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SENATE

{ REPORT
{ 106-211

UPPER DELAWARE SCENIC AND RECREATIONAL RIVER MONGAUP VISITOR CENTER ACT OF 1999

NOVEMBER 2, 1999.—Ordered to be printed

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

REPORT

[To accompany H.R. 20]

The Committee on Energy and Natural Resources, to which was referred to the bill (H.R. 20) to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York, having considered the same, reports favorably thereon with an amendment and recommends that the act, as amended, do pass.

The amendment is as follows:

At the end of bill add the following section:

“SEC. 4. EXTENSION OF ADVISORY COUNCIL AUTHORIZATION.

“Section 704(f)(1) of the National Parks and Recreation Act of 1978 (Public Law 95-625; 16 U.S.C. 1274 note) is amended in the last sentence by striking ‘20’ and inserting ‘30’.”

PURPOSE OF THE MEASURE

The purpose of H.R. 20, as ordered reported, is to authorize construction and operation of a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York and to extend the authorization for the Upper Delaware Citizens Advisory Council for 10 additional years.

BACKGROUND AND NEED

The Upper Delaware Scenic and Recreational River in New York and Pennsylvania was authorized as a Wild and Scenic River and unit of the National Park System in 1978. The enabling legislation limited Federal land acquisition, along the 75 mile stretch of the river, to not more than 450 acres. Currently out of approximately 55,575 acres, only 30 acres are Federally owned. The Upper Delaware is managed in cooperation with State and local governments, as well as other Federal agencies. The law also established the seventeen-member Upper Delaware Citizens Advisory Council to encourage public involvement in the development and implementation of plans and programs. After one 10 year-extension, the authority for the council expired in 1998.

A river management plan was approved by the Secretary of the Interior in 1987. The plan established the Upper Delaware Council, along with a small support staff, to provide an oversight and advisory role for the management of Upper Delaware Scenic and Recreational River. The plan also called for the National Park Service to build and operate a visitor facility in the Mongaup area in New York. The proposed location of the center is on land owned by the New York State Department of Environmental Conservation. In 1993 the New York State Legislature authorized the Federal development of a visitor center under terms of a 99-year no-cost lease. The State legislation limits the building to not more than 100,000 square feet and not taller than 2 stories in height.

LEGISLATIVE HISTORY

H.R. 20 was passed by the House of Representatives on October 12, 1999 and was referred to the Committee on Energy and Natural Resources on October 13, 1999.

On October 13, 1999 the Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on similar legislation, S. 167, sponsored by Senator Moynihan and S. 1366, introduced by Senator Murkowski at the request of the Administration.

At its business meeting on October 20, 1999, the Committee on Energy and Natural Resources ordered H.R. 20, favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on October 20, 1999, by a unanimous voice vote of a quorum present, recommends that the Senate pass H.R. 20, if amended as described herein.

COMMITTEE AMENDMENT

An amendment adds a new section to extend the authorization for the Upper Delaware Citizens Advisory Council for 10 additional years. This reauthorization provision was included in the Senate companion measure, S. 167.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title as the "Upper Delaware Scenic and Recreational River Mongaup Visitor Center Act of 1999".

Section 2 lists the findings that the river management plan, developed in accordance with Public Law 95-625 (the river's enabling legislation) called for the National Park Service to build and operate a visitor contact facility in the southern end of the river corridor; that the authority for Federally owned land is limited; and that the State of New York authorized a 99-year lease between the New York State Department of Environmental Conservation and the National Park Service for the construction and operation of a visitor center on State-owned land. The site is to be in the vicinity of Mongaup in the town of Deerpark, Orange County, New York.

Section 3 authorizes the Secretary of the Interior, subject to the availability of appropriated funds, to enter into a 99-year lease with the State of New York to construct and operate a visitor center for Upper Delaware Scenic and Recreational River on land owned by the State.

Section 4 amends section 704(f)(1) of Public law 95-625 to extend the authority for the Upper Delaware Citizens Advisory Council for another 10 years, for a total of 30 years, with the authority expiring in 2008.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 27, 1999.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 20, the Upper Delaware Scenic and Recreational River Mongaup Visitor Center Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 20—UPPER DELAWARE SCENIC AND RECREATIONAL RIVER
MONGAUP VISITOR CENTER ACT OF 1999

H.R. 20 would authorize the National Park Service (NPS) to enter into a 99-year lease with the state of New York for state-owned land located near the Delaware Scenic and Recreational River. The act also would authorize the NPS to construct and operate a visitor center on the leased land. Finally, the legislation would extend the life of the Upper Delaware Citizens Advisory

Council (UDCAC) for an additional 10 years. The council, which had advised the NPS on managing the area, expired in February 1999.

Based on information provided by the NPS and assuming appropriation of the necessary amounts, CBO estimates that the agency would spend about \$7 million over the next four years to construct a visitor center on land leased from New York. We estimate that the costs of the long-term lease would be negligible. Once the center has been completed, the NPS would spend about \$600,000 annually to operate it.

CBO estimates that extending the life of the UDCAC would have no significant effect on federal spending. Until the council expired, the NPS provided it with about \$10,000 annually for administrative expenses such as travel.

H.R. 20 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The act 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.

