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NATCHEZ TRACE PARKWAY LAND CONVEYANCE ACT

JANUARY 13, 2012.—Ordered to be printed

Filed, under authority of the order of the Senate of December 17, 2011

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

R E P O R T

[To accompany S. 264]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 264) to direct the Secretary of the Interior to convey to the State of Mississippi 2 parcels of surplus land within the boundary of the Natchez Trace Parkway, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

1. On page 2, strike line 9 and all that follows through page 3, line 11, and insert the following:

SEC. 3. LAND CONVEYANCE.

(a) CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall convey to the State, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (b).

(2) COMPATIBLE USE.—The deed of conveyance to the parcel of land that is located southeast of U.S. Route 61/84 and which is commonly known as the “bean field property” shall reserve an easement to the United States restricting the use of the parcel to only those uses which are compatible with the Natchez Trace Parkway.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are the 2 parcels totaling approximately 67 acres generally depicted as “Proposed Conveyance” on the map.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 4. BOUNDARY ADJUSTMENTS.

(a) EXCLUSION OF CONVEYED LAND.—On completion of the conveyance to the State of the land described in section 3(b), the boundary of the Natchez Trace Parkway shall be adjusted to exclude the conveyed land.

(b) INCLUSION OF ADDITIONAL LAND.—

(1) IN GENERAL.—Effective on the date of enactment of this Act, the boundary of the Natchez Trace Parkway is adjusted to include the approximately 10 acres of land that is generally depicted as “Proposed Addition” on the map.

(2) ADMINISTRATION.—The land added under paragraph (1) shall be administered by the Secretary as part of the Natchez Trace Parkway.

PURPOSE

The purpose of S. 264 is to direct the Secretary of the Interior to convey to the State of Mississippi by quitclaim deed all right, title, and interest of the United States in two parcels of land in the city of Natchez, Mississippi, consisting of a total of approximately 67 acres, and to adjust the boundary of the Natchez Trace Parkway.

BACKGROUND AND NEED

The Natchez Trace Parkway extends 444 miles from Nashville, Tennessee, through the northwestern corner of Alabama, to Natchez, Mississippi. The path was originally made by bison and other game, and was later “traced” by Native Americans. In the late 18th century, the Native American trail became the principal link between the old Southwest Territory (now Tennessee) and the ports of Natchez and New Orleans on the lower Mississippi River. In the early 19th century, it served as a post road for the delivery of mail, the return route for the boatmen who floated their goods down the Ohio and Mississippi Rivers, and the route used by General Andrew Jackson’s forces on their way to the Battle of New Orleans. Congress authorized construction of the Natchez Trace Parkway and designated it as a unit of the National Park System in 1938. Much of it was built by the Civilian Conservation Corps during the Great Depression.

The southern terminus in Natchez, Mississippi, was the final section of the Parkway constructed and completed in 2005. For years prior to its completion, it was uncertain where the Parkway would terminate. The State of Mississippi acquired and donated two different parcels of land to the National Park Service to accommodate a variety of possible construction alternatives. After the Parkway’s completion, the land acquired for those alternate termination points remained unused by the National Park Service.

The unused property includes two parcels: the Bean field and the Feltus property, 38 and 29 acres respectively. The City of Natchez wishes to develop the Bean field parcel as a recreational complex. In 2000, Public Law 106–527 authorized the National Park Service

to lease the property to Natchez. Rather than enter in a lease, the National Park Service seeks to return the unused parcels back to the State.

S. 264 would authorize the transfer of 67 acres of identified unused Federal land back to the State and adjust the boundary of the Parkway to exclude the conveyed land and include 10 acres of lands already managed by the National Park Service.

LEGISLATIVE HISTORY

S. 264 was introduced by Senators Cochran and Wicker on February 3, 2011. The Subcommittee on National Parks held a hearing on S. 264 on July 28, 2011. At its business meeting on November 10, 2011, the Committee on Energy and Natural Resources ordered S. 264 favorably reported with an amendment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on November 10, 2011, by majority voice vote of a quorum present, recommends that the Senate pass S. 264, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 264, the Committee adopted an amendment to direct that the deed of conveyance for the parcel known as the “bean field property” reserve an easement to the United States that would restrict the use for the property by the State to a use compatible with Natchez Trace Parkway.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the “Natchez Trace Parkway Land Conveyance Act of 2011.”

Section 2 defines key terms used in the bill.

Section 3(a) directs the Secretary of the Interior to convey to the State by quitclaim deed all right, title, and interest to two parcels totaling approximately 67 acres while reserving an easement on the parcel known as the “bean field property.” The easement restricts the use of that parcel to that which is compatible with the Parkway.

Subsection (b) describes two parcels depicted on the map.

Subsection (c) directs that the map describing the conveyance be available for public inspection in the appropriate offices of the National Park Service.

Section 4(a) provides that the boundary of the Parkway shall be adjusted to exclude the two parcels upon completion of the conveyance to the State.

