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JOHNSTOWN FLOOD NATIONAL MEMORIAL BOUNDARY ADJUSTMENT ACT OF 2003

MAY 20, 2004.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 1521]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1521) to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 1521 is to modify the boundaries of the Johnstown Flood National Memorial in Pennsylvania, to include approximately 14 acres of additional land.

BACKGROUND AND NEED

On May 31, 1889, the city of Johnstown, Pennsylvania, was devastated by the worst inland flood in our nation's history. At the time of the flood, the southwestern Pennsylvania city had a population of 30,000, with a thriving industrial economy fueled by the Pennsylvania Railroad and the nearby Cambria Iron Company. Located fourteen miles up the Little Conemaugh River, the old and poorly maintained South Fork Dam held the waters of the three-mile long Lake Conemaugh in check. At 4:07 in the afternoon, after several days of heavy rain, the South Fork Dam collapsed sending 20 million tons of water downstream to Johnstown. The collapse of the South Fork Dam resulted in property damage of $17 million and the loss of 2,209 lives. The flood was also the first disaster relief work for Clara Barton and the Red Cross.

In 1964, Congress established the Johnstown Flood National Memorial to interpret the events leading up to the Johnstown flood, the flood itself, and of its effects on Johnstown and the nation. The Memorial is administered by the National Park Service.

In 2001, approximately 12 acres adjacent to the Memorial and approximately 2.3 acres downstream from the Memorial (the historic South Fork Fishing and Hunting Club) became available for purchase. Acquisition of these properties would enhance the ability of the National Park Service to effectively tell the story of the events leading up to and following the flood. The National Park Service completed its environmental review of the properties, issuing a Finding of No Significant Impact in 2002.

H.R. 1521 would modify the boundaries of the Memorial to include the additional 14 acres. The Secretary of the Interior is authorized to acquire the parcels by donation, purchase from willing sellers, or exchange.

LEGISLATIVE HISTORY

H.R. 1521 was introduced by Representative Murtha on March 13, 2003 and passed the House of Representatives by voice vote on October 15, 2003. The Subcommittee on National Parks held a hearing on H.R. 1521 on March 9, 2004. At the business meeting on April 28, 2004 the Committee on Energy and Natural Resources ordered H.R. 1521 favorably reported.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on April 28, 2004, by unanimous voice vote of a quorum present recommends that the Senate pass H.R. 1521.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles this bill as the "Johnstown Flood National Memorial Boundary Adjustment Act of 2003."

Section 2 modifies the boundary of the memorial to include the area as depicted on the map entitled "Johnstown Flood National Memorial, Cambria County, Commonwealth of Pennsylvania", numbered N.E.R.O. 427/80,008, dated June 2003.

Section 3 authorizes the Secretary of the Interior to acquire from willing sellers the land or interest in land as described in section 2 by donation, purchase with donated or appropriated funds, or exchange.

Section 4 directs the Secretary of the Interior to administer lands added in section 2 as part of the Memorial in accordance with applicable laws and regulations.

Section 5 authorizes the appropriation of such sums as are necessary to carry out this Act in addition to amounts otherwise made available for land acquisition.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 4, 2004.

Hon. PETE V. DOMENICI,
Chairmn, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1521, the Johnstown Flood National Memorial Boundary Adjustment Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 1521—Johnstown Flood National Memorial Boundary Adjustment Act of 2003

H.R. 1521 would expand the boundary of the Johnstown Flood National Memorial to include an additional 14 acres of land, which the National Park Service (NPS) would be authorized to acquire by purchase, donation, or exchange. The act would authorize the appropriation of whatever amounts are necessary to acquire and administer the new acreage.

Assuming appropriation of the necessary amounts, CBO estimates that the federal government would spend about $4.5 million to implement H.R. 1521 over the next five years. About $1 million of that amount would be used to purchase the land within the proposed addition area over the next year or two. We expect that the NPS would spend the balance of the funds to restore four historic buildings on the newly acquired properties. Finally, we estimate that operating and maintaining the new property would cost about $500,000 annually after acquisition and development is complete.

H.R. 1521 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

On October 3, 2003, CBO transmitted a cost estimate for H.R. 1521 as ordered reported by the House Committee on Resources on September 24, 2003. The two versions of the legislation are identical, as are the cost estimates.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, 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. 1521.

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 infor-

mation 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. 1521.

EXECUTIVE COMMUNICATIONS

On February 25, 2004, the Committee on Energy and Natural Resources requested legislative reports from the Department of Interior and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 1521. These reports had not been received when this report was filed. The testimony provided by the Department of the Interior at the Subcommittee hearing on H.R. 1521 follows:

STATEMENT OF P. DANIEL SMITH, SPECIAL ASSISTANT, 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 H.R. 1521, a bill to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania.

The amended bill, as passed by the House, would add six parcels of land to the boundary of the park to provide permanent protection for resources that are integral to the historic events that the park was established to commemorate. Five of the parcels, totaling 2.33 acres, are approximately three miles from the park in the village of Saint Michael where the former South Fork Fishing and Hunting Club was located. The sixth parcel, comprising approximately 12 acres, is adjacent to the current boundary. Land acquisition costs for these six parcels are approximately $805,000. All parcels are for sale by willing sellers.

