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SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK BOUNDARY EXPANSION ACT

DECEMBER 10, 2014.—Ordered to be printed

Ms. LANDRIEU, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 885]

The Committee on Energy and Natural Resources, to which was referred an Act (H.R. 885) to expand the boundary of the San Antonio Missions National Historical Park, 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. 885 is to expand the boundary of the San Antonio Missions National Historical Park.

BACKGROUND AND NEED

San Antonio Missions National Historical Park was established in 1978 to preserve, restore, and interpret four Spanish Missions in San Antonio, Texas. The missions were established by Spain starting in the early 18th century in an effort to counter French territorial encroachments from Louisiana.

The park preserves a significant link to Mexico and Spain that has influenced the culture and history of the United States. San Antonio is now the seventh-largest and fourth-fastest growing city in the United States. The city almost entirely surrounds the park with urban development, threatening areas that contain significant Spanish colonial resources historically associated with the park. H.R. 885 expands the park boundary to include an additional 137-acres. The inclusion of these additional lands will help the National Park Service achieve the park's purpose of protecting and pre-

serving important cultural and historic resources associated with the Spanish Colonial era.

LEGISLATIVE HISTORY

H.R. 885 was introduced by Representative Doggett on February 28, 2013. The House Committee on Natural Resources ordered H.R. 885 reported on May 17, 2013 (H. Rept. 113–70), and the House of Representatives passed H.R. 885 by a voice vote on June 3, 2013.

In the Senate, the Subcommittee on National Parks held a hearing on H.R. 885 on July 31, 2013 (S. Hrg. 113–93). At its business meeting on November 13, 2014, the Committee ordered H.R. 885 favorably reported.

In the 112th Congress, the Committee considered a similar bill, S. 114, sponsored by Senator Hutchison. The Subcommittee on National Parks held a hearing on S. 114 on May 11, 2011 (S. Hrg. 112–124). At its business meeting on November 10, 2011, the Committee on Energy and Natural Resources ordered S. 114 favorably reported (S. Rept. 112–103). This bill was passed by the Senate by unanimous consent but received no further action in the House.

In the 111th Congress, the Committee considered a similar bill, S. 3524, sponsored by Senator Hutchison at a Subcommittee on National Parks hearing on September 29, 2010.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on November 13, 2014, by a voice vote of a quorum present, recommends that the Senate pass H.R. 885.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the “San Antonio Missions National Historical Park Boundary Expansion Act of 2013.”

Section 2 amends section 201(a) of Public Law 95–629, which establishes the San Antonio Missions National Historical Park, to modify the park boundary. Paragraphs (1), (2), and (3) designate the three existing sentences of section 201(a) as paragraphs (1), (2), and (5) of section 201(a).

Paragraph (4) adds two new paragraphs to section 201(a) and designates them as paragraphs (3) and (4). The new paragraph (3) modifies the authorized boundary of the San Antonio Missions National Historical Park to include approximately 137 additional acres. The new paragraph (4) requires the Secretary of the Interior to acquire the additional acreage only by donation or exchange and prohibits any payment in the case of exchange. In addition, the new paragraph (4) requires the owner’s written consent for inclusion of any private or non-federal public property within the boundary, and it prohibits creating buffer zones outside of the Park’s boundaries.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the Congressional Budget Office completes its cost estimate, it will be posted on the Internet at www.cbo.gov.

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. 885.

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. 885, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 885, 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 July 31, 2013, Subcommittee on National Parks hearing on H.R. 885 follows:

STATEMENT OF STEPHANIE TOOTHMAN, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, PARTNERSHIPS AND SCIENCE, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Department on H.R. 885, to expand the boundary of San Antonio Missions National Historical Park (Park), and for other purposes.

The Department supports H.R. 885 with amendments described later in this statement.

H.R. 885 would expand the boundary of the Park by approximately 137 acres, all of which are currently being managed by the National Park Service (NPS). Of the 137 acres, 102 acres are either owned by the United States and managed by the NPS or are being managed by the NPS under a cooperative agreement and are in the process of being donated to the Park. Nineteen acres are currently, and will continue to be, managed through a cooperative agreement with the landowners, the city of San Antonio and Bexar County that protects the cultural landscape, ensures public access, and provides for greater interpretation of the historical and architectural values of the Park. The additional 16 acres will continue to be managed by Bexar County.

The Park's authorizing legislation allows for the acquisition of new lands outside the Park boundary and allows the Park to enter into cooperative agreements to preserve historic properties and provide for visitor access and interpretation. However, the Park has only limited authority to

revise the Park boundary to include additional lands, which is why this legislation is necessary. Because the park currently manages 121 acres of the lands that would be included in the new boundary and Bexar County will continue to manage the additional 16 acres, H.R. 885 will not result in increased operational costs.

