

GATEWAY COMMUNITIES COOPERATION ACT

MAY 20, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 1014]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1014) to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Gateway Communities Cooperation Act”.

SEC. 2. IMPROVED RELATIONSHIP BETWEEN FEDERAL LAND MANAGERS AND GATEWAY COMMUNITIES TO SUPPORT COMPATIBLE LAND MANAGEMENT OF BOTH FEDERAL AND ADJACENT LANDS.

(a) FINDINGS.—Congress finds the following:

(1) Many communities that abut or are near Federal lands, including units of the National Park System, units of the National Wildlife Refuge System, units of the National Forest System, and lands administered by the Bureau of Land Management, are vitally impacted by the management and public use of these Federal lands.

(2) Some of these communities, commonly known as gateway communities, fulfill an integral part in the mission of the Federal lands by providing necessary services, such as schools, roads, search and rescue, emergency service, medical support, logistical support, living quarters, and drinking water and sanitary systems for visitors to the Federal lands and employees of Federal land management agencies.

(3) Provision of these vital services by gateway communities is an essential ingredient for a meaningful and enjoyable experience by visitors to the Federal lands because Federal land management agencies are unable to provide, or are prevented from providing, these services.

(4) Many gateway communities serve as an entry point for persons who visit the Federal lands and are ideal for establishment of visitor services, including lodging, food service, fuel, auto repairs, emergency services, and visitor information.

(5) Development in some gateway communities may impact the management and protection of these Federal lands.

(6) The planning and management decisions of Federal land managers can have unintended consequences for gateway communities and the Federal lands when the decisions are not adequately communicated to, or coordinated with, the elected officials and residents of gateway communities.

(7) Experts in land management planning are available to Federal land managers, but persons with technical planning skills are often not readily available to gateway communities, particularly small gateway communities.

(8) Gateway communities are often affected by the policies and actions of several Federal land management agencies and the communities and the agencies would benefit from greater interagency coordination of those policies and actions.

(9) Persuading gateway communities to make decisions and undertake actions in their communities that would also be in the best interest of the Federal lands is most likely to occur when such decisionmaking and actions are built upon a foundation of cooperation and coordination.

(b) PURPOSE.—The purpose of this section is to require Federal land managers to communicate, coordinate, and cooperate with gateway communities in order to—

(1) improve the relationships among Federal land managers, elected officials, and residents of gateway communities;

(2) enhance the facilities and services in gateway communities available to visitors to Federal lands when compatible with the management of these lands, including the availability of historical and cultural resources; and

(3) result in better local land use planning in gateway communities and decisions by the relevant Secretary.

(c) DEFINITIONS.—For the purpose of this section, the following definitions apply:

(1) GATEWAY COMMUNITY.—The term “gateway community” means a county, city, town, village, or other subdivision of a State, a federally recognized Indian tribe, or Alaska Native village, that—

(A) is incorporated or recognized in a county or regional land use plan or within tribal jurisdictional boundaries; and

(B) the relevant Secretary (or the head of the tourism office for the State) determines is significantly affected economically, socially, or environmentally by planning and management decisions regarding Federal lands administered by the relevant Secretary.

(2) RELEVANT SECRETARY.—The term “relevant Secretary” means the Secretary of the Interior or the Secretary of Agriculture, as appropriate.

(d) PARTICIPATION IN FEDERAL PLANNING AND LAND USE.—

(1) PARTICIPATION IN PLANNING.—At the earliest possible time, the relevant Secretary shall solicit the involvement of elected and appointed officials of governments of gateway communities in the development of land use plans, programs, land use regulations, land use decisions, transportation plans, general management plans, and any other plans, decisions, projects, or policies for Federal lands under the jurisdiction of these Federal agencies that are likely to have a significant impact on these gateway communities.

(2) INFORMATION PROVIDED.—To facilitate such involvement, the relevant Secretary shall provide the appropriate officials, at the earliest possible time but not later than the scoping process, with the following:

(A) A summary, in nontechnical language, of the assumptions, purposes, goals, and objectives of the a plan, decision, project, or policy.

(B) A description of any anticipated significant impact of the plan, decision, project, or policy on gateway communities.

(C) Information regarding the technical assistance and training available to the gateway community.

(3) TRAINING SESSIONS.—At the request of a gateway community, the relevant Secretary shall offer training sessions for elected and appointed officials of gateway communities at which such officials can obtain a better understanding of—

(A) the agency planning processes; and

(B) the methods by which they can participate most meaningfully in the development of the agency plans, decisions, and policies referred to in paragraph (1).

(4) TECHNICAL ASSISTANCE.—At the request of a gateway community, the relevant Secretary shall make available personnel, on a temporary basis, to assist gateway communities in development of mutually compatible land use or management plans.

