

104TH CONGRESS
1ST SESSION

H. R. 260

To provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. HEFLEY (for himself, Mr. HANSEN, and Mr. VENTO) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Park System
5 Reform Act of 1995”.

1 **TITLE I—NATIONAL PARK**
2 **SYSTEM PLAN**

3 **SEC. 101. PREPARATION OF NATIONAL PARK SYSTEM PLAN.**

4 (a) PREPARATION OF PLAN.—The Secretary of the
5 Interior (hereinafter in this Act referred to as the “Sec-
6 retary”), acting through the Director of the National Park
7 Service, shall prepare a National Park System Plan (here-
8 inafter in this Act referred to as the “plan”) to guide the
9 direction of the National Park System into the next cen-
10 tury. The plan shall include each of the following:

11 (1) A statement of goals and objectives for use
12 in defining the mission and role of the National
13 Park Service in preserving our national natural and
14 cultural heritage, relative to other efforts at the
15 Federal, State, local, and private levels.

16 (2) Detailed criteria to be used in determining
17 which natural and cultural resources are appropriate
18 for inclusion as units of the National Park System.

19 (3) Identification of what constitutes adequate
20 representation of a particular resource type and
21 which aspects of the national heritage are adequately
22 represented in the existing National Park System or
23 in other protected areas.

1 (4) Identification of appropriate aspects of the
2 national heritage not currently represented in the
3 National Park System.

4 (5) Priorities of the themes and types of re-
5 sources which should be added to the National Park
6 System in order to provide more complete represen-
7 tation of our Nation's heritage.

8 (6) A statement of the role of the National
9 Park Service with respect to such topics as preserva-
10 tion of natural areas and ecosystems, preservation of
11 industrial America, preservation of nonphysical cul-
12 tural resources, open space preservation, and provi-
13 sion of outdoor recreation opportunities.

14 (7) A statement of what areas constitute units
15 of the National Park System and the distinction be-
16 tween units of the system, affiliated areas, and other
17 areas within the system.

18 (b) CONSULTATION.—During the preparation of the
19 plan under subsection (a), the Secretary shall consult with
20 other Federal land managing agencies, State and local of-
21 ficials, the National Park System Advisory Board, re-
22 source management, recreation and scholarly organiza-
23 tions and other interested parties as the Secretary deems
24 advisable. These consultations shall also include appro-
25 priate opportunities for public review and comment.

1 (c) TRANSMITTAL TO CONGRESS.—Prior to the end
2 of the third complete fiscal year commencing after the
3 date of enactment of this Act, the Secretary shall transmit
4 the plan developed under this section to the Committee
5 on Natural Resources of the United States House of Rep-
6 resentatives and the Committee on Energy and Natural
7 Resources of the United States Senate.

8 **SEC. 102. MANAGEMENT REVIEW OF NATIONAL PARK**
9 **SYSTEM.**

10 (a) REVIEW.—(1) Using the National Park System
11 Plan prepared pursuant to section 101 as a guide, the Sec-
12 retary shall review the existing National Park System to
13 determine whether there are more appropriate alternatives
14 for managing specific units or portions of units within the
15 system, including partnerships or direct management by
16 States, local governments, other agencies and the private
17 sector. The Secretary shall develop a report which contains
18 a list of areas within the National Park System where Na-
19 tional Park Service management should be modified or
20 terminated.

21 (2) In developing the list under paragraph (1), the
22 Secretary shall consider such factors as duplication within
23 the National Park System, better representation of a par-
24 ticular resource type under management of another entity,
25 lack of significance, lack of management feasibility, cost,

1 lack of visitor accessibility, modifications that change the
2 character of the resource, lack of collaboration to protect
3 resources, suitability for management by another agency,
4 and the compatibility of the resource with the present mis-
5 sion and role of the National Park Service.

6 (3) For any areas for which termination of National
7 Park Service management is recommended, the Secretary
8 shall make recommendations regarding management by an
9 entity or entities other than the National Park Service.
10 For any area determined to have national significance,
11 prior to including such area on the list under paragraph
12 (1) the Secretary shall identify feasible alternatives to
13 National Park Service management which will protect the
14 resources thereof and assure continued public access
15 thereto.

16 (b) CONSULTATION.—In developing the list referred
17 to in subsection (a), the Secretary shall consult with other
18 Federal land managing agencies, State and local officials,
19 the National Park System Advisory Board, resource man-
20 agement, recreation and scholarly organizations and other
21 interested parties as the Secretary deems advisable. These
22 consultations shall also include appropriate opportunities
23 for public review and comment.

24 (c) TRANSMITTAL TO CONGRESS.—Not later than 1
25 year after the Secretary completes the plan referred to in

1 section 101 of this Act, the Secretary shall transmit the
2 report developed under this section simultaneously to the
3 Natural Resources Committee of the United States House
4 of Representatives and the Committee on Energy and
5 Natural Resources of the United States Senate. The re-
6 port shall contain the recommendations of the Secretary
7 concerning modifications or termination of National Park
8 Service management for any areas within the National
9 Park System and the recommendations regarding alter-
10 native management by an entity or entities other than the
11 National Park Service.

