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GATEWAY COMMUNITIES COOPERATION ACT OF 2002

SEPTEMBER 11, 2002.—Ordered to be printed

Mr. HANSEN, from the Committee on Resources, submitted the following

R E P O R T

[To accompany H.R. 4622]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4622) to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gateway Communities Cooperation Act of 2002".

SEC. 2. IMPROVED RELATIONSHIP BETWEEN FEDERAL LAND MANAGERS AND GATEWAY COMMUNITIES TO SUPPORT COMPATIBLE LAND MANAGEMENT OF BOTH FEDERAL AND ADJACENT LANDS.

(a) FINDINGS.—The Congress finds the following:

(1) Communities that are adjacent to or near Federal lands, including units of the National Park System, units of the National Wildlife Refuge System, units of the National Forest System, and lands administered by the Bureau of Land Management, are vitally impacted by the management and public use of these Federal lands.

(2) These communities, commonly known as gateway communities, fulfill an integral part in the mission of the Federal lands by providing necessary services, such as schools, roads, search and rescue, emergency, medical, provisioning, logistical support, living quarters, and drinking water and sanitary systems, for both visitors to the Federal lands and employees of Federal land management agencies.

(3) Provision of these vital services by gateway communities is an essential ingredient for a meaningful and enjoyable experience by visitors to the Federal

lands because Federal land management agencies are unable to provide, or are prevented from providing, these services.

(4) Gateway communities serve as an entry point for persons who visit the Federal lands and are ideal for establishment of visitor services, including lodging, food service, fuel and auto repairs, emergency services, and visitor information.

(5) Development in these gateway communities affect the management and protection of these Federal lands, depending on the extent to which advance planning for the local development is coordinated between the communities and Federal land managers.

(6) The planning and management decisions of Federal land managers can have unintended consequences for gateway communities and the Federal lands, when the decisions are not adequately communicated to, or coordinated with, the elected officials and residents of gateway communities.

(7) Experts in land management planning are available to Federal land managers, but persons with technical planning skills are often not readily available to gateway communities, particularly small gateway communities.

(8) Gateway communities are often affected by the policies and actions of several Federal land agencies and both the communities and the agencies would benefit from greater interagency coordination of those policies and actions.

(9) Persuading gateway communities to make decisions and undertake actions in their communities that would also be in the best interest of the Federal lands is most likely to occur when such decisionmaking and actions are built upon a foundation of cooperation and coordination.

(b) PURPOSE.—It is the purpose of this Act to require Federal land managers to communicate, coordinate, and cooperate with gateway communities in order to—

(1) improve the relationships among Federal land managers, elected officials, and residents of gateway communities;

(2) enhance the facilities and services in gateway communities available to visitors to Federal lands, when compatible with the management of these lands; and

(3) result in better local land use planning and decisions by Federal land managers.

(c) DEFINITIONS.—In this section:

(1) GATEWAY COMMUNITY.—The term "gateway community" means a county, city, town, village, or other subdivision of a State, or a federally recognized American Indian tribe or Alaska Native village, that—

(A) is incorporated or recognized in a county or regional land use plan; and

(B) a Federal land manager (or the head of the tourism office for the State) determines is significantly affected economically, socially, or environmentally by planning and management decisions regarding Federal lands administered by that Federal land manager.

(2) FEDERAL LAND AGENCIES.—The term "Federal land agencies" means the National Park Service, United States Forest Service, United States Fish and Wildlife Service, and the Bureau of Land Management.

(3) FEDERAL LAND MANAGER.—The term "Federal land manager" means—

(A) the superintendent of a unit of the National Park System;

(B) the manager of a national wildlife refuge;

(C) the field office manager of a Bureau of Land Management area; or

(D) the supervisor of a unit of the National Forest System.

(d) PARTICIPATION IN FEDERAL PLANNING AND LAND USE.—

(1) PARTICIPATION IN PLANNING.—The Federal land agencies shall provide for meaningful public involvement at the earliest possible time by elected and appointed officials of governments of local gateway communities in the development of land use plans, programs, land use regulations, land use decisions, transportation plans, general management plans, and any other plans, decisions, projects, or policies for Federal public lands under the jurisdiction of these agencies that will have a significant impact on these gateway communities. To facilitate such involvement, the Federal land agencies shall provide these officials, at the earliest possible time, with a summary in nontechnical language of the assumptions, purposes, goals, and objectives of such a plan, decision, project, or policy and a description of any anticipated significant impact of the plan, decision, or policy on gateway communities.

(2) EARLY NOTICE OF PROPOSED DECISIONS.—To the extent practicable, the Federal land agencies shall provide local gateway communities with early public notice of proposed decisions of these agencies that may have a significant impact on gateway communities.

(3) TRAINING SESSIONS.—The Federal land agencies shall offer training sessions for elected and appointed officials of gateway communities at which such officials can obtain a better understanding of—

(A) agency planning processes; and

(B) the methods by which they can participate most meaningfully in the development of the agency plans, decisions, and policies referred to in paragraph (1).

