

## Calendar No. 400

109TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 109-238

### DOROTHY BUELL MEMORIAL VISITOR CENTER LEASE ACT

APRIL 20, 2006.—Ordered to be printed

Filed, under authority of the order of the Senate of April 7, 2006

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

### R E P O R T

[To accompany S. 1913]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1913) to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, 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:

Strike out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

#### TITLE I—DOROTHY BUELL MEMORIAL VISITOR CENTER

- Sec. 101. Short title.
- Sec. 102. Definitions.
- Sec. 103. Memorandum of understanding.
- Sec. 104. Lease agreement.
- Sec. 105. Authorization of appropriations.

#### TITLE II—PUBLIC LAND TECHNICAL AMENDMENTS

- Sec. 201. Short title.
- Sec. 202. Gaylord Nelson Wilderness.
- Sec. 203. Arlington House land transfer.
- Sec. 204. Cumberland Island Wilderness.
- Sec. 205. Petrified Forest boundary.
- Sec. 206. Commemorative works.
- Sec. 207. Ojito Wilderness.

## **TITLE I—DOROTHY BUELL MEMORIAL VISITOR CENTER**

### **SEC. 101. SHORT TITLE.**

This title may be cited as the “Dorothy Buell Memorial Visitor Center Lease Act”.

### **SEC. 102. DEFINITIONS.**

In this title:

- (1) COMMISSION.—The term “Commission” means the Porter County Convention, Recreation and Visitor Commission.
- (2) LAKESHORE.—The term “Lakeshore” means the Indiana Dunes National Lakeshore.
- (3) LAKESHORE CENTER.—The term “Lakeshore Center” means the visitor center for the Lakeshore authorized under section 104(a).
- (4) MEMORIAL CENTER.—The term “Memorial Center” means the Dorothy Buell Memorial Visitor Center located south of the Lakeshore boundary on Indiana Route 49.
- (5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

### **SEC. 103. MEMORANDUM OF UNDERSTANDING.**

(a) IN GENERAL.—The Secretary may enter into a memorandum of understanding with the Commission to establish a joint partnership with respect to the management of the Memorial Center.

(b) REQUIREMENTS.—The memorandum of understanding shall—

- (1) identify the overall goals and purposes of the Memorial Center;
- (2) describe the allocation of management and operational duties between the Secretary and the Commission with respect to the Memorial Center;
- (3) identify how activities of the Memorial Center will be funded;
- (4) identify the parties responsible for providing amenities at the Memorial Center;
- (5) establish procedures for changing or dissolving the joint partnership; and
- (6) address any other issues determined to be appropriate by the Secretary or the Commission.

### **SEC. 104. LEASE AGREEMENT.**

(a) IN GENERAL.—After entering into a memorandum of understanding under section 103(a), the Secretary may enter into an agreement with the Commission to lease space in the Memorial Center for use as a visitor center for the Lakeshore.

(b) STAFF.—The Secretary may use employees of the Lakeshore to provide visitor information and education at the Lakeshore Center.

### **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this title.

## **TITLE II—PUBLIC LAND TECHNICAL AMENDMENTS**

### **SEC. 201. SHORT TITLE.**

This title may be cited as the “Public Land Technical Amendments Act of 2006”.

### **SEC. 202. GAYLORD NELSON WILDERNESS.**

(a) REDESIGNATION.—Section 140 of division E of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108–447), is amended—

- (1) in subsection (a), by striking “Gaylord A. Nelson” and inserting “Gaylord Nelson”; and
- (2) in subsection (c)(4), by striking “Gaylord A. Nelson Wilderness” and inserting “Gaylord Nelson Wilderness”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the “Gaylord A. Nelson Wilderness” shall be deemed to be a reference to the “Gaylord Nelson Wilderness”.

### **SEC. 203. ARLINGTON HOUSE LAND TRANSFER.**

Section 2863(h)(1) of Public Law 107–107 (115 Stat. 1333) is amended by striking “the George Washington Memorial Parkway” and inserting “Arlington House, the Robert E. Lee Memorial.”

**SEC. 204. CUMBERLAND ISLAND WILDERNESS.**

Section 2(a)(1) of Public Law 97-250 (16 U.S.C. 1132 note; 96 Stat. 709) is amended by striking “numbered 640/20,038I, and dated September 2004” and inserting “numbered 640/20,038K, and dated September 2005”.

**SEC. 205. PETRIFIED FOREST BOUNDARY.**

Section 2(1) of the Petrified Forest National Park Expansion Act of 2004 (16 U.S.C. 119 note) is amended by striking “numbered 110/80,044, and dated July 2004” and inserting “numbered 110/80,045, and dated January 2005”.

