Delaware, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

At the end, add the following:

SEC. 7. OFFSET.

Section 7302(f) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 469n(f)) is amended by inserting before the period at the end the following: ", except that the amount authorized to be appropriated to carry out this section not appropriated as of the date of enactment of the First State National Historical Park Act shall be reduced by $6,500,000".

PURPOSE

The purpose of S. 347 is to establish the First State National Historical Park in the State of Delaware.

BACKGROUND AND NEED

The Delaware National Coastal Special Resources Study Act (Public Law 109–338) directed the Secretary of the Interior to conduct a special resources study of the national significance, suitability, and feasibility of including sites in the coastal region of the State of Delaware in the National Park System. The study area predominately comprised the coastal regions of the state, but also included some other areas of significance, including the historic Odessa district, and areas such as Cooch's Bridge, the site of the

only Revolutionary engagement fought in Delaware. The coastal study area ran from Wilmington, Delaware, to the Maryland border.

After completion of the study in 2008, the National Park Service found that selected resources met the criteria for potential designation as a unit of the National Park System.

There are several historical and cultural resources located within the project area including Holy Trinity ("Old Swedes") Church, numerous sites in the New Castle Historic Landmark District, Lombardy Hall, and the Stonum House. All of these sites are also National Historic Landmarks and open, to varying degrees, to the public. Publically-owned National Historic Landmarks include Fort Christina State Park, the New Castle Court House in the New Castle NHL District, and the John Dickinson house.

The park would also include the 1,100 acre wood-lawn property, which includes historic foundation and forests and parcels important open space protection.

S. 347 would establish First State National Historical Park by incorporating many of the above sites, creating Delaware's first unit of the National Park System.

Subsequent to the Committee ordering S. 347 favorably reported at its March 14, 2013, business meeting, the President designated most of the sites included in S. 347 as the First State National Monument, under the authority of the Antiquities Act.

LEGISLATIVE HISTORY

Senators Carper and Coons introduced S. 347 on February 14, 2013. At its business meeting on March 14, 2013, the Committee ordered S. 347 favorably reported with an amendment.

In the 112th Congress, Senators Carper and Coons introduced similar legislation, S. 323. The Subcommittee on National Parks held a hearing on S. 323 on May 11, 2011 (S. Hrg. 112–124). The Committee ordered S. 323 favorably reported without amendment at its business meeting on November 10, 2011 (S. Rpt. 112–109).

During the 111th Congress, the Committee considered similar legislation, S. 1801, also sponsored by Senator Carper. The Subcommittee on National Parks held a hearing on S. 1801 on May 19, 2010 (S. Hrg. 111–645).

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on March 14, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 347 if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 347, the Committee adopted an amendment to offset the estimated authorization of $6.5 million.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the "First State National Historical Park Act".

Section 2 defines key terms.

Section 3(a) establishes the First State National Historical Park as a unit of the National Park System in Delaware at such time as the Secretary of the Interior determines that sufficient land or interests in land have been acquired from among sires described in subsection (b) to constitute a manageable park unit.

Subsection (b) authorizes the Secretary to include the named historic sites within the boundary of the historical park.

Section 4 sets forth the Secretary's requirements for administering the park.

Subsection (a) this Act requires that the Secretary administer the park in accordance with the National Park System Organic Act, and the Historic Sites Act.

Subsection (b) authorizes the Secretary to modify the boundary of the park to include acquired lands.

Subsection (c) states that the Secretary may provide interpretative tours to historic sites and resources in Delaware, which are outside the park boundary.

Subsection (d) provides that the Secretary may enter into cooperation agreements with public and private entities to mark, interpret, and restore naturally significant resources within the park boundary, subject to the requirement that non-federal parties pay at least half the costs.

Subsection (e) directs the Secretary to complete a management plan for the park within 3 years after the date funds are made available.

Section 5 directs the Secretary to complete a study assessing the historical significance of additional properties in the State that are associated with the purposes of the park, including those that could be considered National Historic Landmarks.

Section 6 authorizes the appropriations of such sums as are necessary to carry out the Act.

Section 7 amends section 7302 (f) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 469 n (f)) to reduce the authorization for the Preserve America program by $6.5 million.

COST AND BUDGETARY CONSIDERATIONS

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

S. 347—First State National Historical Park Act

S. 347 would establish the First State National Historical Park in Delaware when the Secetary of the Interior determines that enough property has been obtained (through donation) at the proposed site to constitute a manageable park unit. Assuming that the conditions for establishment can be met and that the necessary amounts are appropriated, CBO estimates that implementing S. 347 would cost about $1 million over the 2014–2018 period. Enacting S. 347 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Based on information provided by the National Park Service, CBO estimates that the agency would spend about $1 million over the next three years to prepare a general management plan for the proposed park and a study to determine the suitability of designating additional properties as National Historic Landmarks. On March 25, 2013, the President established the First State National

Monument in Delaware. CBO assumes that the monument includes sufficient properties to be a manageable park unit. CBO estimates that the operating costs of the proposed park would not be significantly different from the operating costs of the current national monument over the next five years.

S. 347 also would amend the Preserve America Grant Program to reduce the amounts authorized to be appropriated for the program. Specifically, any of those amounts ($25 million annually) that are not appropriated as of the date of enactment of this bill would be reduced by $6.5 million. CBO is uncertain whether this provision would reduce the amount authorized to be appropriated for the program in 2014 because we cannot predict whether the program will have an appropriation for that year before this bill is enacted or how large that appropriation would be; however, in subsequent years, we estimate that the program's annual authorization of appropriation would be reduced by $6.5 million.

