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SENATE

{ REPORT
{ 104-203

THE FALL RIVER VISITOR CENTER ACT OF 1995

JANUARY 5 (legislative day, JANUARY 3), 1996.—Ordered to be printed

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

REPORT

[To accompany H.R. 629]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 629) to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado, having considered the same, reports favorably thereon with an amendment and recommends that the Act, 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. EXPENDITURE OF FUNDS OUTSIDE AUTHORIZED BOUNDARY OF ROCKY MOUNTAIN NATIONAL PARK.

VISITOR CENTER.—The Secretary of the Interior is authorized to collect and expend donated funds and expend appropriated funds for the operation and maintenance of a visitor center to be constructed for visitors to and administration of Rocky Mountain National Park with private funds on lands located outside the boundary of the park.

PURPOSE OF THE MEASURE

The purpose of H.R. 629 is to authorize the National Park Service at Rocky Mountain National Park in Colorado to expend appropriated and donated funds to participate in operating and maintaining a visitor center near the park.

BACKGROUND AND NEED

Rocky Mountain National Park is the number one tourist attraction in the State of Colorado, with an annual visitation of almost three million people. Nearly one million visitors enter the park via

the Fall River entrance each year. Use of this entrance has greatly increased due to changing traffic patterns in the town of Estes Park located adjacent to the park. However, virtually no developed facilities exist to serve the visitors at this entrance. As a result, many visitors travel the entire distance through the park without the benefit of basic information regarding the park and its resources.

The need for a visitor center was recognized in the 1988 Fall River Entrance Development Concept Plan, however little progress was made until 1993, when a private landowner with property adjacent to the park boundary approached the National Park Service with a proposal. H.W. Stewart, Inc. offered to build and maintain a visitor center on private property located just outside the Fall River entrance. In conjunction with the visitor center building, commercial buildings and uses would also be developed on the site under the H.W. Stewart proposal. National Park Service (NPS) staff completed a Conceptual Planning Document for the project to aid in future planning on behalf of the Park Service. A building of approximately 5,000 square feet was identified in the planning effort as appropriate.

H.R. 629, would allow a partnership to be formed between the National Park Service, the Shirley S. Scrogin Charitable Trust, H.W. Stewart, Inc. and the Rocky Mountain National Park Associates. The Scrogin Trust would provide \$1.25 million toward construction and an endowment for continued maintenance and operation of the visitor center. H.W. Stewart, Inc. would provide the property and operate a restaurant, gift shop, lodge, and stable on its adjacent lands. The Rocky Mountain National Park Associates is a non-profit group which has raised \$65,000 toward the furnishing and educational exhibits which are estimated to cost \$275,000. Annual operating costs of the visitor center envisioned under the proposal are estimated to be \$100,000. The Scrogin Trust has pledged approximately \$30,000 per year with the balance to be funded from the Park Service's operational budget.

LEGISLATIVE HISTORY

H.R. 629, introduced in the House by Congressman Allard, passed the House of Representatives by voice vote on October 17, 1995. Senator Brown introduced companion legislation, S. 364, on February 7, 1995. The Subcommittee on Parks, Historic Preservation, and Recreation held a hearing on H.R. 629 and S. 364 on November 9, 1995.

Similar legislation, S. 1250, was introduced by Senators Brown and Campbell during the 103rd Congress. S. 1250 was referred to the Committee, but no further action was taken in the Senate.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on December 21, 1995, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 629, if amended as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS

NAYS

Mr. Murkowski
 Mr. Hatfield
 Mr. Domenici
 Mr. Nickels ¹
 Mr. Craig
 Mr. Campbell
 Mr. Thomas
 Mr. Kyl
 Mr. Grams
 Mr. Jeffords ¹
 Mr. Burns
 Mr. Johnston ¹
 Mr. Bumpers
 Mr. Ford ¹
 Mr. Bradley ¹
 Mr. Bingaman ¹
 Mr. Akaka
 Mr. Wellstone ¹
 Mr. Heflin ¹
 Mr. Dorgan ¹

¹ Indicates voted by proxy.

COMMITTEE AMENDMENT

During the consideration of H.R. 629, the Committee adopted an amendment in the nature of a substitute. The amendment removes language identifying the parcel of land on which the Fall River visitor center was to be constructed under the original bill. The Committee intends that the Secretary of the Interior allow interested parties to respond to a prospectus for a visitor center to be constructed with private funds, on private lands outside the boundary of Rocky Mountain National Park.

SUMMARY OF H.R. 629

H.R. 629 authorizes the Secretary of the Interior to collect and expend donated funds and expend appropriated funds to operate and maintain a visitor center to be constructed with private funds on private lands outside the boundary of Rocky Mountain National Park.

COST AND BUDGETARY CONSIDERATIONS

The Committee on Energy and Natural Resources has requested the estimate of costs from the Congressional Budget Office. This estimate has not been received at the time the report on H.R. 629 was filed. When this report becomes available, the Chairman will request that it be printed in the Congressional Record for the advice of the Senate.

