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SAINT FRANCIS DAM DISASTER NATIONAL MEMORIAL ACT

NOVEMBER 14, 2018.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 2156]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (H.R. 2156) to provide for the establishment of a national memorial and national monument to commemorate those killed by the collapse of the Saint Francis Dam on March 12, 1928, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute, and recommends 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 "Saint Francis Dam Disaster National Memorial Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) MEMORIAL.—The term "Memorial" means the Saint Francis Dam Disaster National Memorial authorized under section 3(a).

(2) MONUMENT.—The term "Monument" means the Saint Francis Dam Disaster National Monument established by section 5(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(4) STATE.—The term "State" means the State of California.

SEC. 3. SAINT FRANCIS DAM DISASTER NATIONAL MEMORIAL.

(a) ESTABLISHMENT.—The Secretary may establish a memorial at the Saint Francis Dam site in the county of Los Angeles, California, for the purpose of honoring the victims of the Saint Francis Dam disaster of March 12, 1928.

(b) REQUIREMENTS.—The Memorial shall be—

(1) known as the "Saint Francis Dam Disaster National Memorial"; and

(2) managed by the Forest Service.

(c) DONATIONS.—The Secretary may accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Secretary for purposes of developing, designing, constructing, and managing the Memorial.

SEC. 4. RECOMMENDATIONS FOR MEMORIAL.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress recommendations regarding—

(1) the planning, design, construction, and long-term management of the Memorial;

(2) the proposed boundaries of the Memorial;

(3) a visitor center and educational facilities at the Memorial; and

(4) ensuring public access to the Memorial.

(b) CONSULTATION.—In preparing the recommendations required under subsection (a), the Secretary shall consult with—

(1) appropriate Federal agencies;

(2) State, Tribal, and local governments, including the Santa Clarita City Council; and

(3) the public.

SEC. 5. ESTABLISHMENT OF SAINT FRANCIS DAM DISASTER NATIONAL MONUMENT.

(a) ESTABLISHMENT.—There is established as a national monument in the State certain National Forest System land administered by the Secretary in the county of Los Angeles, California, comprising approximately 353 acres, as generally depicted on the map entitled "Proposed Saint Francis Dam Disaster National Monument" and dated September 12, 2018, to be known as the "Saint Francis Dam Disaster National Monument".

(b) PURPOSE.—The purpose of the Monument is to conserve and enhance for the benefit and enjoyment of the public the cultural, archaeological, historical, watershed, educational, and recreational resources and values of the Monument.

SEC. 6. DUTIES OF THE SECRETARY WITH RESPECT TO MONUMENT.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary shall develop a management plan for the Monument.

(2) CONSULTATION.—The management plan shall be developed in consultation with—

(A) appropriate Federal agencies;

(B) State, Tribal, and local governments; and

(C) the public.

(3) CONSIDERATIONS.—In developing and implementing the management plan, the Secretary shall, with respect to methods of protecting and providing access to the Monument, consider the recommendations of the Saint Francis Disaster National Memorial Foundation, the Santa Clarita Valley Historical Society, and the Community Hiking Club of Santa Clarita.

(b) MANAGEMENT.—The Secretary shall manage the Monument—

(1) in a manner that conserves and enhances the cultural and historic resources of the Monument; and

(2) in accordance with—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the laws generally applicable to the National Forest System;

(C) this Act; and

(D) any other applicable laws.

(c) USES.—

(1) USE OF MOTORIZED VEHICLES.—The use of motorized vehicles within the Monument may be permitted only—

(A) on roads designated for use by motorized vehicles in the management plan required under subsection (a);

(B) for administrative purposes; or

(C) for emergency responses.

(2) GRAZING.—The Secretary shall permit grazing within the Monument, where established before the date of enactment of this Act—

(A) subject to all applicable laws (including regulations and Executive orders); and

(B) consistent with the purpose described in section 5(b).

SEC. 7. CLARIFICATION ON FUNDING.

(a) USE OF EXISTING FUNDS.—This Act shall be carried out using amounts otherwise made available to the Secretary.

(b) NO ADDITIONAL FUNDS.—No additional funds are authorized to be appropriated to carry out this Act.

PURPOSE

The purpose of H.R. 2156 is to provide for the establishment of a national memorial and national monument to commemorate those killed by the collapse of the Saint Francis Dam on March 12, 1928.

BACKGROUND AND NEED

In terms of loss of life, the collapse of the Saint Francis Dam is reported to be the second-greatest disaster in California history. The Saint Francis Dam burst just minutes before midnight on March 12, 1928, filling the San Francisquito Canyon in southern California with 12.6 billion gallons of water. It is now estimated that 400 to 600 people lost their lives when the dam burst, along with the loss of thousands of livestock and twelve hundred homes.

