

Calendar No. 302

104TH CONGRESS }
1st Session }

SENATE

{ REPORT
104-198

GRAND LAKE CEMETERY

DECEMBER 22, 1995.—Ordered to be printed

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

REPORT

[To accompany S. 509]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 509) to authorize the Secretary of the Interior to enter into an appropriate form of agreement with the town of Grand Lake, Colorado, authorizing the town to maintain permanently a cemetery in the Rocky Mountain National Park, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 509 is to authorize an agreement between the Secretary of the Interior and the Town of Grand Lake, Colorado, to authorize the town to maintain permanently a cemetery in Rocky Mountain National Park.

BACKGROUND AND NEED

When Rocky Mountain National Park was established in 1915, certain lands were withdrawn from the Arapaho National Forest. Included with these lands now within the park boundary is Grand Lake Cemetery. This cemetery has been in use since 1892. In 1905, a Homestead application was submitted to the General Land Office for a tract of land that included the cemetery but the application was canceled in 1913 and never acted upon.

There is no statutory authority conferring an explicit authorization for the cemetery's continued use and existence. Implied use has evolved from the date of the park's establishment to the present. The Bureau of Reclamation transferred twelve graves to the Grand Lake Cemetery as part of the Colorado-Big Thompson

trans-mountain water diversion project in 1944 and the park has acknowledged this use through a series of agreements and special use permits over the years. However, a strict interpretation of National Park Service guidelines on special park uses states that a special use permit must not be granted unless the authority for allowing the action can be cited.

The residents of Grand Lake maintain strong emotional and personal attachments to the cemetery and are concerned about its continued existence. The community has expressed a willingness to assume responsibility for permanent management of the cemetery. The current permit is due to expire in 1996. All parties have agreed that a more permanent solution is necessary in order to meet park resource preservation requirements and community needs. The provisions in S. 509 represent the work of the National Park Service and Grand Lake representatives to permanently resolve the issue.

If enacted, S. 509 would direct the Secretary of the Interior to enter into an agreement with the town of Grand Lake authorizing the town to maintain the cemetery on a permanent basis. It also establishes the boundaries of the cemetery, which will be slightly expanded to encompass a total of approximately 5 acres. Title to the cemetery will not be conveyed to the town of Grand Lake, but will remain with the National Park Service.

LEGISLATIVE HISTORY

S. 509 was introduced by Senators Campbell and Brown on March 2, 1995. The Subcommittee on Parks, Historic Preservation, and Recreation held a hearing on S. 509 on November 9, 1995.

At the business meeting on December 6, 1995, the Committee on Energy and Natural Resources ordered S. 509 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on December 6, 1995, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 509 without amendment.

SUMMARY OF S. 509

Subsection 1(a) directs the Secretary of the Interior (the "Secretary"), within 6 months of enactment of this Act, to enter into an agreement with the town of Grand Lake to authorize the town to maintain permanently a cemetery within the boundary of Rocky Mountain National Park.

Subsection (b) states that the cemetery shall be approximately 5 acres in size and provides a map reference.

Subsection (c) directs the Secretary to make the map available for public inspection.

Subsection (d) states that the cemetery shall not be extended beyond the boundaries shown on the map described in subsection (b).

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 12, 1995.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 509, a bill to authorize the Secretary of the Interior to enter into an appropriate form of agreement with the town of Grand Lake, Colorado, authorizing the town to maintain permanently a cemetery in the Rocky Mountain National Park. S. 509 was ordered reported by the Senate Committee on Energy and Natural Resources on December 6, 1995. CBO estimates that implementing the bill would have no significant impact on the budgets of federal, state, or local agencies. Enacting S. 509 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 509 would direct the Secretary of the Interior to execute (within six months of the bill's enactment) an agreement authorizing the town of Grand Lake, Colorado to maintain permanently a five-acre cemetery within the boundaries of Rocky Mountain National Park.

At present, the Grand Lake Cemetery is operated and maintained by the town under a special use permit issued by the National Park Service (NPS), which is scheduled to expire in 1996. Once an agreement is executed pursuant to S. 509, Grand Lake would continue to maintain the cemetery and would also assume responsibility for maintenance of certain roads within the site, an activity that currently costs the NPS less than \$5,000 annually.

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

Sincerely,

JUNE E. O'NEILL, *Director.*

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. 509. 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. 509, as ordered reported.

EXECUTIVE COMMUNICATIONS

The Committee on Energy and Natural Resources has requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 509. These reports had not been received at the time of the report on S. 509 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testi-

mony provided by the Department of the Interior at the November 9, 1995 hearing follows:

TESTIMONY OF DENIS P. GALVIN, ASSOCIATE DIRECTOR FOR
PROFESSIONAL SERVICE, NATIONAL PARK SERVICE, DE-
PARTMENT OF THE INTERIOR

Mr. Chairman, it is a pleasure to be here today to discuss several bills that will benefit Rocky Mountain National Park and Walnut Canyon National Monument. I also am pleased to be here to testify on a bill that would create the New Bedford Whaling National Historical Park in New Bedford, Massachusetts.

The Administration supports S. 364, S. 509, S231, H.R. 562, and S. 608. Although we believe that S. 342 may have merit, we prefer this legislation be deferred until further study has been completed.

I will address each bill separately beginning with the three bills affecting Rocky Mountain National Park.

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S. 509, ROCKY MOUNTAIN NATIONAL PARK GRAND LAKE
CEMETERY ACT

The National Park Service strongly supports this bill. This bill would address a need that Rocky Mountain National Park and citizens of Grand Lake, Colorado, have been working on for more than forty years. During the last two years, officials of the NPS and Grand Lake and local citizens have negotiated in good faith to resolve this issue and all parties are supporting S. 509.

This bill would allow the National Park Service to enter into an agreement with the Town of Grand Lake to authorize the continued use of an existing cemetery that is located within the boundary of the park, on lands zoned by Grand County for such use.

The Grand Lake cemetery has been in existence since 1892. It predates the establishment of Rock Mountain National Park in 1915. The current cemetery contains 4.24 acres, and its continued use has been authorized by Special Use Permit. The current Special Use Permit will expire in 1996. In order to avoid future uncertainty and time-consuming negotiations, park staff and local officials are anxious to achieve a permanent solution to this matter.

A draft agreement between the NPS and local officials would stipulate that the maximum size of the cemetery will be approximately 5 acres. The park will agree to allow the cemetery to expand slightly within the existing loop road in return for less land available for burials outside the road.

The permit also would contain provisions that would be designed to protect natural resources and the visitor experience within the park, and will transfer the responsibility for on-going maintenance of the cemetery and the access

road to the Town of Grand Lake. The land will continue to be the property of the United States, and the agreement will only grant the authorization for cemetery use and access.

Benefits to Rocky Mountain National Park include reduced maintenance costs, final resolution to this sensitive issue, continued cooperation and goodwill with the community of Grand Lake, and recognition of the cemetery's historic and emotional significance to area residents.

The primary benefits to the Town of Grand Lake include a certain future for the cemetery, a substantial cost saving for land, and final resolution of a vexing concern.

The agreement also would require the Town of Grand Lake to acquire a second cemetery outside the boundaries of Rocky Mountain National Park within ten years to preclude enlargement of the existing cemetery beyond the boundaries of the agreement. The establishment of a second cemetery will protect the resources of Rocky Mountain National Park.

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CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act S. 509, as ordered reported.

