

Calendar No. 265

112TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 112-103

SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK BOUNDARY EXPANSION ACT

JANUARY 13, 2012.—Ordered to be printed

Filed, under authority of the order of the Senate of December 17, 2011

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

R E P O R T

[To accompany S. 114]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 114) to authorize the Secretary of the Interior to enter into a cooperative agreement for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, 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:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “San Antonio Missions National Historical Park Boundary Expansion Act of 2011”.

SEC. 2. PARK BOUNDARY STUDY.

Section 201 of Public Law 95-629 (16 U.S.C. 410ee) is amended—

(1) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (c), (e), (f), (g), and (h), respectively;

(2) by inserting after subsection (a) the following:

“(b) **STUDY.**—

“(1) **IN GENERAL.**—The Secretary shall conduct a study of land in Bexar and Wilson Counties, Texas, to identify land that would be suitable for inclusion in the park.

“(2) **REQUIREMENTS.**—In conducting the study under paragraph (1), the Secretary shall examine the natural, cultural, recreational, and scenic values and characteristics of the land.

“(3) REPORT.—Not later than 3 years after the date on which funds are made available for the study under paragraph (1), the Secretary shall 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 that describes the findings, conclusions, and recommendations of the study.”;

(3) by inserting after subsection (c) (as redesignated by paragraph (1)) the following:

“(d) INTERPRETIVE SERVICES.—The Secretary may assign park employees to provide interpretive services, including visitor information and education, at facilities outside the boundary of the park.”; and

(4) in paragraph (1)(D) of subsection (g) (as redesignated by paragraph (1)), by striking “subsection (b)(2)” and inserting “subsection (c)(2)”.

SEC. 3. BOUNDARY EXPANSION.

Section 201 of Public Law 95–629 (16 U.S.C. 410ee) is amended—

(1) by striking “SEC. 201. (a) In order” and inserting the following:

“SEC. 201. SAN ANTONIO MISSIONS HISTORICAL PARK.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—In order”; and

(2) in subsection (a)—

(A) in the second sentence, by striking “The park shall also” and inserting the following:

“(2) ADDITIONAL LAND.—The park shall also”;

(B) in the third sentence, by striking “After advising the” and inserting the following:

“(4) REVISIONS.—After advising the”; and

(C) by inserting after paragraph (2) (as designated by subparagraph (A)) the following:

“(3) BOUNDARY MODIFICATION.—

“(A) IN GENERAL.—The boundary of the park is modified to include approximately 151 acres, as depicted on the map entitled ‘San Antonio Missions National Historical Park Proposed Boundary Addition’, numbered 472–68, 027, and dated November 2009.

“(B) AVAILABILITY OF MAP.—The map described in subparagraph (A) shall be on file and available for inspection in the appropriate offices of the National Park Service.

“(C) ACQUISITION OF LAND.—The Secretary of the Interior may acquire the land or any interest in the land described in subparagraph (A) by purchase from willing sellers, donation, or exchange.”.

PURPOSE

The purpose of S. 114, as ordered reported, is to authorize the Secretary of the Interior to expand the boundary of the San Antonio Missions National Historic Park, to include approximately 151 acres, and to conduct a study of potential land acquisitions.

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. S. 114 expands the park boundary to include an additional 151 acres, of which 118 acres are either owned by the National Park Service or are being transferred to the park through a land exchange. The inclusion of these additional lands will help the National Park

Service both achieve the park's purpose of protecting and preserving important cultural and historic resources associated with the Spanish Colonial era.

LEGISLATIVE HISTORY

Senator Hutchison introduced S. 114 on January 25, 2011. The Subcommittee on National Parks held a hearing on S. 114 on May 11, 2011. On November 10, 2011, the Committee on Energy and Natural Resources ordered S. 114 favorably reported with an amendment in the nature of a substitute.

The Committee considered similar legislation, S. 3524, sponsored by Senator Hutchison during the 111th Congress. The Subcommittee on National Parks held a hearing on S. 3524 on June 23, 2010 (S. Hrg. 111-92). Representative Rodriguez introduced companion legislation in the House of Representatives, H.R. 4438, which passed the House by a vote of 264-114 on July 13, 2010. No further action occurred on either bill prior to the sine die adjournment of the Congress.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on November 10, 2011, by a voice vote of a quorum present, recommends that the Senate pass S. 114 if amended as described herein. Senators Lee and Corker asked to be recorded as opposing the measure.