(4) TECHNICAL ASSISTANCE.—At the request of the government of a gateway community, a Federal land agency shall assign, to the extent practicable, an agency employee or contractor to work with the community to develop data and analysis relevant to the preparation of agency plans, decisions, and policies referred to in paragraph (1).

(5) REVIEW OF FEDERAL LAND MANAGEMENT PLANNING.—At the request of a gateway community, and to the extent practicable, a Federal land manager shall assist the gateway community to conduct a review of land use, management, or transportation plans of the Federal land manager likely to affect the gateway community.

(6) COORDINATION OF LAND USE.—To the extent consistent with the laws governing the administration of the Federal public lands, a Federal land manager may enter into a cooperative agreement with a gateway community to provide for coordination between—

(A) the land use inventory, planning, and management activities for the Federal lands administered by the Federal land manager; and

(B) the land use planning and management activities of other Federal agencies, agencies of the State in which the Federal lands are located, and local and tribal governments in the vicinity of the Federal lands.

(7) INTERAGENCY COOPERATION AND COORDINATION.—To the extent practicable, when the plans and activities of two or more Federal land agencies are anticipated to have a significant impact on a gateway community, the Federal land agencies involved shall consolidate and coordinate their plans and planning processes to facilitate the participation of the gateway community in the planning processes.

(8) TREATMENT AS COOPERATING AGENCIES.—When a proposed action is determined to require the preparation of an environmental impact statement, the Federal land agencies shall, as soon as practicable, but not later than the scoping process, actively solicit the participation of gateway communities as cooperating agencies under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) GRANTS TO ASSIST GATEWAY COMMUNITIES.—

(1) GRANTS AUTHORIZED; PURPOSES.—A Federal land manager may make grants to an eligible gateway community to enable the gateway community—

(A) to participate in Federal land planning or management processes;

(B) to obtain professional land use or transportation planning assistance necessary as a result of Federal action;

(C) to address and resolve public infrastructure impacts that are identified through these processes as a likely result of the Federal land management decisions and for which sufficient funds are not otherwise available; and

(D) to provide public information and interpretive services about the Federal lands administered by the Federal land manager and the gateway community.

(2) ELIGIBLE GATEWAY COMMUNITIES.—To be eligible for a grant under this subsection, a gateway community may not have a population in excess of 10,000 persons.

(f) FUNDING SOURCES.—

(1) GENERAL AGENCY FUNDS.—A Federal land agency may use amounts available for the general operation of the agency to provide funds to Federal land managers of that agency to make grants under subsection (e).

(2) OTHER PLANNING OR PROJECT DEVELOPMENT FUNDS.—Funds available to a Federal land manager for planning, construction, or project development may also be used to fund programs under subsection (d) and make grants under subsection (e).

(3) COMBINATION OF FUNDS.—Federal land managers from different Federal land agencies may combine financial resources to make grants under subsection (e).

PURPOSE OF THE BILL

The purpose of H.R. 4622 is to require federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the federal lands administered by these agencies, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Communities that are adjacent to units of the National Park System, National Wildlife Refuge System, National Forest System and other units of our federal lands play a key role in ensuring the successful management and maintenance of federal lands, as well as helping to meet the public's expectations for their use and enjoyment of these lands. The policies and decisions made by federal land agencies can have a very significant impact on "gateway communities". Moreover, visitors to federal lands and employees of federal land management agencies generally rely on the critical services and infrastructure provided for and maintained by these communities. These necessary services include schools, roads, search and rescue, emergency and medical support, and drinking water and sanitary systems.

There are many examples in which cooperation and coordination between federal land agencies and gateway communities have resulted in wise planning, good policy choices, and real environmental benefits. However, it has also often been the case that poor policy choices have been the result, at least in part, of the failure to coordinate and cooperate with gateway communities from the earliest stages of planning. While this legislation would not allow gateway communities to prevent agencies from taking whatever actions they have the authority to take, it would ensure more informed federal decision making, as well as enable locally elected officials and decision makers to have an early and accurate understanding of the goals, aims, and assumptions of the agencies.

COMMITTEE ACTION

H.R. 4622 was introduced on April 30, 2002, by Congressman George Radanovich (R–CA). The bill was referred to the Committee on Resources and additionally to the Committee on Agriculture. Within the Committee on Resources the bill was referred to the Subcommittee on National Parks, Recreation, and Public Lands, the Subcommittee on Forests and Forest Health and the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On May 7, 2002, the Subcommittee on National Parks, Recreation, and Public Lands held a hearing on the bill. On July 18, 2002, that Subcommittee met to mark up the bill. No amendments were offered and the bill was ordered favorably reported to the Full Committee by voice vote. On July 24, 2002, the Full Resources Committee met to consider the bill. The Subcommittee on Forest and Forest Health and the Subcommittee on Fisheries Conservation, Wildlife and Oceans were discharged from further consideration of the bill by unanimous consent. Mr. Radanovich offered an amendment in the

nature of a substitute to: incorporate federally recognized Indian tribes and Alaska Native Villages into the definition of a gateway community; revise language regarding the federal land management agencies' ability to actively solicit the participation of gateway communities as "cooperating agencies" under the National Environmental Policy Act; and to make other minor and technical changes. The amendment was adopted by voice vote and the bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 4, 2002.

