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BLACKSTONE RIVER VALLEY NATIONAL HISTORICAL PARK

June 27, 2013.--Ordered to be printed

Mr. Wyden, from the Committee on Energy and National Resources,
submitted the following

R E P O R T

[To accompany S. 371]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 371) to establish the Blackstone River Valley National Historical Park, to dedicate the Park to John H. Chafee, 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. 371 is to authorize the Secretary of the Interior to establish the Blackstone River Valley National Historical Park in the States of Rhode Island and Massachusetts as a unit of the National Park System and to dedicate the park to former Senator John H. Chafee.

Background and Need

The Blackstone River Valley National Heritage Corridor (Corridor) was established by Public Law 99-647 in 1986 to preserve and interpret the unique and significant contributions to our national heritage of historic and cultural lands, waterways, and structures within the Blackstone River Valley in the states of Massachusetts and Rhode Island. The Corridor is the origin of America's textile industry and influenced the course of the American industrial revolution. America's transition from agriculture to industry manifested in the Corridor as a long-lasting and significant center of manufacturing that remains intact and visible today. Initially located within 19 municipalities, the Corridor was expanded in 1996 to encompass all or part of 24 communities from Worcester, Massachusetts, to Providence, Rhode Island. The Corridor is now home to nearly 600,000 people, covering 400,000 acres of the Blackstone River Valley. Development of the Corridor has generated numerous local partnerships and provides economic benefits to the associated communities from tourism and recreation.

The Blackstone River Valley National Historical Park would encompass much of the area within the Corridor in both Rhode Island and Massachusetts, including the Blackstone River and its tributaries; the Blackstone Canal; the non-contiguous nationally significant historic districts of Old Slater Mill in Pawtucket; the villages of Slatersville (in North Smithfield) and Ashton (in Cumberland), Rhode Island; and Whitinsville (in Northbridge) and Hopedale in Massachusetts.

In 2011, the National Park Service completed a special resource study which identified the industrial heritage resources of the Blackstone River Valley and determined that the Corridor contained nationally significant resources which were suitable and feasible for inclusion in the National Park

System. It also identified the continued need for partnerships in the management of the resource. The legislation also established the Blackstone River Valley National Heritage Corridor Commission to facilitate the development and implementation of a management plan for the Corridor. The authority for the Commission expires on September 30, 2013.

Legislative History

Senators Reed, Whitehouse, Warren, and Cowan introduced S. 371 on February 14, 2013. The Subcommittee on National Parks held a hearing on S. 371 on April 23, 2013. At its business meeting on May 16, 2013 the Committee ordered S. 371 favorably reported.

In the 112th Congress, Senator Reed introduced similar legislation, S. 1708, on October 13, 2011. The Subcommittee on National Parks held a hearing on S. 1708 on March 7, 2012 (S. Hrg. 112-401).

Committee Recommendation

The Senate Committee on Energy and Natural Resources, in open business session on May 16, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 371.

Senators Barrasso, Risch, Lee, Flake, Scott and Portman asked to be recorded as voting no.

Section-by-Section Analysis

Section 1 provides the short title, the ``Blackstone River Valley National Historical Park Establishment Act''.

Section 2 lists the purposes for which the Blackstone River Valley National Historical Park is established.

Section 3 defines key terms used in the bill.

Section 4(a) establishes the Blackstone River National Historical Park a unit of the National Park System.

Subsection (b) defines the historic sites, districts, and other areas that are included in the Park.

Subsection (c)(1) authorizes the Secretary of the Interior (Secretary) to acquire land or interests in land for inclusion in the park boundary by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

Paragraph (2) directs the Secretary to establish a boundary for the Park upon determining that a sufficient quantity land or interests in land has been acquired to constitute a manageable park unit, and to publish a boundary map in the Federal Register.

Paragraph (3) authorizes the Secretary to include within the boundary of the Park resources that are the subject of an agreement with the States or a subdivision of the States.

Paragraphs (4) and (5) provide that the boundary map shall be adjusted when additional land or interest in land is acquired and that the map be available for public inspection in the appropriate offices of the National Park Service.

Paragraph (6) authorizes the Secretary to acquire not more than 10 acres in Woonsocket, Rhode Island, for the development of facilities for the Park.

Paragraph (7) requires that land owned by the States or a political subdivision of the States be acquired only by donation.

Subsection (d)(1) provides that the Park be managed in accordance with to the laws generally applicable to units of the National Park Service and this section.