**SEC. 206. COMMEMORATIVE WORKS.**

Section 8908(b)(1) of title 40, United States Code, is amended in the second sentence by striking “House Administration” and inserting “Resources”.

**SEC. 207. OJITO WILDERNESS.**

Section 2(1) of the Ojito Wilderness Act (16 U.S.C. 1132 note; Public Law 109-94) is amended by striking “October 1, 2004” and inserting “January 24, 2006”.

### PURPOSE OF THE MEASURE

The purpose of S. 1913 is to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission to lease space within the Commission’s Dorothy Buell Visitor Center, and to make technical corrections to several national park-related measures.

### BACKGROUND AND NEED

Indiana Dunes National Lakeshore was established by Congress in 1966. The 15,067-acre park stretches for 25 miles along the shore of Lake Michigan in northwest Indiana.

For the past 8 years, Indiana Dunes National Lakeshore and the Porter County Convention, Recreation and Visitor Commission (Porter County) have worked together to find ways to welcome visitors to the lakeshore and the county. Both organizations currently own visitor centers that are far from the main transportation routes between the local Interstate and the lakeshore. As a consequence, few people find them or learn about the activities and services offered by the lakeshore and Porter County.

In 2003, the park and Porter County met with the public to propose a new visitor facility, the Dorothy Buell Memorial Visitor Center. State and local governments, local non-profit organizations, and the local media endorsed the proposal. Over the past few years, the Porter Commission secured funds to acquire property and build the center. On November 1, 2005, they held a groundbreaking ceremony at a site considered the gateway to the lakeshore, the intersection of Indiana 49 and U.S. 20. This site is outside the park boundary.

A recent transportation study suggests that the number of visitors to the new visitor facility would be triple the number of visitors to existing facilities.

S. 1913 would authorize the Secretary to enter into a Memorandum of Understanding (MOU) with the Porter Commission to operate the Visitor Center. The MOU would define the rights and responsibilities of both the Secretary and the Commission with respect to the operation and management of the Center.

### LEGISLATIVE HISTORY

S. 1913 was introduced by Senator Lugar on October 25, 2005. The Subcommittee on National Parks held a hearing on S. 1913 on

February 16, 2006. At its business meeting on March 8, 2006, the Committee on Energy and Natural Resources ordered S. 1913 favorably reported as amended.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on March 8, 2006, by unanimous voice vote of a quorum present, recommends that the Senate pass S. 1913, if amended as described herein.

#### COMMITTEE AMENDMENT

During consideration of S. 1913, the Committee adopted an amendment in the nature of a substitute. The amendment added title II to the bill. Title II makes technical corrections to existing laws affecting Apostle Islands National Seashore; Arlington House, the Robert E. Lee Memorial; Cumberland Island National Seashore; Petrified Forest National Park; the Ojito Wilderness in New Mexico; and the Commemorative Works Act.

#### SECTION-BY-SECTION ANALYSIS

##### TITLE I

Section 101 names title I as the “Dorothy Buell Memorial Visitor Center Lease Act”.

Section 102 defines terms.

Section 103(a) authorizes the Secretary of the Interior to enter into a Memorandum of Understanding (MOU) with the Porter County Convention, Recreation and Visitor Commission.

Subsection (b) requires that the MOU define the duties, rights, and responsibilities of both the Secretary and the Commission with respect to the Dorothy Buell Memorial Visitor Center.

Section 104(a) authorizes the Secretary to lease space within the Porter County Commission’s Visitor Center.

Subsection (b) authorizes the Secretary to use National Park Service employees to staff the center.

Section 105 authorizes the funds necessary to carry out this Act.

##### TITLE II

Section 201 names title II as the “Public Land Technical Amendments Act of 2006”.

Section 202 changes the name of the Gaylord A. Nelson Wilderness at Apostle Islands National Lakeshore, Wisconsin, to the Gaylord Nelson Wilderness.

Section 203 clarifies that the land transfer in section 2863 of Public Law 107–107 applies to Arlington House, the Robert E. Lee Memorial, and not the George Washington Memorial Parkway.

Section 204 corrects a reference to a map cited in the law creating the Cumberland Island Wilderness at Cumberland Island National Seashore, Georgia.

Section 205 corrects a reference to a map in the Petrified Forest National Park Expansion Act of 2004.

Section 206 corrects the name of the House Committee referred to in a section of the Commemorative Works Act.

Section 207 corrects a reference to a map in Public Law 109–94, the Ojito Wilderness Act.

#### COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

#### 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. 1913. 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. 1913, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

The views of the Administration on S. 1913 were included in testimony received by the Committee at a hearing on the bill on February 16, 2006. This testimony follows:

##### STATEMENT OF JOHN PARSONS, ASSOCIATE REGIONAL DIRECTOR, NATIONAL CAPITAL REGION, 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. 1913, a bill to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore. The Department strongly supports enactment of S. 1913. The Administration transmitted a similar proposal to Congress on September 30, 2005.