On September 29, 1999, CBO submitted a cost estimate for H.R. 20 as ordered reported by the House Committee on Resources on September 22, 1999. The House version of the legislation did not include the extension of the UDCAC.

The CBO staff contact is Deborah Reis. This estimate was approved by Peter H. Fontaine, 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. 20. The bill is not a regulatory measure in the sense of imposing Government-established standards of 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 enactment of H.R. 20, as ordered reported.

EXECUTIVE COMMUNICATIONS

The Committee did not request Executive views on H.R. 20. However, the legislative report received by the Committee from the Department of the Interior setting forth Executive agency recommendation relating to the S. 167, the companion bill, is set forth below.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, October 15, 1999.

Hon. FRANK MURKOWSKI,
*Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This letter responds to your request for views on S. 167, a bill to extend the authorization for the Upper Delaware Citizens Advisory Council for an additional ten years and to authorize the construction and operation of a visitor center for the Upper Delaware Scenic and Recreational River in New York and Pennsylvania.

The Department supports enactment of legislation to authorize the Secretary of the Interior to construct and operate a visitor center on New York State owned land, and does not oppose extension of the Upper Delaware Citizens Advisory Council ("Council"). The Upper Delaware Scenic and Recreational River was authorized as a National Wild and Scenic River and a unit of the National Park System in 1978. Unlike in most units of the National Park System, federal land acquisition was strictly limited by the unit's enabling legislation. As a result, the Upper Delaware Scenic and Recreational River is administered through a carefully balanced partnership among federal, state and local governments. The National Park Service was assigned the primary responsibility of managing the recreational use on the river.

A river management plan was prepared for the Upper Delaware Scenic and Recreational River in November 1986. The plan specifically calls for the NPS to build and operate a visitor facility in the Mongaup area. This goal is a significant obligation, given the limited acquisition authority, coupled with the partnership commitment by the federal government on the Upper Delaware, as defined in the approved Final River Management Plan. S. 167 authorizes the construction and operation of the visitor center on non-federal land as recommended in the river management plan.

Currently, no public facility exists to provide visitors an orientation as they enter this unit of the National Park System. Despite interim program measures, most first-time, as well as many repeat, visitors to the Upper Delaware are not aware of its federal designation and significance, or understand the limitations regarding public access and facilities within its boundary. The purpose of the proposed visitor center would be to orient visitors to public facilities and programs, commercially operated services within the river corridor, information on river safety, and laws concerning private property. Basic visitor services like restrooms, telephones and area maps would be provided, and information on locally provided visitor and recreational services. The center would serve as the park's primary visitor contact facility from which educational programs would be offered on the region's natural and cultural history.

The strategic location for the Mongaup Visitor Center could enable it to attract the majority of the Upper Delaware's approximately 300,000 annual visitors, as well as countless sightseers who drive along scenic Route 97. The proposed site is located on a 55-acre tract of undeveloped land within a region that reputedly hosts the largest wintering population of American Bald Eagles in

the northeastern United States. The visitor center would not exceed the 10,000 square feet or the two-story height specified by New York State, and would include exhibits designed to educate the public about the biology of the American Bald Eagle. The visitor center would be a year-round facility, with extended hours during the peak summer months of June, July and August.

S. 167 enables the NPS to fulfill its obligation to construct and operate the Mongaup Visitor Center and ensure the level and quality of service expected from an established unit of the National Park System. Without a central facility as proposed in S. 167, the ability of the NPS to carry out its role and responsibility, as outlined in the approved River Management Plan, with regard to resource protection and public education, cannot be fully realized.

Section 2 of S. 167 authorizes the visitor center by amending Section 704(d) of Public Law 95-625. The Department recommends that the Committee adopt the language in S. 1366, a stand-alone bill, that addresses the construction and operation of the visitor center issue. The language of S. 1366 is similar to the language of H.R. 20 that is currently moving in the House, having been reported by the House Resources Committee on September 22, 1999.

With regard to the extension of the Council, we do not oppose its extension. The Council's authority expired on February 6, 1999. The Council played an important role in the early years of the park's establishment and in the development of the park's river management plan. Recently, the Council has not been as active as it had been in the past. Several of the positions on the council have been vacant for the past few years and there have been a number of times when the council has not had a quorum at its meetings.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DONALD J. BARRY,
*Assistant Secretary for Fish
and Wildlife and Parks.*

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law by H.R. 20, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter in printed in italic, existing law in which no change is proposed is shown in roman);

[Public Law 95-625, November 10, 1978]

SEC. 704.(a) * * *

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(f)(1) At the earliest practicable date following enactment of this act, but not later than one hundred and twenty days thereafter, there shall be established an Upper Delaware Citizens Advisory Council. The Advisory Council shall encourage maximum public involvement in the development and implementation of the plans and programs authorized by this section. It shall report to the Commission and the Secretary from time to time during preparation of the

management plan. Following completion of the management plan, it shall report to the Secretary and the Governors of the directly affected States no less frequently than once each year its recommendations, if any, for improvement in the programs authorized by this Act, or in the programs of other agencies which may relate to land or water use in the Upper Delaware River region. The Advisory Council shall terminate **[20]** 30 years after the date on which it is established.

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