Paragraph (2) requires that Secretary prepare a general management plan for the park in consultation with the States and other interested parties and that the plan consider ways to use preexisting or planned visitor facilities and recreational opportunities developed in the National Heritage Corridor.

Paragraph (3) authorizes the Secretary to provide assistance to sites and resources in the National Heritage Corridor that are located outside the boundary of the Park and associated with the purposes for which the Park was established.

Paragraph (4)(A) provides the Secretary with the authority to enter into cooperative agreements with the States, political subdivisions of the States, nonprofit organizations, and other interested parties, except that the Secretary may not provide more than 50 percent of the cost of any natural, historic, or cultural resource protection project in the Park.

Subparagraph (B) requires that any Federal funds made

available under a cooperative agreement under this section be matched on a one to one basis.

Subparagraph (C) provides that any payment made under subparagraph (A) (ii) be subject to an agreement that allows the United States to seek reimbursement if the Secretary determines that the conversion, use, or disposal of the project is for purposes inconsistent with the purposes of this section.

Subparagraph (D) requires that any cooperative agreement entered into provide reasonable public access to the resources covered by the cooperative agreement.

Subsection (e) dedicates the Park to former Rhode Island Senator John H. Chafee and requires the Secretary to display a memorial at an appropriate location in the Park.

Section 5 amends Public Law 99-647 (16 U.S.C. 461 note; 100 Stat. 3625), the legislation pertaining to the John H. Chafee Blackstone River Valley National Heritage Corridor.

Paragraph (1) updates the map reference in section 2 of that law.

Paragraph (2) amends section 7 of Public Law 99-647 to designate the Blackstone River Valley National Heritage Corridor, Inc., as the local coordinating entity, authorize the local coordinating entity to assume the duties of the Commission for the implementation of the land management plan, to obtain funds from any source and use those funds to make grants, enter into cooperative agreements and hire and compensate staff.

Paragraph (3) amends section 8 of Public Law 99-647 to authorize the Secretary to enter into cooperative agreements, with the local coordinating entity and other public or private persons to provide technical assistance and implement the management plan and directs the Secretary to enter into a memorandum of understanding with the local coordinating entity to ensure the appropriate transition of management and coordinate the implementation of the Cultural Heritage and Land Management Plan.

Paragraph (4) amends section 10 of Public Law 99-647 to extend the authorization of appropriation for the Commission through September 30, 2016.

Paragraph (5) adds new section 11 of Public Law 99-647 to note that any reference to the Commission in certain sections shall be considered to be a reference, to the local coordinating entity.

Section 6 authorizes such sums as are necessary to carry out section 2 through 4.

Cost and Budgetary Considerations

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

S. 371--Blackstone River Valley National Historical Park Establishment Act

Summary: S. 371 would establish the Blackstone River Valley National Historical Park in and around the existing Blackstone River Valley National Heritage Corridor in the states of Massachusetts and Rhode Island. Under the legislation, the proposed park would be dedicated to John H. Chafee, and a memorial would be displayed within the park.

Based on information provided by the National Park Service (NPS), CBO estimates that implementing the bill would cost \$26 million over the 2014-2018 period, assuming appropriation of the necessary amounts. Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

S. 371 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of S. 371 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars--					
	2014	2015	2016	2017	2018	2013-2018
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level.....	15	4	4	3	3	29

Estimated Outlays..... 9 6 5 3 3 26

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted near the end of 2013 and that the necessary amounts will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for similar activities.

S. 371 would establish a new unit of the National Park System in the states of Massachusetts and Rhode Island. CBO estimates that the cost of implementing S. 371 would total \$26 million over the 2014-2018 period. We estimate that the NPS would spend nearly \$5 million to acquire property interests to comprise the new park. In addition, the NPS would spend more than \$6 million to construct facilities, rehabilitate sites, and conduct research for the proposed park. Annual operating costs for the proposed park would total about \$3 million beginning in 2015.

The legislation would also designate the Blackstone River Valley National Heritage Corridor, Inc. as the local coordinating entity to disburse grants and support the activities of partner organizations. The legislation would authorize the appropriation of \$1 million per year through 2016 and would cost \$3 million over the 2014-2018 period.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: S. 371 contains no intergovernmental or private-sector mandates as defined by UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Martin von Gnechten; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Amy Petz.

Estimate 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 S. 371.

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. 371, as ordered reported.