The Department supports the President's Initiative to address the deferred maintenance backlog and taking care of our current responsibilities. In this instance, we are faced with a unique situation concerning this boundary adjustment. The historic structures central to this acquisition have always been considered key components of the park, but were to be protected, maintained, and interpreted through a public-private partnership. However, the partner can no longer perform this function, based on financial problems. For this reason, the Department believes it is appropriate to move forward with this bill at this time.

Johnstown Flood National Memorial comprises nearly 165 acres in western Pennsylvania. The park's mission is to tell the stories of the events leading up to the Johnstown flood, of the flood itself, and of its effects on Johnstown and the nation.

The addition of the South Fork Fishing and Hunting Club properties would significantly increase the park's capability to interpret the important events surrounding the Johnstown flood and the individuals associated with it.

On May 31, 1889, a poorly maintained earthen dam breached, sending 20 million tons of water down the Little

Conemaugh Valley into Johnstown and other surrounding communities. A 36-foot wall of water rolled over the town at 40 miles per hour, flattening houses, trees, locomotives, and everything else in its path. By the disaster's end, 2,209 people had perished in the flood, another 40 died in the weeks after from typhoid, and property damage was estimated at $17 million. It was the worst inland flood in the nation's history and the first test of the newly formed American Red Cross, headed up by Clara Barton.

A pivotal part of the story revolves around the South Fork Fishing and Hunting Club, located in Saint Michael, which in 1879 had purchased an abandoned reservoir, repaired the old dam, and created a private lake and recreational area for its members. Because the dam was not properly constructed or maintained, it gave way after heavy rains pounded the area, overtaxing the Lake Conemaugh dam spillway and eventually causing the dam to fail.

In 1986, the South Fork Fishing and Hunting Club Historic District was listed on the National Register of Historic Places at the state level of significance.

In 1989, the Park Service and residents of Saint Michael undertook a joint planning effort, which produced the Preservation and Interpretation Plan for the South Fork Fishing and Hunting Club Historic District. This plan outlined concepts and guidance for basic visitor services, interpretation, cultural resource preservation and maintenance. As a result of the plan, there developed a structured partnership between the village of Saint Michael and the Park Service, designed to protect, maintain and manage the South Fork Fishing and Hunting Club clubhouse and other significant cottages in the historic district. The 1889 South Fork Fishing and Hunting Club Historical Preservation Society was formed to be the principal community body working with the Park Service in the implementation of the plan. Since the original planning efforts, the Society has obtained ownership of the Clubhouse, the Annex, the Moorehead Cottage, and the Brown Cottage. These properties were not originally included within the boundary of the park because it was understood that a local entity could adequately provide for their protection and interpretation.

Unfortunately, the Society lacks the resources to continue to maintain the properties they own, let alone preserve and develop them according to approved plans. The Society is struggling to make mortgage payments, and while they are desperately seeking a solution, the properties are deteriorating and losing historic integrity. In 2000, the Society worked with a private, non-profit historic property development company to try and obtain private sector interest in purchasing the properties, but was not successful. There is an imminent threat to the protection of these resources. The private owner has already listed these historic structures and properties for sale on the open market.

In 2001, the National Park Service completed a special resource study and environmental assessment to evaluate options for protection and interpretation of the additional parcels of land. Based upon the report, the Park Service proposed to add these parcels of land to the boundary of the park and to acquire the parcels in fee simple. Within the village of Saint Michael, four historically significant properties would be acquired. These structures include the former clubhouse of the South Fork Fishing and Hunting Club, the Clubhouse Annex, and two cottages built by club members. One undeveloped parcel, the Clubhouse Sideyard that sits between the Clubhouse and the Clubhouse Annex, would also be added. The final parcel would protect the historic viewshed of the park, preserving the rural character of the Unger House property (Elias Unger was president of the South Fork Fishing and Hunting Club), owned by the National Park Service.

If the Park Service acquired the historic buildings, we would explore the option of a public-private partnership to lease the buildings to the private sector for commercial and residential use. Through our historic leasing program, the private sector could sign a long-term lease with the Park Service that would cover a portion of the operations and maintenance costs of the properties, which ranges from $75,000 to $310,000. In addition, the private sector could rehabilitate the buildings, estimated to cost upwards of $2.9 million, using private funds in return for federal historic preservation tax credits. This would decrease the financial burden placed on the Park Service by the addition of these properties to the park. There has already been interest expressed by local businesses in this proposal.

The proposal to add these properties to the boundary of the park has widespread support among the property owners, state and local governments, and the public who attended a public meeting in July 2001 in Saint Michael. Public comments received were unanimous in support of the proposal.

We look forward to working with the local communities in Saint Michael and Johnstown to acquire these historically significant properties that will help tell the entire story of the events of the 1889 Johnstown Flood, from the actions leading up to the flood through its devastating aftermath.

Thank you for the opportunity to comment. This concludes my prepared remarks. I would be glad to answer any questions that you or the members of the committee 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 the Act H.R. 1521 as ordered reported.

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