(5) COORDINATION OF LAND USE.—The relevant Secretary may enter into cooperative agreements with gateway communities to coordinate the management of—

(A) the land use inventory, planning, and management activities for the Federal lands administered by the relevant Secretary; and

(B) the land use planning and management activities of other Federal agencies, agencies of the State in which the Federal lands are located, and local and tribal governments in the vicinity of the Federal lands.

(6) INTERAGENCY COOPERATION AND COORDINATION.—To the extent practicable, when the plans and activities of 2 or more Federal agencies are anticipated to have a significant impact on a gateway community, the Federal agencies involved shall consolidate and coordinate their plans and planning processes to facilitate the participation of affected gateway communities in the planning processes.

(7) TREATMENT AS COOPERATING AGENCIES.—To the earliest extent practicable, but not later than the scoping process, when a proposed action is determined to require an environmental impact statement, the relevant Secretary shall allow any affected gateway communities the opportunity to be recognized as cooperating agencies under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) GRANTS TO SMALL GATEWAY COMMUNITIES.—

(1) IN GENERAL.—The relevant Secretary may make grants to any gateway community with a population of 10,000 or less to carry out the purposes of this section.

(2) AUTHORIZATION OF APPROPRIATIONS FOR GRANTMAKING.—There are hereby authorized to be appropriated \$10,000,000 for each fiscal year for grants under this subsection.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to carry out this Act (other than for grants under subsection (e)), \$10,000,000 for each fiscal year.

PURPOSE OF THE BILL

The purpose of H.R. 1014 is to require federal land managers to support, communicate, coordinate and cooperate with designated gateway communities to improve their ability to participate in federal land management planning conducted by the Forest Service and agencies of the Department of the Interior.

BACKGROUND AND NEED FOR LEGISLATION

Communities that are adjacent to units of the National Park System, National Wildlife Refuge System, National Forest System and other units of our federal lands system are impacted by decisions made by managers of these public lands. In many cases, these “gateway communities” also play an integral role in accomplishing the mission of these federal land managers by providing necessary services, such as schools, roads, search and rescue, emergency and medical support, drinking water and sanitary systems.

H.R. 1014 defines a “gateway community” as a county, city, town, village or other subdivision of a State (or a federally-recognized American Indian tribe or Alaska Native Village) that is: (1) incorporated or recognized in a county or regional land use plan or within tribal jurisdictional boundaries; and (2) is significantly affected economically, socially, or environmentally by the planning and management decisions regarding federal lands administered by the

Secretaries of the Interior and Agriculture (as determined by a federal land manager or the head of a State tourism office).

H.R. 1014 seeks to improve the relationship among federal land managers, elected officials, and residents of gateway communities; enhance facilities and services in gateway communities available to visitors to federal lands, when compatible with the management of those lands; and improve the coordination of local land use planning and decisions by federal land managers.

To ensure the intent of H.R. 1014 is fully realized, the bill requires that the relevant Secretary solicit the involvement of the relevant gateway communities early in the process, when the criteria established in the bill are met. The bill also requires the relevant Secretary to provide early written notice to potentially effected gateway communities, alerting them to the additional benefits that will be provided to them under H.R. 1014, at their request.

Another essential component of the bill is a provision allowing affected gateway communities the opportunity to be recognized as cooperating agencies under the National Environmental Policy Act. Absent H.R. 1014, the elected representatives of a gateway community would not have the opportunity to seek this important status. H.R. 1014 does not, however, require the lead agency to grant cooperating agency status to gateway communities.

COMMITTEE ACTION

Congressman George Radanovich (R-CA) introduced H.R. 1014 on February 27, 2003.¹ The bill was referred primarily to the Committee on Resources and additionally to the Committee on Agriculture. Within the Committee on Resources, the bill was referred to the Subcommittee on National Parks, Recreation and Public Lands, the Subcommittee on Forests and Forest Health, and the Subcommittee on Fisheries Conservation, Wildlife and Oceans. The Subcommittee on National Parks, Recreation and Public Lands met to mark up the bill on October 21, 2003. Chairman Radanovich offered an amendment in the nature of a substitute to the bill. Ranking Member Christensen (D-VI) offered a substitute amendment to the Radanovich amendment. The Christensen substitute amendment was not adopted by voice vote. No further amendments were offered and the Radanovich amendment in the nature of a substitute was adopted by voice vote. The bill was then forwarded, as amended, to the Resources Committee by voice vote. On May 5, 2004, the Committee on Resources met to consider the bill. The Subcommittee on Forests and Forest Health and the Subcommittee on Fisheries Conservation, Wildlife and Oceans were discharged from further consideration of the bill by unanimous consent. No additional amendments were offered and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Re-

¹During the 107th Congress, the Subcommittee on National Parks, Recreation and Public Lands held a hearing and the Resources Committee favorably reported similar legislation (H.R. 4622).

sources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to require federal land managers to support, and to communicate, coordinate and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the federal lands administered by these agencies.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 13, 2004.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1014, the Gateway Communities Cooperation Act.