Congressionally Directed Spending

S. 371, 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 April 23, 2013, Subcommittee on National Parks hearing on S. 371 follows:

Statement of Peggy O'Dell, Deputy Director for Operations, National Park Service, Department of the Interior

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 371, a bill to establish the Blackstone River Valley National Historical Park, to dedicate the Park to John H. Chafee, and for other purposes.

The Department supports S. 371.

S. 371 would establish a new unit of the National Park System, the Blackstone River Valley National Historical Park (Park) within the existing, bi-state, Blackstone River Valley National Heritage Corridor (Corridor) that extends from Worcester, Massachusetts, to Providence, Rhode Island. The bill directs the Secretary of the Interior (Secretary) to establish a park boundary after acquiring a sufficient amount of land or

interests in land containing the historic resources to constitute a manageable park unit. The bill allows the Secretary to include in the boundary resources that are subject to a cooperative agreement with either of the two states or their political subdivisions. It authorizes the Secretary to enter into cooperative agreements with nonprofit organizations, including the coordinating entity for the Corridor, as well as state and local governments, for the purpose of collaborating on programs, projects, and activities that further the purposes of the Park. It also permits the acquisition of up to 10 acres in Woonsocket, Rhode Island for the development of facilities for the Park.

The bill directs the Secretary to complete a General Management Plan for the Park within three years after funds are made available. Among other things, the plan must seek to make maximum practicable use of certain named visitor facilities in the Corridor that are operated by Corridor partners, many of which were developed with significant investment of federal funds. The bill also allows the Secretary to provide technical assistance, visitor services, interpretive tours and educational programs to sites outside the boundary of the Park that are within the Corridor. And, the bill dedicates the Park to former Senator John H. Chafee and requires the Secretary to display an appropriate memorial to him.

Finally, the bill amends the authorization for the John H. Chafee Blackstone River Valley National Heritage Corridor to provide for a non-profit organization, the Blackstone River Valley National Heritage Corridor, Inc., to be the local coordinating entity for the Corridor. This entity would assume the responsibility for coordinating activities for the Corridor that have rested with the Blackstone River Valley Heritage Corridor Commission since the National Heritage Area was first established. The new coordinating entity would be eligible to receive National Heritage Area funding through the end of fiscal 2016.

S. 371 reflects the findings of the special resource study that the National Park Service (NPS) completed in accordance with Public Law 109-338, which directed the NPS to conduct the study to "evaluate the possibility of (A) designating one or more sites or landscape features as a unit of the National Park System; and (B) coordinating and complementing actions by the [Corridor] Commission, local governments, and State and Federal agencies, in the preservation and interpretation of significant resources within the Corridor." The NPS consulted with Native American tribes associated with the Blackstone River Valley in the preparation of the study.

The study evaluated a broad range of sites, features and resources throughout the Blackstone River Valley and concluded that the following meet the criteria for designation as a unit of the National Park System: Old Slater Mill National Historic Landmark district in Pawtucket, Rhode Island, the historic mill villages of Ashton and Slatersville in Rhode Island, and Hopedale and Whitinsville in Massachusetts; the Blackstone River and its tributaries; and the Blackstone Canal. The study also evaluated various management alternatives with different scopes and levels of NPS involvement. The preferred alternative was a new unit of the National Park System that consists of these sites and features, and that would partner with the coordinating entity for the Corridor and others to undertake the protection and interpretation of these resources.

If established based upon the management alternative recommended in the study, we estimate that the cost to create the Park would be \$6.1 million in one-time expenditures on research, planning, construction and/or rehabilitation, and exhibits. When the Park is fully established, operational costs are estimated to be \$3.5 million annually for salaries, supplies and equipment. All funds would be subject to NPS priorities and the availability of appropriations.

We would like to thank the sponsor, Senator Reed, and the committee for working with us in making changes to last Congress' version of this legislation. We appreciate that this legislation now includes a matching requirement for the expenditure of Federal funds under cooperative agreements, authority to acquire land for administrative purposes in Woonsocket, where the NPS currently has office space, and an appropriate recognition for Senator John H. Chafee's role in preserving the resources of the Blackstone River Valley that does not set a precedent in naming the park for a congressional sponsor, as the previous version would have done.