COMMITTEE AMENDMENTS

During its consideration of S. 114, the Committee adopted an amendment in the nature of a substitute. The amendment deletes language authorizing the Secretary of the Interior to enter into cooperative agreement with the City of San Antonio or its designee for operation of a visitor center and park headquarters outside the boundary of the park. The provision was removed to avoid Budget Act issues associated with the cooperation agreement. The amendment also makes a technical correction to a map reference. The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the "San Antonio Missions National Historical Park Boundary Expansion Act of 2011."

Section 2 amends section 201 of Public Law 95-629 by adding two new subsections. The first new section authorizes the Secretary of the Interior to study land in Bexar and Wilson Counties, Texas, and identify areas that would be suitable for inclusion in the park. The second authorizes the Secretary to assign park employees to provide interpretive services at facilities outside of the park boundary.

Section 3 amends section 201 of Public Law 95-629 to modify the boundary of the San Antonio Missions Historical Park, specifically to include an additional 151 acres as depicted on the referenced map.

COST AND BUDGETARY CONSIDERATIONS

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

S. 114—San Antonio Missions National Historical Park Boundary Expansion Act of 2011

S. 114 would expand the boundary of the San Antonio Missions National Historical Park in Texas to include approximately 151 additional acres. The bill would also direct the Secretary of the Interior to study the suitability of including lands in Bexar and Wilson counties within the San Antonio Missions National Historical Park. S. 114 would authorize park employees to provide interpretive services at facilities outside of the San Antonio Missions National Historical Park.

Based on information provided by the National Park Service (NPS) and assuming appropriation of the necessary amounts, CBO estimates that implementing S. 114 would cost a total of \$5 million over the 2012–2016 period. Of the 151 acres specified in the legislation, 33 acres are not currently owned by the NPS. CBO estimates that acquiring the specified lands would cost approximately \$4 million, and that increasing the size of the park would add \$100,000 to annual operating costs. Based on information from the NPS, CBO estimates that a study of the suitability of adding other lands to the park would cost approximately \$400,000 over the next three years. Enacting S. 114 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 114 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. 114.

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. 114, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 114, 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

The testimony provided by the Department of the Interior at the May 11, 2011, Subcommittee hearing on S. 114 follows:

STATEMENT OF STEPHEN E. WHITESELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Subcommittees, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 114, to authorize the Secretary of the Interior to enter into a cooperative agreement for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the park, to conduct a study of potential land acquisitions, and for other purposes.

The Department supports S. 114. On September 29, 2010, the Department testified in support of S. 3524, an identical bill, before this subcommittee, during the last Congress.

S. 114 would amend Section 201 of Public Law 95-629 to direct the Secretary of the Interior (Secretary) to conduct a study of lands in Bexar and Wilson Counties to identify lands that would be appropriate to include within the boundaries of San Antonio Missions National Historical Park (Park). The Secretary is directed to report on the findings of the study three years after funds are made available. S. 114 also authorizes the Secretary to enter into a cooperative agreement with the City of San Antonio, or its designee, for operation of a facility outside the boundary of the park to provide visitor facilities and office space for a headquarters and operational support for the park. Funding for the cooperative agreement would be subject to appropriations. Finally, the boundary of the park would be expanded by approximately 151 acres.

San Antonio Missions National Historical 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 is now the seventh largest and 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.

Park headquarters for San Antonio Missions are currently inadequate; they do not meet fire, safety or security standards; and are in an expired lease space not adjacent to the Park. The Park's maintenance operations are dispersed in three separate locations. The Park's curatorial collection, which contains almost one million Spanish Colonial period objects, is stored in four different locations, including two locations that do not meet National Park Service (NPS) Curatorial Storage Standards.

The City of San Antonio, Texas (City) has acquired lands adjacent to Mission San Jose and has proposed a partner-

ship with the Park and one of its partners for the construction of a park headquarters. A cooperative agreement, such as the one described in S. 114, would provide the NPS with the ability to enter into an agreement with the City or an entity of the City's choosing such as Los Compadres de San Antonio Missions National Historical Park (Los Compadres), to assist with operation of visitor facilities and office space for a park headquarters.

S. 114 would also expand the boundary of San Antonio Missions National Historical Park by approximately 151 acres, of which 118 acres are either currently owned by the NPS, are being donated, or are being transferred through a land exchange to the Park. All costs associated with the land exchange will be paid for by the San Antonio River Authority with the NPS only paying for minimal transaction costs. Thirty-three acres would either be purchased by the NPS from willing sellers or donated to the Park. It is estimated that the acquisition of these 33 acres could cost as much as \$3,587,110 and operational costs associated with adding the 151 acres of land are not expected to exceed \$100,000 per year. Associated land acquisition funding requests would be subject to the Administration's prioritization process that uses consistent and merit-based criteria to select projects, and the availability of appropriations.