The dam's failure just two years after its completion is widely considered one of the worst civil engineering failures of the 20th century. The multiple government inquests following the Saint Francis tragedy generated recommendations for dam construction that continue to make the lives of millions of Americans living around dams safer. Over the passing decades, the victims of one of the worst engineering disasters in American history have been largely forgotten. Today, the site of the dam collapse is mostly rubble, and the affected areas are often subject to vandalism.

H.R. 2156 recognizes the devastation and impact the dam collapse has had on the residents of northern Los Angeles County by authorizing a National Memorial to honor and remember the victims of the Saint Francis Dam disaster and establishing a Saint Francis Dam Disaster National Monument within the Angeles National Forest.

In addition to the establishment of the Memorial and Monument, H.R. 2156 includes recommendations for the planning, design, construction, and long-term management of the Memorial, as well as proposed boundaries, a visitor's center and educational facilities, and enhanced public access. H.R. 2156 also clarifies appropriate uses of motorized vehicles on the Monument area, as well as permitted grazing.

LEGISLATIVE HISTORY

H.R. 2156 was introduced in the House of Representatives by Representative Knight on April 26, 2017. The Natural Resources Committee reported H.R. 2156 on July 11, 2017 (H. Rept. 115–210). H.R. 2156 passed the House of Representatives by voice vote on July 11, 2017.

Companion legislation, S. 1926, was introduced by Senators Harris and Feinstein on October 5, 2017.

The Subcommittee on National Parks held a hearing on H.R. 2156 and S. 1926 on August 15, 2018.

In the 114th Congress, Representative Knight introduced similar legislation, H.R. 5244, in the House of Representatives. H.R. 5244 was reported by the Natural Resources Committee (H. Rept. 114–650) on July 1, 2016, and passed the House of Representatives by voice vote on July 5, 2016.

The Committee on Energy and Natural Resources met in open business session on October 2, 2018, and ordered H.R. 2156 favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on October 2, 2018, by a majority voice vote of a quorum present, recommends that the Senate pass H.R. 2156, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of H.R. 2156, the Committee adopted an amendment in the nature of a substitute. The substitute amendment deleted the findings in section 2 and moved the definitions from section 8 to the new section 2. The substitute amendment also updated the map.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 contains the short title.

Section 2. Definitions

Section 2 contains key definitions.

Section 3. Saint Francis Dam Disaster National Memorial

Subsection (a) authorizes the Secretary of Agriculture (Secretary) to establish a Memorial at the Saint Francis Dam site in Los Angeles County, California, in honor of the victims of the March 12, 1928 disaster.

Subsection (b) requires the Memorial to be known as the "Saint Francis Dam Disaster National Memorial" and managed by the U.S. Forest Service.

Subsection (c) authorizes the Secretary to accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Secretary for purposes of developing, designing, constructing, and managing the Memorial.

Section 4. Recommendations for Memorial

Subsection (a) requires the Secretary, within three years of enactment, to submit to Congress recommendations regarding the Memorial's planning, design, construction, and long-term management; the proposed boundaries; a visitor center and educational facilities; and ensuring public access.

Subsection (b) requires the Secretary to consult with appropriate Federal agencies; State, Tribal, and local governments, including the Santa Clarita City Council; and the public in preparing the recommendations required under subsection (a).

Section 5. Establishment of Saint Francis Dam Disaster National Monument

Subsection (a) establishes a national monument on approximately 353 acres of National Forest System land administered by the Secretary in Los Angeles County, California, as generally depicted on the September 12, 2018 map entitled "Proposed Saint

Francis Dam Disaster National Monument." The national monument is to be known as the "Saint Francis Dam Disaster National Monument."

Subsection (b) states that the purpose of the Monument is to conserve and enhance for the benefit and enjoyment of the public the Monument's cultural, archaeological, historical, watershed, educational, and recreational resources and values.

Section 6. Duties of the Secretary with respect to Monument

Subsection (a) requires the Secretary to develop a management plan within four years of the Act's enactment. The management plan must be developed in consultation with appropriate Federal agencies; State, Tribal, and local governments; and the public. In developing and implementing the management plan, the Secretary is directed to consider the recommendations of the Saint Francis Disaster National Memorial Foundation, the Santa Clarita Valley Historical Society, and the Community Hiking Club of Santa Clarita regarding methods to protect and provide access to the Monument.

Subsection (b) directs the Secretary to manage the Monument in a manner that conserves and enhances its cultural and historic resources in accordance with applicable law.

Subsection (c) provides for the use of motorized vehicles within the Monument only on roads designated for use by motorized vehicles in the management plan, for administrative purposes, or for emergency purposes. The Secretary is further directed to permit grazing within the Monument, where such use has been established before the Act's enactment, subject to all applicable laws (including regulations and Executive Orders) and consistent with the Monument's purpose.

Section 7. Clarification on funding

Section 7 directs the Secretary to use existing funds to carry out this Act and specifies that no additional funds are authorized to be appropriated.

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 2156 would establish a national monument on roughly 350 acres of land administered by the Forest Service. The act also would require the agency to submit recommendations to the Congress for a memorial commemorating the victims of the Saint Francis Dam failure and to complete a management plan for the monument. CBO expects that the construction of the memorial and any other structures and improvements would be funded by donations.