S. 1913 would authorize the National Park Service (NPS) to use federally appropriated funds to lease space in the Dorothy Buell Memorial Visitor Center, a new visitor facility being built by the Porter County Convention, Recreation and Visitor Commission (PCCRVC) outside the boundary of Indiana Dunes National Lakeshore (national lakeshore). It would also authorize the Secretary of the Interior to enter into a Memorandum of Understanding with the Porter County Convention, Recreation and Visitor Commission prior to entering into a lease agreement. The Memorandum of Understanding would outline the terms of the joint partnership, including cooperative management of the new visitor facility and sharing of operational activities.

The new Dorothy Buell Memorial Visitor Center is located approximately three quarters of a mile south of the national lakeshore boundary on IN 49, the principal north/south artery into the national lakeshore. It will be owned by the PCCRVC and space will be leased to the national lakeshore. The two parties will jointly plan and staff the new visitor center and offer "one-stop shopping" for the visitor with exhibits and theater space to educate them about the resources found in the park, aspects of threatened and endangered species management, habitat preservation, and wetlands restoration.

In 1998, the national lakeshore and the PCCRVC began to explore the concept of a joint visitor center to be shared by the PCCRVC, the national lakeshore, and the Indiana Dunes State Park. Both the national lakeshore and the PCCRVC suffer from low visitation at their respective visitor centers due to their poor locations away from the primary thoroughfares. Only about 66,000 visitors to the national lakeshore, just 3 percent of the park's 2 million visitors, travel to the existing visitor center each year. Because of the existing visitor center's inconvenient location, size, and layout, the national lakeshore's General Management Plan recommended relocating the existing visitor center to the more heavily traveled IN 49 corridor. The old visitor center would then be used exclusively for school programs, which the national lakeshore currently hosts for over 50,000 students per year.

A partnership to acquire land for a new site was initiated. A more prominent location outside the national lakeshore but within the primary travel corridor to the dunes was selected. Using a series of Transportation Enhancement grants, the PCCRVC purchased the land and secured a contract for construction. The site for the new facility will be the cornerstone of a small commercial center.

A transportation study indicated that the new visitor facility would increase revenue to the area by \$24 million and visitor center visitation by over 300 percent. Commercial tour bus operators would be advised of the new visitor center and could include it as the first stop on their way into the national lakeshore or state park for information and orientation to the area. Local schools also would be directed to the new visitor facility to begin their educational trips to the national lakeshore. Visitor contact facilities and waysides within both the national lakeshore and the state park would provide information regarding the new visitor facility and list its location.

S. 1913 would provide authority to Indiana Dunes National Lakeshore to expend federally appropriated funds outside the boundaries of the park in order to lease space for exhibits, offices, a book store, and a theatre from PCCRVC. It would also authorize the expenditure of funds for the planning, design and development of exhibits to be placed in the new facility in the NPS-leased space and provide NPS staff for visitor information and education.

Passage of S. 1913 would have minimal impact on the park's current budget. The space that would be leased by the NPS includes room for exhibits, offices, a theatre, and a book store that would be operated by the national lakeshore's cooperating association. Park staff would be relocated to the new visitor facility to provide education and information, so no additional FTEs are required or expected as a result of this proposal. The national lakeshore will continue to participate in the development of the new visitor facility's design plans, providing input for enhancing visitor flow and sustainability and offering technical advice on issues such as native landscaping.

A one-time cost of approximately \$1,200,000 would be needed to design, construct, and install exhibits in space leased for the national lakeshore. The NPS would include the project in the next update of its five-year construction plan. Annual lease payments would be approximately \$70,000. This cost increase would be offset within the park's base budget with a reduction in lower priorities, so no additional operational funding would be requested or expected.

Two million visitors travel to Indiana Dunes National Lakeshore each year. Many of them are from the Chicago metropolitan area and are often unaware that the national lakeshore is a unit of the National Park System. By relocating the primary visitor contact point to a more prominent location, the park would have the opportunity to contact and educate four times as many visitors regarding the national lakeshore's programs and resources as well as helping them understand the mission of the National Park Service.

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks and I will be happy to answer any questions you or other committee members might 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. 1913, as ordered reported, as 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 108-447, 108th Congress

AN ACT Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

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

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DIVISION E—DEPARTMENT OF THE INTERIOR AND  
RELATED AGENCIES APPROPRIATIONS ACT, 2005

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

SEC. 140. (a) SHORT TITLE.—This section may be cited as the “**[Gaylord A. Nelson]** *Gaylord Nelson* Apostle Islands National Lakeshore Wilderness Act”.