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. 629. The bill is not a regulatory measure in the sense of im-

posing 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 H.R. 629, 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 H.R. 629. These reports had not been received at the time the report on H.R. 629 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 testimony provided by the Department of the Interior at the November 9, 1995 hearing on H.R. 629 and S. 364 follows:

TESTIMONY OF DENIS P. GALVIN, ASSOCIATE DIRECTOR FOR PROFESSIONAL SERVICES, NATIONAL PARK SERVICE, DEPARTMENT 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, S. 231, 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.

ROCKY MOUNTAIN NATIONAL PARK

S. 364 and H.R. 629, the Fall River Visitor Center Act of 1995

The National Park Service supports S. 364. This bill meets needs identified in plans for Rocky Mountain National Park by complementing our efforts to develop facilities outside park boundaries, and to develop partnerships with local economic interests. We previously supported a companion bill, H.R. 629, that passed the House on October 17, 1995.

S. 364, if enacted, would authorize the National Park Service to spend funds on the operation and maintenance of a visitor center facility just outside the boundary of Rocky Mountain National Park, on lands zoned for such use. The land and the visitor center building would be held by the Shirley S. Scrogin Trust created for this specific purpose. The National Park Service would enter into agreements to operate and maintain the visitor center, as-

sisted by the friends group and cooperating association for Rocky Mountain National Park.

In order to fulfill its mission, the park needs to provide appropriate facilities where park staff and volunteers can offer orientation, interpretation of the park's resources, and important park safety information to visitors. This proposal will accomplish these needs using a combination of public and private resources.

Rocky Mountain National Park is the number one tourist attraction in the state of Colorado, with an annual visitation of about 3 million. Records show total visitation has increased approximately 2 percent annually over the last ten years, with steady increases for each of the last five years. Approximately 1 million visitors enter the park via the Fall River entrance each year—almost equal to the number of visitors entering at what has been considered the park's main entrance at Beaver Meadows. In the fall the number of visitors increases at Fall River, primarily for wildlife viewing opportunities in this section of the park.

Currently no facilities are available at the Fall River entrance to meet basic visitor needs and no orientation is provided about park resources and its environment. As a result, many visitors travel through the park without benefit of information related to important park resources and public use, or safety.

The proposed operation would be a combined effort of the National Park Service; the Rocky Mountain National Park Associates, the park's friends group; Rocky Mountain Nature Association, the park's cooperating association; H.W. Stewart, Inc., a private corporation and owner of the land for the proposed commercial development; and the Shirley S. Scrogin Charitable Trust, a 501(c)3, tax-exempt, irrevocable charitable trust. The responsibilities of the partners include construction, operation, and maintenance of the visitor center.

The park's major role will be to operate and fund a portion of the maintenance of the visitor center. The park will also provide technical assistance and review of the construction of the visitor center and other facilities built on the site.

The Shirley S. Scrogin Trust will fund the planning, design, and construction of the visitor center estimated to cost approximately \$1 million. The Trust will hold the deed to the visitor center property. The surrounding lands will remain under their present ownership. The Rocky Mountain Nature Association will continue its long-standing role of providing a book sales operation and staff support for the center. The Association has also agreed that revenue generated from book sales in the new center will assist in defraying costs associated with the visitor center's operation.

The Rocky Mountain National Park Associates will enter into a twenty-year lease with the Shirley S. Scrogin Trust.

Rocky Mountain National Park will then coordinate with the Associates on the operation of the center. The lease can be terminated should the National Park Service determine that the uses and operations taking place on the surrounding property are no longer compatible with the mission and goals of Rocky Mountain National Park. The Associates have also assumed the financial expenses for exhibit planning, design and construction.

Benefits to Rocky Mountain National Park include increased visitor awareness. Participation in this project would eliminate the need to develop such facilities inside the boundary of the park, which could have a negative impact on both natural and cultural resources. A partnership to develop the visitor center outside the park would eliminate the need for federal construction dollars, protect valuable resources, and at the same time preclude possible incompatible development along a portion of the park boundary.

We estimate that the full-time operation of this facility, seven days a week, between May and October and on certain weekends and holidays during other months will cost about \$61,000 per year. The park intends to use existing staff and operational funds to operate the center. Additional funds will come from the Rocky Mountain Nature Association. However, we do not know at this time what the exact NPS share will be until the Nature Association is able to establish its level of annual contribution toward operational costs. These details will be the subject of a formal agreement before construction begins.

The current status of this proposal locally is that both the Larimer County Planning Commission and the Larimer County Commissioners have approved the project. The developer will begin construction once Congress has provided NPS with the authority to operate the center.

This proposal should not adversely affect existing concessions operations in the park. Concessions would be enhanced by the operation of a visitor facility at this entrance. Visitors will be made aware of the a variety of opportunities and facilities, both park and concession-run at the beginning of their visit, instead of travelling through the park without basic information about resources and facilities. The planned development by H.W. Stewart, Inc., replaces facilities that burned in 1992. The only changes would be the addition of the visitor center, more lodging and an overall improvement in the facility design. Certain incompatible uses on nearby lands, such as a petting zoo and miniature train, would be eliminated as part of the formal agreement. In conclusion, this represents an outstanding opportunity for a public/private partnership that saves taxpayers money, preserves park resources, and satisfies a longstanding need to serve nearly 1 million visitors annually.

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 H.R. 629, as ordered reported.