Using information from the Forest Service regarding the amount of staff time required to carry out the activities required under the act, CBO estimates that implementing H.R. 2156 would cost less than $130,000 (the estimated cost of one year's salary and benefits for a mid- to senior-level employee of the Forest Service in Los Angeles County) over the 2019–2023 period; such spending would be subject to the availability of appropriated funds. CBO expects that

any recurring costs associated with managing any improvements at the memorial would be incurred after 2023.

Enacting H.R. 2156 could affect direct spending by increasing donations, which are treated as reductions in direct spending, and the subsequent spending of those funds to construct a memorial; therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effect on direct spending would be negligible. Enacting the legislation would not affect revenues.

CBO estimates that enacting H.R. 2156 would not increase net direct spending or on budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 2156 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On July 6, 2017, CBO transmitted a cost estimate for H.R. 2156, the Saint Francis Dam Disaster National Memorial Act, as ordered reported by the House Committee on Natural Resources on June 27, 2017. The two versions of the legislation are similar, and CBO's estimates of their budgetary effects are the same.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, 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. 2156. The Act 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. 2156 as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 2156, as ordered 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 Department of the Interior at the August 15, 2018, hearing on S. 1926 and H.R. 2156 follows:

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 1926 and H.R. 2156, bills to establish a national memorial and national monument to commemorate those killed by the collapse of the Saint Francis Dam on March 12, 1928, and for other purposes.

The Department of the Interior defers to the Department of Agriculture for a position on S. 1926 and H.R. 2156 since the purpose of the legislation is to establish a national monument and a national memorial in the Angeles National Forest, administered by the U.S. Forest Service in Los Angeles County. Both the national monument and the national memorial would be located at a site that is not under the jurisdiction of the Department of the Interior, and this bill does not provide for any management or funding by the National Park Service.

The Saint Francis Dam was one of several large infrastructure projects constructed in the early 20th century to help control water flow to southern California. On March 12, 1928, the dam breached, and the resulting flood took more than 400 lives. The collapse of this dam is considered one of the worst civil engineering failures in the 20th century. S. 1926 and H.R. 2156 authorize the Secretary of Agriculture to establish the memorial to honor the disaster victims. The bills also authorize the creation of a 440-acre Saint Francis Dam Disaster National Monument that will encompass the site of the Saint Francis Dam National Memorial.

The National Park Service has management responsibility for a large number national memorials and national monuments, and the public often associates both types of designated sites with the National Park Service. In this case, however, the national monument and the national memorial would be located deep within the Angeles National Forest and would fall within the responsibility of the Forest Service.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

The testimony provided by the U.S. Department of Agriculture at the August 15, 2018, hearing on S. 1926 and H.R. 2156 follows:

STATEMENT FOR THE RECORD CONCERNING S. 1926—SAINT FRANCIS DAM DISASTER NATIONAL MEMORIAL ACT

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 1926, the Saint Francis Dam Disaster National Memorial Act.

S. 1926 authorizes the Secretary of Agriculture to establish the Saint Francis Dam Disaster Memorial at the Saint Francis Dam site in Los Angeles County, California, for the purpose of honoring the victims of the Saint Francis Dam disaster of March 12, 1928. The Act would establish a National Monument on 353 acres of the Angeles National Forest, as depicted on the map titled "Saint Francis Dam Disaster National Monument—Proposed", dated August 2, 2017. The Memorial would be created for the purposes of conserving and enhancing the cultural, archaeological, historical, watershed, educational and recreational resources of the dam disaster site.

The legislation authorizes the Secretary to accept, hold, administer, invest, and spend any gift, and devise or bequest of real or personal property made to the Secretary for purposes of developing, designing, constructing, and managing the Memorial.

The legislation directs the Secretary to develop recommendations to Congress within three years of enactment regarding the planning, boundaries, design, construction and long-term management of the Memorial, including recommendations regarding a visitor center and educational facilities. The Secretary would develop the recommendations after consulting with appropriate Federal agencies; State, tribal and local governments and the public.

USDA would like to work with the bill sponsor and Subcommittee to reduce administrative costs and burdens to the Forest and Region. These costs would include planning, creating and maintaining a new Memorial, including a visitor center and educational facilities. USDA is supportive of the authority to accept donations for the Memorial under section 3(c) but is concerned that it will not be able to rely solely on donations to plan, design, implement, construct and maintain a new Memorial if supported by external donations.

USDA recommends to the bill sponsor and the subcommittee that the legislative map "Saint Francis Dam Disaster National Monument—Proposed" be revised so that the Monument boundary lines take into consideration existing land uses, management needs, and Forest Plan designations. USDA would suggest limiting activity to meet incoming donations.

Thank you for the opportunity to present our position on S. 1926, the Saint Francis Dam Disaster National Memorial Act.

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. 2156 as ordered reported.

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