

Calendar No. 297

111TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 111-147

BLUE RIDGE PARKWAY AND TOWN OF BLOWING ROCK LAND EXCHANGE ACT

—————
MARCH 2, 2010.—Ordered to be printed
—————

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

R E P O R T

[To accompany H.R. 1121]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1121) to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

The purpose of H.R. 1121 is to authorize a land exchange between the Blue Ridge Parkway and the Town of Blowing Rock, North Carolina.

BACKGROUND AND NEED

H.R. 1121 authorizes the exchange of approximately 20 acres of land within the Blue Ridge Parkway, containing the Blowing Rock Reservoir, for approximately 192 acres of nearby land owned by the Town of Blowing Rock, North Carolina.

The land containing the Blowing Rock Reservoir was bequeathed to the Federal Government in 1908 upon the death of prominent local resident Moses Cone, but was held in trust until its actual donation in 1949. In the intervening years, the Town was allowed to remove water from a stream on the property and pipe it to the Town's water system. The National Park Service issued the Town a Special Use Permit to construct a dam on the stream in 1955, creating a small reservoir.

Both parties agree that the best long-term resolution would be to transfer the reservoir and its management to the Town, in exchange for other lands which support the mission and purposes of the Parkway.

The approximately 192-acre parcel to be acquired by the Park Service is undeveloped land owned by the Town. It is a desirable addition to the Parkway because it will provide a buffer from adjacent developed areas. It will also protect scenic views and enhance recreational opportunities on the Parkway.

LEGISLATIVE HISTORY

H.R. 1121, sponsored by Representative Foxx, passed the House of Representatives on July 27, 2009, by a vote of 377–0. Companion legislation, S. 1767, was introduced on October 8, 2009, by Senators Burr and Hagan. The Subcommittee on National Parks held a hearing on S. 1767 and H.R. 1121 on November 4 (S. Hrg. 111–92). At its business meeting on December 16, 2009, the Committee on Energy and Natural Resources ordered H.R. 1121 favorably reported without amendment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on December 16, 2009, by a voice vote of a quorum present, recommends that the Senate pass H.R. 1121.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the “Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009”.

Section 2 defines key terms used in the bill.

Section 3(a) authorizes the Secretary of the Interior to exchange approximately 20 acres of land within the boundaries of the Blue Ridge Parkway for approximately 192 acres of land owned by the Town of Blowing Rock, North Carolina, as depicted on the referenced map.

Subsection (b) requires that the map be on file and available for public inspection in the appropriate offices of the National Park Service.

Subsection (c) directs the Secretary to seek to complete the exchange within three years after the date of enactment of this Act.

Subsection (d) provides that all laws, regulations, and policies regarding exchanges of land administered by the National Park Service shall apply, including those involving appraisals, equalization of values, and environmental compliance. The Secretary is also authorized to set other terms and conditions as the Secretary considers appropriate.

Subsection (e) states that if the lands proposed for exchange are found to be not equal in value, the values may be equalized by adjusting the acreage amounts listed in subsection (a).

Subsection (f) directs the Secretary, upon completion of the exchange, to adjust the boundary of the Blue Ridge Parkway to reflect the exchanged lands.

Subsection (g) provides that lands acquired by the Secretary through the exchange shall be administered as part of the Parkway in accordance with all applicable laws and regulations.

Subsection (h) states that if the Town later desires to dispose of the reservoir property that is the subject of the exchange, the Secretary shall have the right of first refusal to acquire the property for inclusion in the Parkway.

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 1121—Blue Ridge Parkway and Town of Blowing Rock

Land Exchange Act of 2009

H.R. 1121 would authorize the exchange of about 20 acres of federal land within the boundaries of the Blue Ridge Parkway in exchange for 192 acres of property owned by the town of Blowing Rock, North Carolina. Based on information provided by the National Park Service, which administers the parkway, CBO estimates that implementing H.R. 1121 would have no significant effect on discretionary spending and no effect on revenues or direct spending. We expect that the acreage to be added to the parkway (probably within the next three years) would remain open space.

The bill 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 July 21, 2009, CBO transmitted a cost estimate for H.R. 1121, as ordered reported by the House Committee on Natural Resources on July 9, 2009. The two versions of the legislation are similar, and our cost estimates are the same.

The CBO staff contacts for this estimate are Deborah Reis and Daniel Hoople. The estimate was approved by Theresa Gullo, 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. 1121.

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 H.R. 1121, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 1121, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the November 4, 2009, Subcommittee hearing on H.R. 1121 follows:

STATEMENT OF KATHERINE H. STEVENSON, ASSISTANT DIRECTOR FOR BUSINESS SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 1767 and H.R. 1121, bills to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes.

The Department supports this legislation. S. 1767 and H.R. 1121, which are identical in substance, would authorize the Secretary of the Interior to exchange approximately 20 acres of land at the Moses H. Cone Memorial Park, a popular recreational area located within the boundary of the Blue Ridge Parkway, for approximately 192 acres of land owned by the Town of Blowing Rock (Town). This proposed exchange would be mutually beneficial to the National Park Service (NPS) and the Town.

In 1949, the Moses Cone Hospital Trust deeded the 3,500-acre Moses H. Cone Memorial Park to the Blue Ridge Parkway. This property had been held in trust by the hospital from 1911 until 1949 under a deed from Bertha Cone, the property's owner. During that period, Mrs. Cone gave permission to the Town of Blowing Rock to install a pipeline from the Town to a creek on the property. In 1955, the NPS issued a permit to the Town allowing them to dam the creek to form a reservoir, which continues to be used by the Town as its primary source of drinking water.

The Town and NPS officials at the Blue Ridge Parkway have long been in agreement that it would be better for the Town to own and manage their municipal water supply, rather than accessing it through the NPS permitting process. Several years ago, NPS and the Town sought to initiate an administrative land exchange. In November 2003, the Town purchased a 192-acre tract of land adjacent to the Cone Memorial Park in anticipation of exchanging this land for approximately 20 acres of land within the Cone Memorial Park that would include the reservoir and a small amount of land that the Town could flood in order to increase the size of the reservoir. The proposed exchange would give the Town an unencumbered water supply and the potential for some expansion of capacity, while the NPS would receive a 192-acre buffer tract that would provide recreational opportunities and preservation and protection of resources at the Blue Ridge Parkway.

We believe that this exchange, which has been underway for several years, would be facilitated and hastened through passage of S. 1767 or H.R. 1121, authorizing bills that establish clear expectations for both the Town and the NPS regarding the exchange process.

When the House Resources Committee considered H.R. 1121 on July 9, 2009, the committee adopted amendments recommended by the Department to allow the acreage

amounts in the bill to be adjusted to equalize land values and to provide a three-year time frame for the exchange. H.R. 1121, as amended, passed the House on July 27, 2009. The changes made to the H.R. 1121 are reflected in S. 1767.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions that you may have.

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 H.R. 1121 as ordered reported.