12 **SEC. 103. NATIONAL PARK SYSTEM REVIEW COMMISSION.**

13 (a) ESTABLISHMENT OF COMMISSION.—If the Sec-
14 retary fails to transmit the report developed under section
15 102 within the 1-year period specified in section 102, a
16 National Park System Review Commission shall be estab-
17 lished to review existing National Park System units to
18 determine whether there are more appropriate alternatives
19 for managing specific units or portions thereof. Within one
20 year after the date of its establishment, the Commission
21 shall prepare and transmit to the Natural Resources Com-
22 mittee of the United States House of Representatives and
23 the Committee on Energy and Natural Resources of the
24 United States Senate a report containing a list of National
25 Park System units or portions thereof where National

1 Park Service management should be modified or termi-
2 nated. In developing the list, the Commission shall con-
3 sider the factors referred to in section 102(a)(2). For any
4 listed areas, the Commission shall suggest alternative
5 management by an entity or entities other than the Na-
6 tional Park Service, and for any area determined to have
7 national significance, prior to including such area on the
8 list the Commission shall identify feasible alternatives to
9 National Park Service management which will protect the
10 resources of the area and assure continued public access
11 to thereto. In developing the list, the Commission shall
12 consult with other Federal land managing agencies, State
13 and local officials, the National Park System Advisory
14 Board, resource management, recreation and scholarly or-
15 ganizations and other interested parties as the Secretary
16 deems advisable. These consultations shall also include ap-
17 propriate opportunities for public review and comment.

18 (b) MEMBERSHIP AND APPOINTMENT.—The Com-
19 mission shall consist of 7 members each of whom shall
20 have substantial familiarity with, and understanding of,
21 the National Park System. Three members of the Com-
22 mission, one of whom shall be the Director of the National
23 Park Service, shall be appointed by the Secretary. Two
24 members shall be appointed by the Speaker of the United
25 States House of Representatives and two shall be ap-

1 pointed by the President Pro Tem of the United States
2 Senate. Each member shall be appointed within 3 months
3 after the expiration of the 1-year period specified in sec-
4 tion 102(c).

5 (c) CHAIR.—The Commission shall elect a chair from
6 among its members.

7 (d) VACANCIES.—Vacancies occurring on the Com-
8 mission shall not affect the authority of the remaining
9 members of the Commission to carry out the functions of
10 the Commission. Any vacancy in the Commission shall be
11 promptly filled in the same manner in which the original
12 appointment was made.

13 (e) QUORUM.—A simple majority of Commission
14 members shall constitute a quorum.

15 (f) MEETINGS.—The Commission shall meet at least
16 quarterly or upon the call of the chair or a majority of
17 the members of the Commission.

18 (g) COMPENSATION.—Members of the Commission
19 shall serve without compensation as such. Members of the
20 Commission, when engaged in official Commission busi-
21 ness, shall be entitled to travel expenses, including per
22 diem in lieu of subsistence, in the same manner as persons
23 employed intermittently in government service under sec-
24 tion 5703 of title 5, United States Code.

1 (h) TERMINATION.—The Commission established
2 pursuant to this section shall terminate 90 days after the
3 transmittal of the report to Congress as provided in sub-
4 section (a).

5 (i) LIMITATION ON NATIONAL PARK SERVICE
6 STAFF.—The Commission may hire staff to carry out its
7 assigned responsibilities. Not more than one-half of the
8 professional staff of the Commission shall be made up of
9 current employees of the National Park Service.

10 (j) STAFF OF OTHER AGENCIES.—Upon the request
11 of the Commission, the head of any Federal agency may
12 detail, on a reimbursable basis, any of the personnel of
13 such agency to the Commission to assist the Commission.

14 (k) EXPERTS AND CONSULTANTS.—Subject to such
15 rules as may be adopted by the Commission, the Commis-
16 sion may procure temporary and intermittent services to
17 the same extent as authorized by section 3109(b) of title
18 5, United States Code, but at rates determined by the
19 Commission to be advisable.

20 (l) POWERS OF THE COMMISSION.—(1) The Commis-
21 sion shall for the purpose of carrying out this title hold
22 such public hearings, sit and act at such times and places,
23 take such testimony, and receive such evidence as the
24 Commission deems advisable.

1 (2) The Commission may make such bylaws, rules,
2 and regulations, consistent with this title, as it considers
3 necessary to carry out its functions under this title.

4 (3) When so authorized by the Commission any mem-
5 ber or agent of the Commission may take any action which
6 the Commission is authorized to take by this section.

7 (4) The Commission may use the United States mails
8 in the same manner and upon the same conditions as
9 other departments and agencies of the United States.

10 (5) The Secretary shall provide to the Commission
11 any information available to the Secretary and requested
12 by the Commission regarding the plan referred to in sec-
13 tion 101 and any other information requested by the Com-
14 mission which is relevant to the duties of the Commission
15 and available to the Secretary.

16 **SEC. 104. NEPA.**

17 The provisions of the National Environmental Policy
18 Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to
19 the preparation of any report pursuant to section 102 or
20 103 of this Act.

