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Calendar No. 297

118TH CONGRESS
1st Session

SENATE

REPORT
118–145

BIG BEND NATIONAL PARK BOUNDARY ADJUSTMENT

DECEMBER 20, 2023.—Ordered to be printed

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

R E P O R T

[To accompany S. 1059]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1059) to adjust the boundary of Big Bend National Park in the State of Texas, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 1059 is to adjust the boundary of Big Bend National Park in the State of Texas to include approximately 6,100 acres of land.

BACKGROUND AND NEED

Established as a national park in 1944, Big Bend National Park encompasses over 801,000 acres, the largest protected area of the Chihuahuan Desert in the United States. The park is home to a large variety of biological diversity, including more than 1,200 species of plants, over 450 species of birds, 56 species of reptiles, and 75 species of mammals; archeological sites dating back nearly 10,000 years; historic ranching and mining sites; and significant paleontological and geological resources.

S. 1059 authorizes the Secretary of the Interior to expand the park boundary to acquire approximately 6,100 acres of lands on the west side of the park. The acquisition would include the historic 3,800-acre Fulcher Ranch, which would protect significant fossil

beds, important watershed and riparian habitat associated with Terlingua Creek, and cultural aspects and pioneer homesteads.

LEGISLATIVE HISTORY

Senators Cornyn and Luján introduced S. 1059 on March 29, 2023. The Subcommittee on National Parks held a hearing on S. 1059 on June 21, 2023. Representative Gonzales introduced a companion measure, H.R. 1544, in the House of Representatives on March 10, 2023.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on September 21, 2023, by a voice vote of a quorum present, recommends that the Senate pass S. 1059. Senator Lee asked to be recorded as voting no.

SECTION-BY-SECTION ANALYSIS OR SUMMARY

Section 1. Short title

Section 1 provides the short title, the "Big Bend National Park Boundary Adjustment Act."

Section 2. Definitions

This section defines key terms used in the bill.

Section 3. Big Bend National Park Boundary Adjustment

Subsection (a) authorizes the Secretary of the Interior (Secretary) to acquire approximately 6,100 acres of land or interests in land for inclusion in the Big Bend National Park boundary.

Subsection (b) requires the referenced map depicting the boundary expansion to be on file and available for public inspection in the appropriate offices of the National Park Service.

Subsection (c) provides that following the acquisition of land or interests in land, the Secretary shall update the boundary of the national park and administer the acquired lands of the park in accordance with applicable laws and regulations.

Subsection (d) prohibits the use of eminent domain or condemnation in carrying out this Act.

COST AND BUDGETARY CONSIDERATIONS

The cost estimate provided by the Congressional Budget Office for S. 1059 follows:

S. 1059, Big Bend National Park Boundary Adjustment Act
As ordered reported by the Senate Committee on Energy and Natural Resources on September 21, 2023

By Fiscal Year, Millions of Dollars	2024	2024-2028	2024-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated

Increases *net direct spending* in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases *on-budget deficits* in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

* = between zero and $500,000.

S. 1059 would revise the boundary of the Big Bend National Park in Texas to include an additional 6,100 acres of land. The legislation stipulates that the Department of the Interior acquire the land through donation, purchase, or exchange. S. 1059 specifically prohibits the use of eminent domain (the ability to take private property for public use) or condemnation to acquire the land.

Using information from the National Park Service (NPS) and local landowners, CBO expects the agency would acquire most of the land by donation within the first year following enactment. Using information about similar land management activities, CBO estimates that any costs incurred by the NPS to manage the additional land would be insignificant; that spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

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. 1059. 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. 1059, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1059, 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 of the National Park Service from the Subcommittee on National Parks June 21, 2023, hearing on S. 1059 follows:

STATEMENT OF MICHAEL A. CALDWELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Chairman King, Ranking Member Daines, and members of the Subcommittee, thank you for the opportunity to provide the Department of the Interior's views on S. 1059, a bill to adjust the boundary of Big Bend National Park in the State of Texas, and for other purposes.

The Department supports S. 1059 with an amendment.

S. 1059 would authorize the Secretary of the Interior to acquire lands within an approximately 6,100-acre area along the western boundary of Big Bend National Park through donation, purchase from willing sellers, or exchange. After acquisition, the boundary of the park would be adjusted to include the acquired lands.

Big Bend National Park was established by Congress in 1935 to preserve and protect the largest and most representative area of the Chihuahuan Desert in the United States for the benefit and enjoyment of present and future generations. The park's diverse habitats from the lowlands of the Rio Grande up to the high Chisos Mountains support an extraordinary range of biological resources. The park, which currently encompasses over 800,000 acres, also includes rich geological diversity, with remarkable paleontological resources spanning 130 million years.

The 6,100-acre area that would be authorized to be included in the park by S. 1059, known as the Terlingua Creek/Rattlesnake Mountain area, contains four miles of intact rare desert riparian habitat whose protection is vital to the water quality of the Rio Grande downstream, scientifically significant paleontological resources, and important cultural resources that complement the purpose and mission of Big Bend National Park.

Over half of the lands within the proposed addition area are under contract to be purchased by the Big Bend Conservancy, the park's philanthropic partner. Lands within boundary would be eligible for acquisition for the park if landowners chose to sell or donate them at any point in the future. Support for adding this area to the park is strong in the surrounding community and with local and state government.

While the Department supports S. 1059, we recommend deleting section 3(d), which would prohibit the use of eminent domain or condemnation. Section 3(a) provides the authority to acquire land *only* from "willing sellers", which is sufficient to protect against the use of condemnation, and therefore section 3(d) is unnecessary. We would be pleased to provide a recommended amendment for this purpose.

Chairman King, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee 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 S. 1059 as ordered reported.

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