The Park's General Management Plan and Land Protection Plan acknowledge that the current boundary is insufficient to fully achieve the Park's purpose. The Park's most recent feasibility study recommended a much larger area to best protect the cultural resources associated with the Park. Numerous areas that contain significant Spanish colonial resources historically associated with the Park still remain outside the boundary. In addition, the Park has acquired lands that are outside the current boundary and is in the process of accepting additional lands that will be included within the boundary as a part of a land exchange with the San Antonio River Authority and U.S. Army Corps of Engineers to facilitate restoration of the San Antonio River.

S. 114 would also authorize the Secretary to conduct a study of lands within Bexar and Wilson counties, in the State of Texas, to identify lands that would be suitable for inclusion within the boundaries of the Park. The study should also explore management alternatives that would best ensure public access, preservation, protection, and interpretation of the Missions. We estimate that this study will cost approximately \$350,000.

This legislation enjoys the strong 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.

Mr. Chairman, that concludes my prepared remarks. I would be happy to answer any questions you or any other members of the Subcommittees 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.114, 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):

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

(November 10, 1978, Public Law 95-629, 16. U.S.C. 410ee)

* * * * *

TITLE II

[SEC. 201. (a) In order] SEC. 201. SAN ANTONIO MISSIONS HISTORIC PARK.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—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) ADDITIONAL LAND.—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) BOUNDARY MODIFICATION.—

(A) IN GENERAL.—The boundary of the park is modified to include approximately 151 acres, as depicted on the map titled “San Antonio Missions National Historical Park Proposed Boundary Addition 2009”, numbered 472/68,027, and dated November 2009.

(B) AVAILABILITY OF MAP.—*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. The Secretary of the Interior may not use condemnation authority to acquire any lands or interests in lands under this Act.*

(C) ACQUISITION OF LAND.—*The Secretary of the Interior may acquire the land or any interest in the land described in subparagraph (A) by purchase from willing sellers, donation, or exchange*

(4) REVISIONS.—*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.*

(b) STUDY.—

(1) IN GENERAL.—*The Secretary shall conduct a study of land in Bexar and Wilson Counties, Texas, to identify land that would be suitable for inclusion in the park.*

(2) REQUIREMENTS.—*In conducting the study under paragraph (1), the Secretary shall examine the natural, cultural, recreational, and scenic values and characteristics of the land.*

(3) REPORT.—*Not later than 3 years after the date on which funds are made available for the study under paragraph (1), the Secretary shall 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 that describes the findings, conclusions, and recommendations of the study.*

[(b)](c) For the purposes of this section, the Secretary is authorized—

(1) to acquire by donation, purchase with donated or appropriated funds, or exchange, lands and interests therein constituting the following generally described areas in the historic missions district of the city of San Antonio, Texas—

(A) Mission San Jose y San Miguel de Aguayo;

* * * * *

(d) INTERPRETIVE SERVICES.—*The Secretary may assign park employees to provide interpretive services, including visitor information and education, at facilities outside the boundary of the park.*

[(c)](e) With the exception of any property deemed necessary by the Secretary for visitor facilities or administration of the park, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the property for noncommercial residential purposes, for twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisi-

tion less the fair market value on such date of the right retained by the owner.

* * * * *

[(d)](f) The Secretary is authorized and directed to take prompt and appropriate action in accordance with the provisions of this section and any cooperative agreement hereunder to assure the protection and preservation of the historical and architectural values of the missions and the areas and features historically associated therewith within the boundaries of the park. The park shall be administered by the Secretary in accordance with this section and provisions of law generally applicable to units of the National Park System, including sections 1, 2, 3, and 4 of this title and sections 461 to 467 of this title.

[(e)](g)(1) There is hereby authorized to be established by the Secretary, a San Antonio Missions Advisory Commission. The Commission shall be composed of eleven members, each appointed for a term of two years by the Secretary, as follows:

- (A) one member to be appointed from recommendations made by then Governor of the State of Texas;
- (B) one member to be appointed from recommendations made by the County Commissioners of Bexar County, Texas;
- (C) one member to be appointed from recommendations made by the City Council of the City of San Antonio, Texas;
- (D) one member to be appointed to represent non-Federal property owners whose property is operated and maintained in accordance with cooperative agreements with the Secretary pursuant to **[(subsection (b)(2)]subsection (c)(2)** of this section;

* * * * *

[(f)](h)

(1) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section, but not more than \$10,000,000 for the acquisition of lands and interests inlands.

* * * * *