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

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 1014—Gateway Communities Cooperation Act

Summary: H.R. 1014 would authorize the appropriation of \$20 million a year for programs to promote the involvement of local communities in federal land-use planning. CBO estimates that implementing the bill would cost \$5 million in 2005 and \$83 million over the 2005–2009 period, assuming appropriation of the authorized amounts. The bill would not affect direct spending or revenues.

H.R. 1014 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Enacting this bill could benefit those local governments considered gateway communities.

Estimated cost to the Federal Government: For this estimate, CBO assumes that H.R. 1014 will be enacted near the start of fiscal year 2005 and that the authorized amounts will be provided near the start of each fiscal year. The estimated budgetary impact of H.R. 1014 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars				
	2005	2006	2007	2008	2009
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization level	20	20	20	20	20
Estimated outlays	5	14	20	22	22

Basis of estimate: H.R. 1014 would require federal land management agencies to take certain steps to involve gateway communities—local or tribal governments that are significantly affected by planning and management decisions regarding federal lands—in federal land-use planning. The bill would authorize the appropriation of \$10 million a year for those agencies to provide training and technical assistance to local officials to enable them to participate more effectively in the planning process for federal land-use. In addition, the bill would authorize the appropriation of \$10 million a year for grants to particularly small gateway communities to support their involvement in that process.

Based on information from the Forest Service and the Department of the Interior regarding historical spending patterns for similar programs, CBO estimates that providing training and technical assistance to gateway communities would cost \$3 million in 2005 and \$45 million over the 2005–2009 period, assuming appropriation of the authorized amounts. We also estimate that grants to small communities would cost \$2 million in 2005 and \$38 million (from the authorized amounts) over the next five years.

Intergovernmental and private-sector impact: H.R. 1014 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Enacting this bill could benefit those local governments considered gateway communities.

Estimate prepared by: Federal Costs: Megan Carroll. Impact on State, Local, and Tribal Governments: Majorie Miller. Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

COMMITTEE CORRESPONDENCE

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, May 19, 2004.

Hon. BOB GOODLATTE,
*Chairman, Committee on Agriculture, House of Representatives,
Longworth House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: I request your assistance in expediting the consideration of four bills, all of which were referred primarily to the Committee on Resources and additionally to the Committee on Agriculture: H.R. 1014, the Gateway Communities Cooperation Act; H.R. 2966, the Right-to-Ride Livestock on Federal Lands Act of 2003; H.R. 3247, the TRAIL Act; and H.R. 3846, the Tribal Forest Protection Act of 2004.

The Committee on Resources ordered all the bills favorably reported with amendments on May 5, 2004, either by vote voice or unanimous consent. I have forwarded copies of the reported texts to your staff.

Because of the limited number of days remaining in the 108th Congress and the importance of these bills to the authors and our Nation, I ask you not to insist on your additional referrals of the bills and allow the Committee on Agriculture to be discharged so that they may be voted on when the House of Representatives returns from its Memorial Day district work period. Of course, by agreeing to this request, you are not waiving jurisdiction over the bills, nor is this action to be construed as a precedent for other, similar legislation. In addition, I would support a request from the Committee on Agriculture to be represented on any conference on H.R. 1014, H.R. 2966, H.R. 3247 or H.R. 3846 or companion Senate bills, should a conference become necessary. Finally, I would include this letter and any response you might have in the Committee on Resources' bill reports for the four bills.

Thank you for consideration of my request. I appreciate our continued excellent working relationship on forest issues and look forward to working with you again.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, May 20, 2004.

Hon. RICHARD POMBO,
*Chairman, Committee on Agriculture, House of Representatives,
Longworth House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your May 19, 2004 correspondence regarding H.R. 1014, the Gateway Communities Cooperation Act; H.R. 3247, the TRAIL Act; and H.R. 3846, the Tribal Forest Protection Act of 2004. As you are aware, the Committee on Agriculture was granted an additional referral of all these pieces of legislation.

Knowing of your interest in expediting this legislation, I will discharge H.R. 1014, H.R. 3247 and H.R. 3846 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging these bills the Committee on Agriculture does not waive any future jurisdictional claim over these or similar measures. In addition, in the event a conference with the Senate is requested on these matters, the Committee on Agriculture reserves the right to seek appointment of conferees, if it should become necessary.

Thank you very much for your courtesy in this matter and I look forward to continued cooperation between our Committees as we deal with these issues in the future.

Sincerely,

BOB GOODLATTE,
Chairman.