(b) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Apostle Islands Lakeshore Wilderness”, numbered 633/80,058 and dated September 17, 2004.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) HIGH-WATER MARK.—The term “high-water mark” means the point on the bank or shore up to which the water, by its presence and action or flow, leaves a distinct mark indicated by erosion, destruction of or change in vegetation or other easily recognizable characteristic.

(c) DESIGNATION OF APOSTLE ISLANDS NATIONAL LAKESHORE WILDERNESS.—

(1) DESIGNATION.—Certain lands comprising approximately 33,500 acres within the Apostle Islands National Lakeshore, as generally depicted on the map referred to in subsection (b), are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (16 U.S.C. 1132), and therefore as components of the National Wilderness Preservation System.

(2) MAP AND DESCRIPTION.—

(A) The map referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(B) As soon as practical after enactment of this section, the Secretary shall submit a description of the boundary of the wilderness areas to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the United States House of Representatives.

(C) The map and description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the description and maps.

(3) BOUNDARY OF THE WILDERNESS.—Any portion of wilderness designated in paragraph (c)(1) that is bordered by Lake Superior shall use as its boundary the high-water mark.

(4) NAMING.—The wilderness area designated by this section shall be known as the **[Gaylord A. Nelson National Wilderness]** *Gaylord Nelson Wilderness*.

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Public Law 107–107, 107th Congress

AN ACT To authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

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**SEC. 2863. ALTERNATIVE SITE FOR UNITED STATES AIR FORCE MEMORIAL, PRESERVATION OF OPEN SPACE ON ARLINGTON RIDGE TRACT, AND RELATED LAND TRANSFER AT ARLINGTON NATIONAL CEMETERY, VIRGINIA.**

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(h) LAND TRANSFER, SECTION 29.—

(1) TRANSFER REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer, without reimbursement, to the Secretary of the Army administrative jurisdiction over that portion of Section 29 designated as the interment zone and consisting of approximately 12 acres. The Secretary of the Interior shall modify the boundaries of [the George Washington Memorial Parkway] *Arlington House, the Robert E. Lee Memorial* as may be necessary to reflect the land transfer required by this subsection.

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Public Law 97–250, 97th Congress

AN ACT To correct the boundary of Crater Lake National Park in the State of Oregon, and for other purposes.

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

\* \* \* \* \*

**“SEC. 2. CUMBERLAND ISLAND WILDERNESS.**

“(a) DEFINITIONS.—In this section:

“(1) MAP.—The term ‘map’ means the map entitled ‘Cumberland Island Wilderness’, [numbered 640/20,038I, and dated September 2004] *numbered 640/20,038K and dated September 2005.*

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(3) WILDERNESS.—The term ‘Wilderness’ means the Cumberland Island Wilderness established by subsection (b).

“(4) POTENTIAL WILDERNESS.—The term ‘Potential Wilderness’ means the 10,500 acres of potential wilderness described in subsection (c)(2), but does not include the area at the north

\* \* \* \* \*

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Public Law 108–430, 108th Congress

AN ACT To revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes.

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Petrified Forest National Park Expansion Act of 2004”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) MAP.—The term “map” means the map entitled “Proposed Boundary Adjustments, Petrified Forest National Park”, [numbered 110/80,044, and dated July 2004] *numbered 110/80,045, and dated January 2005.*

(2) PARK.—The term “Park” means the Petrified Forest National Park in the State.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of Arizona.

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40 U.S.C. Sec. 8908

**TITLE 40—PUBLIC BUILDINGS, PROPERTY,  
AND WORKS**

**Subtitle II—Public Buildings and Works**

**PART D—PUBLIC BUILDINGS, GROUNDS, AND PARKS IN  
THE DISTRICT OF COLUMBIA**

**CHAPTER 89—NATIONAL CAPITAL MEMORIALS AND  
COMMEMORATIVE WORKS**

**SEC. 8908. Areas I and II**

\* \* \* \* \*

(b) SPECIFIC CONDITIONS APPLICABLE TO AREA I AND AREA II.—

(1) AREA I.—After seeking the advice of the National Capital Memorial Commission, the Secretary or Administrator, as appropriate, may recommend the location of a commemorative work in Area I only if the Secretary or Administrator decides that the subject of the commemorative work is of preeminent historical and lasting significance to the United States. The Secretary or Administrator shall notify the Commission, the Committee on [House Administration] *Resources* of the House of Representatives, and the Committee

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Public Law 109–94, 109th Congress

AN ACT To designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes.

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Ojito Wilderness Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) MAP.—The term “map” means the map entitled “Ojito Wilderness Act” and dated **[October 1, 2004]** *January 24, 2006*.

(2) PUEBLO.—The term “Pueblo” means the Pueblo of Zia.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of New Mexico.

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