Subsection (b) adjusts the boundary of the Parkway to include approximately 10 acres of land managed by the National Park Service which was inadvertently excluded on previous boundary maps for the Parkway.

COST AND BUDGETARY CONSIDERATIONS

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

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S. 264 would require the National Park Service (NPS) to convey about 67 acres of property in the Natchez Trace Parkway to the state of Mississippi. Under current law, NPS receives about \$300 a year in lease payments from one of the two parcels that would be conveyed under the bill. Money collected from lease payments is recorded as an offsetting receipt (a credit against direct spending). Because S. 264 would affect direct spending, pay-as-you-go procedures apply. However, CBO estimates that the effects would be insignificant for each year.

S. 264 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 Martin von Gnechten. 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 S. 264.

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. 264, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 264, 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 National Park Service at the July 28, 2011, Subcommittee on National Parks hearing on S. 264 follows.

STATEMENT OF PEGGY O'DELL, DEPUTY DIRECTOR,
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. 264, a bill to direct the Secretary of the Interior to convey to the State of Mississippi two parcels of surplus land within the boundary of the Natchez Trace Parkway, and for other purposes.

The Department supports S. 264 with an amendment described later in this statement. This legislation would authorize the conveyance of 67 acres of unused federal land to the State of Mississippi. This land was originally donated by the state to the National Park Service to help complete construction of the Natchez Trace Parkway

(Parkway), but it was never used for that purpose. The bill would also adjust the boundary of the Parkway to include approximately 10 acres of land that the National Park Service owns around the current southern terminus, which were inadvertently excluded from the boundary previously.

The Natchez Trace was the main overland link between the old southwest territory and the Ohio River Valley in the 18th and 19th centuries. In 1938, Congress established the Natchez Trace Parkway as a unit of the National Park System. The Parkway was constructed between 1938 and 2005 at a cost of nearly \$500 million. During the construction period, the states of Mississippi, Alabama, and Tennessee helped acquire and donate over 50,000 acres of land to facilitate parkway construction and protect the scenic, natural, cultural, and historic resources within the Natchez Trace corridor. Today, the completed Parkway spans 444 miles from Nashville, Tennessee, to Natchez, Mississippi, and is enjoyed by over 13 million travelers each year.

The southern terminus in Natchez was the final section of Parkway constructed and was completed in 2005. Decades prior to this section being planned and designed, it was uncertain where the Parkway would terminate. In order to prepare, the State of Mississippi acquired and donated to the National Park Service two different sections of land to accommodate two possible construction alternatives.

The National Park Service began planning the final section of Parkway in the mid-1990s. After completing an environmental impact statement in 1998, which included significant public input, the Park Service selected the Liberty Road alternative. This decision left land acquired for the alternative terminus unused. The 67 acres identified in S. 264 are the unused land.

The 67 acres are subdivided into two parcels, both within the city limits of Natchez. One parcel, commonly known as the bean field property, is approximately 38 acres and is adjacent to Natchez High School. The other parcel, commonly known as the Feltus property, is approximately 29 acres 106 13 and is located in the new business district of Natchez. The Feltus property includes a structure that has been used by the city since 1999 under a cooperative agreement with the National Park Service.

In 2000, the city approached the National Park Service with a request to lease the bean field parcel to facilitate construction of a public recreational complex for the city, including soccer fields and other amenities. Public Law 106-527, enacted that year, authorized the National Park Service to lease land within its boundary to the city "for any purpose compatible with the Parkway." This legislation provided authority for the National Park Service to accommodate the city's request to use the bean field property for public recreational uses.

The National Park Service then entered into a 25-year memorandum of agreement with the city to help facilitate

the recreational project. In 2001, as part of the agreement, an extensive archeological investigation was performed to determine if any significant cultural or historical resources existed on the bean field property. None were found. This investigation was in addition to the assessments undertaken for the 1998 environmental impact statement, which covered all 67 acres.

The city is planning to invest up to \$5 million to build the recreational complex on the bean field property. With such a large local investment planned, we believe this is an appropriate time to end the National Park Service's role as the property's lessor by conveying the property back to the state. Both the state and the city are highly supportive of the proposed conveyance and have discussed the best way to proceed should this legislation pass. The state has indicated that in the short term, the state would continue honoring the existing "any purpose compatible with the Parkway" lease authority and may consider conveying the parcel to the city to allow for fee simple ownership. The Feltus property would be retained by the state for purposes deemed appropriate, and the state would collaborate with the city on any future plans for this property as well.

While we support the proposed conveyance, we are concerned about how the bean field property might be used in the future, beyond the planned use for recreational purposes. We recommend that S. 264 be amended to provide for reversion of the 38-acre bean field property to the United States, for administration by the National Park Service, in the event that the land is not used for purposes compatible with the Parkway. The bean field, unlike the Feltus property, is visible from the Parkway. A reversionary clause would help protect against the future possibility of incompatible development detracting from the Parkway's scenic values. We would be happy to work with the committee on language for such an amendment, as well as a technical amendment needed for 10-acre boundary adjustment provision.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or any 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 bill S. 264, as ordered reported.

