

## Calendar No. 304

111TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 111-154

### CAMP HALE STUDY 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. 2330]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 2330) to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System, having considered the same, reports favorably thereon with an amendment and recommends that the Act, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Camp Hale Study Act”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **CAMP HALE.**—The term “Camp Hale” means the area comprising approximately 200,000 acres on the White River and San Isabel National Forests in west-central Colorado located within portions of Eagle, Lake, Pitkin, and Summit counties.

(2) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

#### SEC. 3. SPECIAL RESOURCE STUDY.

(a) **IN GENERAL.**—The Secretaries shall conduct a study of Camp Hale to determine—

(1) the suitability and feasibility of designating Camp Hale as a unit of the National Park System, in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)); or

(2) any other designation or management option that would provide for the protection of resources within Camp Hale, including continued management of Camp Hale by the Forest Service.

(b) **REQUIRED ANALYSIS.**—The study under subsection (a) shall include an analysis of—

(1) the significance of Camp Hale in relation to national security during World War II and the Cold War, including—

(A) the use of Camp Hale for training of the 10th Mountain Division and other elements of the United States Armed Forces; and

(B) the use of Camp Hale for training by the Central Intelligence Agency of Tibetan refugees seeking to resist the Chinese occupation of Tibet;

(2) opportunities for public enjoyment and recreation at Camp Hale; and

(3) any operational, management, or private property issues relating to Camp Hale.

(c) CONGRESSIONAL INTENT.—It is the intent of Congress that, in conducting the study under subsection (a), the Secretaries not propose any designation that would affect valid existing rights, including—

(1) all interstate water compacts in existence on the date of enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(2) water rights—

(A) decreed at Camp Hale; or

(B) flowing within, below, or through Camp Hale;

(3) water rights in the State of Colorado;

(4) water rights held by the United States; and

(5) the management and operation of any reservoir, including the storage, management, release, or transportation of water.

#### SEC. 4. REPORT.

Not later than 3 years after the date on which funds are made to available to carry out this Act, the Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives—

(1) the study conducted under section 3; and

(2) any recommendations of the Secretaries relating to Camp Hale.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

#### PURPOSE

The purpose of H.R. 2330 is to authorize the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale in Colorado as a unit of the National Park System.

#### BACKGROUND AND NEED

Camp Hale was established during World War II as a training facility for the Army's 10th Mountain Division and for other elements of the U.S. Armed Forces. It is located in the mountains of central Colorado, near Leadville, in Eagle County, along the Eagle River. The geography of the area was ideal for winter and high-altitude training, because of the region's steep mountains and valley below, which was suitable for housing.

From 1942 to 1965, the 10th Mountain Division and the 38th Regimental Combat Team, 99th Infantry Battalion, and soldiers from Fort Carson were trained at Camp Hale. Throughout this time, the Army tested a variety of weapons and equipment at Camp Hale. Between 1956 and 1965, the camp was also used by the Central Intelligence Agency as a secret center for training Tibetan refugees in guerilla warfare to resist the Chinese occupation of their mountainous country.

In July 1965, Camp Hale was deactivated and control of the lands was returned to the Forest Service in 1966. Today the camp is part of the White River and San Isabel National Forests. The U.S. Army Corps of Engineers is working to clean up potentially hazardous munitions left over from weapons testing at the camp, particularly in the East Fork. Camp Hale was placed on the National Register of Historic Places in 1992.

H.R. 2330 would direct the Secretary of the Interior to study the feasibility and suitability of establishing Camp Hale as a unit of the national park system.

#### LEGISLATIVE HISTORY

H.R. 2330, sponsored by Rep. Lamborn, passed the House of Representatives by a voice vote on June 2, 2009. The House of Representatives also passed similar legislation in the 110th Congress, H.R. 3336, by a voice vote on September 22, 2008.

Companion legislation, S. 1418, was introduced by Senators Mark Udall and Bennet on July 8, 2009. The Subcommittee on National Parks held a hearing on both bills on July 22, 2009 (S. Hrg. 111–129.) On December 16, 2009, the Committee on Energy and Natural Resources ordered H.R. 2330 favorably reported with an amendment in the nature of a substitute.

#### 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. 2330, if amended as described herein.

#### COMMITTEE AMENDMENT

During its consideration of H.R. 2330, the Committee adopted an amendment in the nature of a substitute. The amendment adds a section defining key terms in the bill, makes clarifying changes relating to the special resource study, and adds a section authorizing necessary appropriations. In addition, the amendment includes a provision that it is the intent of Congress that the Secretary of Agriculture and the Secretary of the Interior not propose any designation that would affect valid existing rights when conducting the resource study. The amendment is explained in detail in the section-by-section analysis, below.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* contains the short title for the bill, the “Camp Hale Study Act”.

*Section 2* defines key terms used in the bill.