Mr. Chairman, that concludes my statement. I would be happy

to answer any questions that 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, changes in existing law made by the bill S. 371, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

(Public Law 99-647; as amended)

AN ACT To establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

BOUNDARIES AND ADMINISTRATION

Sec. 2. (a) Boundaries.--The boundaries shall include the lands and water generally depicted on [the map entitled 'Blackstone River Valley National Heritage Corridor Boundary Map', numbered BRV-80-80-001, and dated May 2, 1993] the map entitled 'John H. Chafee Blackstone River Valley, National Heritage Corridor--Proposed Boundary'', numbered 011/111530, and dated November 10, 2011. The map shall be on file and available for public inspection in the office of the Department of the Interior in Washington, D.C. and the Massachusetts and Rhode Island Departments of Environmental Management. The Secretary of the Interior (hereafter referred to as 'Secretary') shall publish in the Federal Register, as soon as practical after the date of enactment of this Act a detailed description and map of the boundaries established under this subsection.

* * * * *

Sec. 7. [Termination of Commission] Termination of Commission; Designation of Local Coordinating Entity.

[The Commission] (a) In General.--The Commission shall terminate on September 30, 2013.

(b) Local Coordinating Entity.---

(1) Designation.--The Blackstone River Valley National Heritage Corridor, Inc., shall be the local coordinating entity for the Corridor (referred to in this section as the 'local coordinating entity').

(2) Implementation of management plan.--The local coordinating entity shall assume the duties of the Commission for the implementation of the Cultural Heritage and Land Management Plan developed and approved under section 6.

(c) Use of Funds.--For the purposes of carrying out the management plan, the local coordinating entity may use amounts made available under this Act--

(1) to make grants to the States of Massachusetts and Rhode Island (referred to in this section as the 'States'), political subdivisions of the States, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the States, political subdivisions of the States, nonprofit organizations, Federal agencies, and other interested parties;

(3) to hire and compensate staff, including individuals with expertise in--

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic, and community development; or

(C) heritage planning;

(4) to obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(5) to contract for goods or services; and

(6) to support activities of partners and any other activities that further the purposes of the Corridor and are consistent with the approved management plan.

* * * * *

DUTIES OF THE SECRETARY

Sec. 8. (a) Purpose.--To carry out the purpose of this Act, the Secretary shall assist the Commission in preparing the Cultural Heritage and Land Management Plan. * * *

* * * * *

(b) Technical Assistance.--[The Secretary] (1) In General.--The Secretary shall, upon request of the Commission, provide technical assistance to the Commission in preparation of the plan and for implementing the plan as set out in section 6(c).

* * * * *

(2) Cooperative Agreements.--Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into cooperative agreements with the local coordinating entity designated by paragraph (1) and other public or private entities for the purpose of---

- (A) providing technical assistance; or
(B) implementing the plan under section 6(c).

* * * * *

[(d) Special Resource Study.----

[(1) In general.--The Secretary shall conduct a special Resource study of sites and associated landscape features within the boundaries of the Corridor that contribute to the understanding of the Corridor as the birthplace of the industrial revolution in the United States.

[(2) Evaluation.--Not later than 3 years after the date on which funds are made available to carry out this subsection, the Secretary shall complete the study under paragraph (1) to evaluate the possibility of----

[(A) designating 1 or more site or landscaping feature as a unit of the National Park System; and

[(B) coordinating and complementing actions by the commission, local governments, and State and Federal agencies, in the preservation and interpretation of significant resources within the Corridor.

[(3) Coordination.--The Secretary shall coordinate the Study with the Commission.

[(4) Report.--Not later than 30 days after the date on which the study under paragraph (1) is completed, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes----

- [(A) the findings of the study; and
[(B) the conclusions and recommendations of the Secretary.]

(d) Transition Memorandum of Understanding.--The Secretary shall enter into a memorandum of understanding with the local coordinating entity to ensure--

(1) the appropriate transition of management of the Corridor from the Commission to the local coordinating entity; and

(2) coordination regarding the implementation of the Cultural Heritage and Land Management Plan.

* * * * *

AUTHORIZATION OF APPROPRIATIONS

Sec. 10. (a) There is authorized to be appropriated annually to the Commission \$1,000,000 for each year [in which the Commission is in existence] until September 30, 2016 to carry out the purposes of this Act; except that the Federal

contribution to the Commission shall not exceed 50 percent of the annual operating costs of the Commission.

(b) Development Funds.--There is authorized to be appropriated to carry out section 8(c) not more than \$10,000,000 for the period of fiscal years 2006 through 2016, to remain available until expended.

[(c) Special Resource Study.--There are authorized to be appropriated such sums as are necessary to carry out section 8(d).]

Sec. 11. References to the Corridor, Inc.--For purposes of section 6, 8 (other than section 8(d)(1)), 9, and 10, a reference to the ``Commission'' shall be considered to be a reference to the local coordinating entity.