The Park preserves a significant link to Mexico and Spain that has influenced the culture and history of the United States since before its inception. San Antonio, Texas, is now the seventh-largest, third-fastest growing city in the United States. The city grew 68 percent between 1980 and 2007 and now almost entirely surrounds the Park with urban development, threatening areas that contain significant Spanish colonial resources historically associated with the Park. Based on the Park's General Management Plan and Land Protection Plan, which found that numerous areas containing significant Spanish colonial resources historically associated with the Park were outside the boundary, the Park acquired the additional lands that now need to be included in the boundary.

This legislation enjoys the support of officials from Bexar County, Wilson County, the City of San Antonio, the City of Floresville, the San Antonio River Authority, the San Antonio Conservation Society, Los Compadres, and others. It would help guarantee the preservation, protection, restoration, and interpretation of the missions for current and future generations.

The Department recommends that the bill be amended to address the bill's park boundary, land acquisition, and buffer zone provisions: As passed by the House, H.R. 885 prohibits acquisition by condemnation of any land or interests in land within the boundaries of the park. The NPS has consistently opposed changing a park's existing land acquisition authority when boundary adjustments are made. While condemnation is rarely used, it can be a critical tool during a friendly condemnation, where the value of the land is in dispute, or when title to the property is in doubt or cannot be cleared. If the intent of this legislation is to prohibit the acquisition by condemnation of the new 137 acres that would be included in the park boundary, we recommend amending the bill to eliminate the general prohibition on condemnation, and to provide specifically that acquisition of the 137 acres brought within the boundary by this legislation may not be accomplished through condemnation.

The bill makes the establishment of the expanded boundary subject to the written consent of the owners of properties that would be included within the new boundary. This places landowners, rather than Congress or the Administration, in the position of determining the boundary of a federal park, which we believe is inappropriate. This provision has the potential to create legal and practical confusion over the boundary since it is possible that a landowner could give consent, then change his or her mind and withdraw consent or convey the property to an-

other owner who withdraws consent. If the intent of this language is to ensure that only willing sellers convey lands to the NPS, we recommend amending the language to include such a provision, instead of investing members of the public with the ability to determine park boundaries.

The bill also includes language that says that an activity outside the boundary shall not be precluded because it can be heard or seen inside the park boundary. The Department has concerns about this language. It is misleading, as it suggests that the NPS may have authority to preclude activities outside the boundaries, which it does not. Of even greater concern, however, is that the language could discourage park managers from addressing threats to park resources from external sources. Even though the NPS does not control what happens outside of its boundaries, park managers have a responsibility under the NPS Organic Act and other laws to work with owners of properties outside of park boundaries to resolve problems that could negatively impact the resources the NPS is responsible for protecting. Therefore, we recommend removing paragraph (4) on page 3 of the bill by striking lines 1 through 15.

Mr. Chairman, thank you for the opportunity to present the views of the Administration.

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 H.R. 885, 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 95-629

An Act To amend the Pennsylvania Avenue Development Corporation Act of 1972; to provide for the establishment of the San Antonio Missions National Historical Park; and for other purposes.

* * * * *

TITLE II

SEC. 201. (a) **[In order]** *(1) In order* to provide for the preservation, restoration, and interpretation of the Spanish Missions of San Antonio, Texas, for the benefit and enjoyment of present and future generations of Americans, there is hereby established the San Antonio Missions National Historical Park (hereafter in this section referred to as the “park”) consisting of Concepcion, San Jose, San Juan, and Espada Missions, together with areas and features historically associated therewith, as generally depicted on the drawing entitled “Boundary Map, San Antonio Missions National Historical Park”, numbered 930-80,022-C and dated May 1978, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and in the offices of the Superintendent of the park. **[The park shall also]**

(2) *The park shall also consist of the lands and interests therein within the area bounded by the line depicted as “Proposed Boundary Extension” on the maps entitled “San Antonio Missions National Historical Park”, numbered 472–80,075, 472–80,076, 472–80,077, 472–80,078, 472–80,079, 472–80,080, and 472–80,081 and dated June 7, 1990, which shall be on file and available for public inspection in the same manner as is such drawing. [After advising the]*

(3) *The boundary of the park is further modified to include approximately 137 acres, as depicted on the map titled “San Antonio Missions National Historical Park Proposed Boundary Addition”, numbered 472/113,006A, and dated June 2012. The map shall be on file and available for inspection in the appropriate offices of the National Park Service, U.S. Department of the Interior.*

(4) *The Secretary may not acquire by condemnation any land or interest inland within the boundaries of the park. The Secretary is authorized to acquire land and interests in land that are within the boundaries of the park pursuant to paragraph (3) by donation or exchange only (and in the case of an exchange, no payment may be made by the Secretary to any landowner). No private property or non-Federal public property shall be included within the boundaries of the park without the written consent of the owner of such property. Nothing in this Act, the establishment of the park, or the management plan of the park shall be construed to create buffer zones outside of the park. That an activity or use can be seen or heard from within the park shall not preclude the conduct of that activity or use outside the park.*

(5) *After advising the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, in writing, the Secretary of the Interior (hereinafter referred to as the “Secretary”) may make minor revisions of the boundaries of the park when necessary by publication of a revised drawing or other boundary description in the Federal Register.*

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