*Section 3* directs the Secretary of Agriculture and the Secretary of the Interior (the Secretaries) to conduct a study of Camp Hale to determine the suitability and feasibility of designating the site as a unit of the National Park System or any other designation or management option that would protect the resources within Camp Hale. The study shall include analysis relating to the history of the area, opportunities for public enjoyment and any management issues. The section also provides that it is the intent of Congress, in conducting the study, that the Secretaries not propose any designation that would affect valid existing rights.

*Section 4* requires the Secretaries to submit the study and any recommendations relating to Camp Hale to the House and Senate authorizing committees no later than 3 years after the date funds are made available.

*Section 5* authorizes the necessary appropriations to carry out this Act.

## COST AND BUDGETARY CONSIDERATIONS

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

*H.R. 2330—Camp Hale Study Act*

H.R. 2330 would require the National Park Service (NPS) and U.S. Forest Service to conduct a study of Camp Hale, a former military training area in Colorado, to determine the feasibility and suitability of designating the site as a unit of the National Park System or using some other means of protecting the camp. Based on information provided by the NPS and assuming the availability of appropriations, CBO estimates that conducting the required study would cost less than \$500,000 over the next three years. Enacting H.R. 2330 would not affect revenues or direct spending.

H.R. 2330 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.

The CBO staff contact for this estimate is Matthew Pickford. 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. 2330.

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. 2330.

## CONGRESSIONALLY DIRECTED SPENDING

H.R. 2330, 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 was included in testimony received by the Committee at a hearing on S. 1418 and H.R. 2330 on July 22, 2009.

STATEMENT OF DANIEL N. WENK, ACTING DIRECTOR,  
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 1418 and H.R. 2330, the Camp Hale Study Act. The U.S. Forest Service (White River National Forest) currently manages Camp Hale as a part of the National Forest System.

The Department supports both S. 1418 and H.R. 2330, with an amendment to section two to include the U.S. Forest Service in a joint study with the National Park Service for the future management of Camp Hale and to delete section three. However, we feel that priority should be given to the 47 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and National Wild and Scenic River System that have not yet been transmitted to Congress.

S. 1418 and H.R. 2330 are almost identical and both bills would authorize the Secretary of the Interior (Secretary), to conduct a special resource study to determine the suitability and feasibility of designating Camp Hale as a unit in the National Park System. The study would also determine the methods and means for protection and interpretation of the Camp Hale site by the National Park Service, other federal, State, or local government entities, or private or nonprofit organizations. Not later than three years after funds are made available, the Secretary is directed to submit the results and recommendations of the study to Congress. The bill includes language to assure the study would not impact valid existing water rights in place upon the date of enactment. S. 1418 also specifies that the study would not impact the ability to construct and operate infrastructure necessary to develop and use those water rights. We estimate that this study will cost approximately \$300,000.

Located in and managed by the White River National Forest, in west-central Colorado, Camp Hale was established in 1942 to provide winter and mountain warfare training during World War II, because of the natural setting of a large, flat valley bottom, surrounded by steep hillsides suitable for training in skiing, rock climbing and cold weather survival skills. The size of Camp Hale varied between 5,000 and 247,243 acres when it was an active military installation.

Managed by the U.S. Forest Service (White River National Forest), The Camp Hale Formerly Used Defense Site, is now used year-round by the public as a recreation area and is included on the National Register of Historic Places.

Since the time Camp Hale was used for military training, there have been numerous discoveries of unexploded ordnance (UXO) there. As recently as 2003, during efforts to contain a wildfire, UXO used during the training of U.S. troops in World War II was found on the site.

Efforts to remediate public risk from any remaining UXO at Camp Hale continue. The funding for any response actions at Camp Hale will depend on how the UXO sites there rank nationally. Depending on that rank, and available federal dollars, the remedial investigations for some or all Camp Hale munitions may not occur for several years. The Colorado Department of Public Health and Environment has discussed evaluating the hazard liabil-

ities and remediating the site with the U.S. Army Corps of Engineers prior to a transfer.

The story of Camp Hale and the men and women who trained there reflects the adaptability our nation showed during the last World War. Many of those who trained there went on to develop alpine skiing as a recreational activity, significantly influencing the economy of Colorado and many other western States. Studying and determining how best to preserve and protect Camp Hale and to commemorate the sacrifice and heroism so many Americans exhibited as a result of their training is laudable.

We suggest that both bills be amended in section two to include the U.S. Forest Service in the study to determine the future of Camp Hale and to remove section three, which includes language concerning water rights. The study recommended in both bills would examine the suitability and feasibility of designating Camp Hale as a unit in the National Park System, including evaluating all current uses and rights associated with the land. Since the bill only authorizes a study of the site, there is no possibility of the study having any affect on any water rights. As such, we believe the water rights language in both bills is unnecessary and redundant and we recommend the section be deleted.

Mr. Chairman, this concludes my prepared remarks. I would be happy to answer any questions you or any 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 the Act H.R. 2330, as ordered reported.