S. 347 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 Martin von Gnechten. 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 S. 347.

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. 347, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 347, as ordered 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

Executive Communications were not requested by the Committee in the 113th Congress. The following Administration testimony references similar legislation introduced in the 112th Congress.

The testimony provided by the Department of the Interior at the May 11, 2011, Subcommittee hearing on S. 323 follows.

STATEMENT OF STEVEN E. WHITESELL, ASSOCIATE DIRECTOR FOR PARK PLANNING, FACILITIES, AND LANDS, 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. 323, a bill to

establish the First State National Historical Park in the State of Delaware.

The Department strongly supports the establishment of a unit of the national park system in Delaware as proposed by S. 323.

In 2008, pursuant to Public Law 109–338, the National Park Service completed a Special Resource Study of the coastal area of Delaware and identified a number of resources of national significance that were determined suitable and feasible to administer as a unit of the national park system. These included historic resources that were instrumental in early Swedish, Dutch, and English settlement in the United States, and others associated with Delaware's role as the nation's first state. Although the bill provides the Secretary of the Interior the discretion to determine which sites in the State would be included within the boundary of the historical park, we anticipate that only resources that met the Special Resource Study criteria for establishment as a national park unit would be considered for inclusion.

In 1638, Peter Minuet led Swedish colonists to present day Wilmington, Delaware, and established New Sweden at a point known as "the rocks" on the Christina River. The settlers constructed Fort Christina at this location and this site is now a National Historic Landmark. In 1698, Swedish settlers established Holy Trinity ("Old Swedes") Church near the fort, the oldest church building standing as originally built in the United States and also a National Historic Landmark.

In 1651, Peter Stuyvesant led Dutch settlers from New Amsterdam and constructed Fort Casimir at a place he named "New Amstel," in present day New Castle, Delaware. Conflicts between the Swedish and Dutch colonists resulted in changing occupations of the fort with the Dutch regaining control in 1655. In 1665, the English arrived at New Amstel and seized control of the settlement, renaming it "New Castle." William Penn landed in New Castle in 1682 and took possession of the city. In 1704, Penn established Delaware's Assembly and New Castle remained the colonial capital of Delaware until 1776. The New Castle Historic District, which contains multiple resources from the time of earliest settlement through the Federal era, including the Old New Castle Courthouse, is a National Historic Landmark.

Delaware's representatives to the Continental Congress and the Constitutional Convention played important parts in the adoption of the Declaration of Independence and crafting of the United States Constitution. On June 15, 1776, the Delaware Assembly, meeting in New Castle, voted to sever its ties with the English Crown, three weeks prior to the signing of the Declaration in Philadelphia on July 4th. National Historic Landmarks associated with these early revolutionary leaders include the homes of John Dickinson (the "Penman of the Revolution"), Gunning Bedford, Jr., and George Read. The Dover Green witnessed

Delaware's vote to become the first state to ratify the nation's new Constitution.

S. 323 would authorize the Secretary of the Interior to establish the First State National Historical Park consisting of any resources listed in Section 3(b) of the bill that the Secretary acquires. The staff of the new park would be authorized to interpret related resources outside of the boundary, within the state of Delaware. The Special Resource Study estimated annual operating costs for the park at $450,000 to $550,000 and costs associated with a general management plan at $600,000. All funding would be subject to NPS priorities and the availability of appropriations. A study of additional resources related to the purpose of the park is also authorized to assess their potential eligibility for National Historic Landmark designation and options for maintaining the historic integrity of such resources.

S. 323 also proposes to allow including within the park boundary the Ryves Holt House—a part of the historic district in Lewes, Delaware. This district and the Ryves Holt House are listed on the National Register of Historic Places at the local level of significance and the National Register nomination for the district indicates that today its significance is based primarily on its fine examples of Victorian architecture. Although the bill provides the Secretary with the discretion to decide which properties may be included within the boundary of the park, the Department questions allowing the Ryves Holt House to be eligible for addition to the park boundary, since it is not a National Historic Landmark, does not meet the required national significance criterion for unit designation, and is inconsistent with the park's purpose as outlined in Section 3(a) of S. 323.

However, we note that Section 4(c) of S. 323 permits interpretation of resources related to the purposes of the park but located outside of its boundary. Any extant resources in Lewes, either within or outside of the historic district, which relate to early Dutch, Swedish, and English settlement or to Delaware's role as the first state, would thus be eligible for interpretation without including this district in the park boundary. Such resources would also be candidates for further analysis as to their National Historic Landmark potential under the bill's study provisions in Section 5.

Mr. Chairman, that concludes my testimony. I would be happy to respond to any questions that you or other members of the committee 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 the bill S. 347 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):

OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

(Public Law 111–11)

AN ACT To designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

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Subtitle D—Program Authorizations

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SEC. 7302. PRESERVE AMERICA PROGRAM

(a) PURPOSE.—The Purpose of this section is to authorize the Preserve America Program,

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(f) AUTHORIZATION OF APPROPRIATIONS.— There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year, to remain available until expended, except that the amount authorized to be appropriated to carry out this section not appropriated as of the date of enactment of the First State National Historical Park Act shall be reduced by $6,500,000.

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