Hon. JAMES V. HANSEN,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4622, the Gateway Communities Cooperation Act of 2002.

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

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 4622—Gateway Communities Cooperation Act of 2002

Summary: H.R. 4622 would require federal land management agencies to take certain steps to promote the involvement of local communities in federal land-use planning. CBO estimates that implementing H.R. 4622 would cost $50 million over the 2003–2007 period, assuming appropriation of the necessary amounts. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 4622 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Enacting this bill could benefit those local governments considered gateway communities.

Estimated cost to the Federal Government: For this estimate, CBO assumes that H.R. 4622 will be enacted near the start of fiscal year 2002 and that necessary funds will be provided near the start of each fiscal year. Estimates of outlays are based on historical spending patterns for similar activities. The estimated budgetary impact of H.R. 4622 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—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	5	8	10	12	15
Estimated Outlays	5	8	10	12	15

Basis of estimate: H.R. 4622 would require federal land management agencies to take certain steps to involve gateway communities—local or tribal governments that are significantly affected by planning and management decisions regarding federal lands—in federal land-use planning. According to the Department of the Interior and the Department of Agriculture, under current law, federal land management agencies generally meet many of the bill's requirements to involve gateway communities in planning processes. Thus, CBO estimates that formalizing those requirements would not significantly affect those agencies' costs.

H.R. 4622 would authorize the Secretary of the Interior and the Secretary of Agriculture to make grants to small gateway communities for the costs of participating in federal planning processes, planning and implementing certain transportation and infrastructure projects, and providing public information about nearby federal lands. Because the secretaries do not have authority to make such grants under current law, CBO expects that providing such assistance would require additional appropriations. Based on information from federal land management agencies about the number of gateway communities that might be eligible for grants under

H.R. 4622, we estimate that such grants would average $250,000 per community and that about 200 communities would receive such grants over the next five years for a total cost of about $50 million, assuming appropriation of the necessary amounts.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 4622 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Enacting this bill could benefit those local governments considered gateway communities.

Estimate prepared by: Federal Costs: Megan Carroll; Impact on State, Local, and Tribal Governments: Marjorie Miller; and Impact on the Private Sector: Lauren Marks.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

COMMITTEE CORRESPONDENCE

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, September 10, 2002.

Hon. LARRY COMBEST,
Chairman, Committee on Agriculture, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I ask your cooperation to help schedule an early consideration by the House of Representatives of H.R. 4622, to require federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the federal lands administered by these agencies, and for other purposes.

H.R. 4622 was referred primarily to the Committee on Resources and additionally to your Committee. The Subcommittee on National Parks, Recreation and Public Lands held a hearing on the bill on May 7, 2002. The Committee on Resources ordered the bill reported with an amendment on July 24, 2002, by voice vote. I have forwarded a copy of the reported text of the bill to your staff for review.

Because of the small number of days remaining in the 107th Congress, and because of the importance of this bill to its author, Congressman George Radanovich, I ask that you allow the Committee on Agriculture to be discharged from further consideration of this bill to expedite Floor scheduling. Of course, this action would not be considered as precedent for any future referrals of

similar measures. Moreover, if the bill is conferenced with the Senate, I would support naming Agriculture Committee members to the conference committee. I would also be pleased to include this letter and your response in the report on H.R. 4622.

Mr. Chairman, I have been very pleased with the tremendous degree of cooperation between our two Committees this Congress on the many bills which affect our national forests. Your staff has been responsive and thoughtful, and my staff very much appreciates their support and teamwork. I hope that you will give my request serious consideration and I look forward to your response.

Sincerely,

JAMES V. HANSEN,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, September 11, 2002.

Hon. JAMES V. HANSEN,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for forwarding a draft copy of H.R. 4622, the Gateway Communities Cooperation Act of 2002, as ordered reported by your Committee on July 24, 2002.

Under clause 1(a) of Rule X, the Committee on Agriculture has jurisdiction over bills relating to forestry in general and forest reserves other than those created from the public domain. In exercising this jurisdiction, the Committee on Agriculture has worked cooperatively in the past with your Committee regarding general matters relating to forestry.

Aware of your interest in expediting this legislation, and after conferring with Chairman Goodlatte of the Subcommittee on Departmental Operations, Oversight, Nutrition, and Forestry, I will be glad to waive further consideration of this measure so as to allow its timely consideration by the entire House of Representatives during the remainder of the 107th Congress.

This action is not intended to waive this Committee's jurisdiction over this matter for all purposes, and in the event a conference with the Senate is requested, I would appreciate your support in the naming of members from the Committee on Agriculture to the conference committee.

Thank you once again for the extraordinary cooperation this Congress in which our respective Committees have worked together and I look forward to working with you in the future on matters of shared jurisdiction.

Sincerely,

LARRY COMBEST,
Chairman.

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