21 **TITLE II—NEW AREA**
22 **ESTABLISHMENT**

23 **SEC. 201. STUDY OF NEW PARK SYSTEM AREAS.**

24 Section 8 of the Act of August 18, 1970, entitled “An
25 Act to improve the Administration of the National Park

1 System by the Secretary of the Interior, and to clarify the
2 authorities applicable to the system, and for other pur-
3 poses” (16 U.S.C. 1a-1 and following) is amended as
4 follows:

5 (1) By inserting “GENERAL AUTHORITY.—”
6 after “(a)”.

7 (2) By striking the second through the sixth
8 sentences of subsection (a).

9 (3) By redesignating the last sentence of sub-
10 section (a) as subsection (e) and inserting in such
11 sentence before the words “For the purposes of car-
12 rying” the following: “(e) AUTHORIZATION OF AP-
13 PROPRIATIONS.—”.

14 (4) By striking subsection (b).

15 (5) By inserting the following after subsection
16 (a):

17 “(b) STUDIES OF AREAS FOR POTENTIAL ADDI-
18 TION.—(1) At the beginning of each calendar year, along
19 with the annual budget submission, the Secretary shall
20 submit to the Committee on Natural Resources of the
21 House of Representatives and to the Committee on En-
22 ergy and Natural Resources of the United States Senate
23 a list of areas recommended for study for potential inclu-
24 sion in the National Park System.

1 “(2) In developing the list to be submitted under this
2 subsection, the Secretary shall give consideration to those
3 areas that have the greatest potential to meet the estab-
4 lished criteria of national significance, suitability, and fea-
5 sibility. The Secretary shall give special consideration to
6 themes, sites, and resources not already adequately rep-
7 resented in the National Park System as identified in the
8 National Park System Plan to be developed under section
9 101 of the National Park System Reform Act of 1994.
10 No study of the potential of an area for inclusion in the
11 National Park System may be initiated after the date of
12 enactment of this section, except as provided by specific
13 authorization of an Act of Congress. Nothing in this Act
14 shall limit the authority of the National Park Service to
15 conduct preliminary resource assessments, gather data on
16 potential study areas, provide technical and planning as-
17 sistance, prepare or process nominations for administra-
18 tive designations, update previous studies, or complete re-
19 connaissance surveys of individual areas requiring a total
20 expenditure of less than \$25,000. Nothing in this section
21 shall be construed to apply to or to affect or alter the
22 study of any river segment for potential addition to the
23 national wild and scenic rivers system or to apply to or
24 to affect or alter the study of any trail for potential addi-
25 tion to the national trails system.

1 “(c) REPORT.—The Secretary shall complete the
2 study for each area for potential inclusion into the Na-
3 tional Park System within 3 complete fiscal years follow-
4 ing the date of enactment of specific legislation providing
5 for the study of such area. Each study under this section
6 shall be prepared with appropriate opportunity for public
7 involvement, including at least one public meeting in the
8 vicinity of the area under study, and reasonable efforts
9 to notify potentially affected landowners and State and
10 local governments. In conducting the study, the Secretary
11 shall consider whether the area under study—

12 “(1) possesses nationally significant natural or
13 cultural resources, or outstanding recreational op-
14 portunities, and that it represents one of the most
15 important examples of a particular resource type in
16 the country; and

17 “(2) is a suitable and feasible addition to the
18 system.

19 Each study shall consider the following factors with regard
20 to the area being studied: the rarity and integrity of the
21 resources, the threats to those resources, whether similar
22 resources are already protected in the National Park Sys-
23 tem or in other Federal, state or private ownership, the
24 public use potential, the interpretive and educational po-
25 tential, costs associated with acquisition, development and

1 operation, the socioeconomic impacts of any designation,
2 the level of local and general public support and whether
3 the unit is of appropriate configuration to ensure long-
4 term resource protection and visitor use. Each such study
5 shall also consider whether direct National Park Service
6 management or alternative protection by other agencies or
7 the private sector is appropriate for the area. Each such
8 study shall identify what alternative or combination of al-
9 ternatives would in the professional judgment of the Di-
10 rector of the National Park Service, be most effective and
11 efficient in protecting significant resources and providing
12 for public enjoyment. Each study shall be completed in
13 compliance with the National Environmental Policy Act
14 of 1969. The letter transmitting each completed study to
15 Congress shall contain a recommendation regarding the
16 Administration's preferred management option for the
17 area.

18 “(d) LIST OF AREAS.—At the beginning of each cal-
19 endar year, along with the annual budget submission, the
20 Secretary shall submit to the Committee on Natural Re-
21 sources of the House of Representatives and to the Com-
22 mittee on Energy and Natural Resources of the United
23 States Senate a list of areas which have been previously
24 studied which contain primarily cultural or historical re-
25 sources and a list of areas which have been previously

1 studied which contain primarily natural resources in nu-
2 merical order of priority for addition to the National Park
3 System. In developing the list, the Secretary should con-
4 sider threats to resource values, cost escalation factors and
5 other factors listed in subsection (c) of this section.”.

