

Calendar No. 543

105TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 105-304

FORT DAVIS NATIONAL HISTORIC SITE

SEPTEMBER 8 (legislative day, AUGUST 31), 1998.—Ordered to be printed

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

REPORT

[To accompany S. 1990]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1990) to authorize expansion of Fort Davis National Historic Site in Fort Davis, Texas, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 1990 is to amend the enabling Act for the Fort Davis National Historic Site in Fort Davis, Texas to authorize the Secretary of the Interior to purchase approximately 16 acres of land for addition to the Historic Site.

BACKGROUND AND NEED

Beginning in 1854, Fort Davis played a key role in the defense system of west Texas. Soldiers from Fort Davis assisted in opening the area to settlement as well as protected travelers and merchants along the San Antonio-El Paso Road from 1854 to 1891. Today the Fort is regarded as the best preserved facility of its type in the Southwest. Fort Davis National Historic Site was established by an Act of Congress (Public Law 87-213) on September 8, 1961.

This legislation would authorize the National Park Service to expand the boundaries of Fort Davis National Historic Site from 460 acres to 476 acres. Recently, the owners of the 14-acre tract known as Sleeping Lion Mountain approached the Park Service with an offer to sell the property. This tract of land includes significant parts of the Fort, such as the site of the quartermaster sergeant's and missionary sergeant's quarters. The tract also contains sev-

eral archeological sites that could yield information about the history and development of the Fort.

The Conservation Fund, a national nonprofit organization, has purchased the property and upon enactment of this legislation, will donate the site to the National Park Service.

LEGISLATIVE HISTORY

S. 1990 was introduced by Senators Hutchison and Gramm on April 27, 1998 and referred to the Committee on Energy and Natural Resources. The Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on S. 1990 on July 16, 1998.

At its business meeting on July 29, 1998, the Committee on Energy and Natural Resources ordered S. 1990 favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on July 29, 1998, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 1990, as described herein.

SUMMARY OF S. 1990

S. 1990 amends Public Law 87-213 authorizing an increase in the boundaries of the Fort Davis National Historic Site from 460 acres to 476 acres.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 5, 1998.

Hon. FRANK H. MURKOWSKI,
Chairman, 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 S. 1990, a bill to authorize expansion of Fort Davis National Historic Site in Fort Davis, Texas.

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

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

S. 1990—A bill to authorize expansion of Fort Davis National Historic Site in Fort Davis, Texas

CBO estimates that implementing S. 1990 would have no significant impact on the federal budget. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 1990 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.

S. 1990 would expand the boundaries of the Fort Davis National Historic Site by up to 16 acres. Based on information provided by the National Park Service (NPS) and the Conservation Fund (the Fund), CBO expects that the land would be donated to the federal government by the Fund, a nonprofit organization that recently purchased the property from a local landowner. If the Fund donates the land, federal costs would be limited to a few thousand dollars for surveying and mapping (assuming the availability of appropriated funds). CBO estimates that, in the unlikely event that the NPS would have to purchase the site from the Fund, the cost would be less than \$50,000 (also assuming the availability of appropriated funds).

On July 31, 1998, CBO transmitted a cost estimate for H.R. 3047, a nearly identical bill, which was ordered reported by the House Committee on Resources on July 22, 1998. The two estimates are identical.

The CBO staff contact is Deborah Reis. This estimate was approved by Robert A. Sunshine, 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. 1990. The bill is not a regulatory measure in the sense of imposing Government-established standards of 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 enactment of S. 1990, as ordered reported.

EXECUTIVE COMMUNICATIONS

The testimony of the Department of the Interior at the Subcommittee hearing follows:

STATEMENT BY DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you to explain the Department of the Interior's views on S. 1990, a bill to expand the boundaries of Fort Davis National Historic Site. We strongly support the bill, and appreciate the efforts of Senator Hutchison and other members of the Texas delegation on this issue.

S. 1990 is companion legislation to H.R. 3047. A hearing and the subcommittee markup were completed on H.R. 3047 this spring. If enacted, S. 1990 would expand the boundaries of Fort Davis National Historic Site, located in Jeff Davis County, Texas, by approximately 16 acres. The

land, until recently, was privately held. The property is located on the south side of the park and contains approximately $\frac{1}{3}$ of Sleeping Lion Mountain, a significant area landmark and geologic feature. The park's current legislation limits the size of the park to 460 acres. Because of this language we cannot use existing authority to make this minor boundary adjustment.

Fort Davis National Historic Site was authorized on September 8, 1961 by P.L. 87-213. The area commemorates the historical role of the fort in the opening of the West during the mid to late 1800s. Fort Davis played an important role in the European settlement and development of the southwest by providing protection and a military presence on major immigration routes. During the Civil War the fort changed hands, used by both Union and Confederate forces. Following the Civil War, Fort Davis was one of the posts of the well-known Buffalo Soldiers until 1885. The fort was finally abandoned in 1891.

The 16-acre parcel proposed for addition, is not only adjacent to the fort, but was also the location of a large complex of stores and establishments operated by civilian Daniel Murphy.

In the 1870s and 1880s, Murphy was known to have sold whiskey across the fence to the soldiers.

In February 1996, the National Park Service was approached by the owners of this 16-acre parcel and asked to make an offer on their father's land. Since then the park staff has been working with the owners and members of the community to gain support for this boundary adjustment. Local, regional, and state organizations have indicated their support for this proposal including the Davis Mountain Trans Pecos Heritage Association, Fort Davis NHS Friends Group, and the Davis Mountains State Park. To our knowledge there is no opposition to this proposal for anyone, including the five adjacent landowners.

This project has been a true partnership from the efforts of the Fort Davis NHS staff and Friends Group to the members of the Texas delegation who have shown support and interest. A critical member of this partnership is The Conservation Fund. It agreed to purchase the land and donate it to the park. Funds were raised, and title was transferred to The Conservation Fund May 12, 1998. The last step needed, is the authority for the National Park Service to accept the land from the Fund.

The communities in and around Fort Davis NHS continue to grow and visual impacts to the site will continue with them. The surrounding town area is unincorporated and has no zoning restrictions. This high spot, off the park's southern boundary could easily be developed for private or commercial use and impact the park setting. One resource that is highly valued at sites like Fort Davis, Fort Laramie and other frontier forts is their physical settings. This adds to increased visitor enjoyment, and enhanced

National Park Service ability to more fully protect America's frontier heritage.

The timing on this legislation is fortunate. Not only has The Conversation Fund been able to purchase the land in a prompt and efficient manner, work has recently started on the park's first general management plan. It would be beneficial to have this critical piece of land formally included in the park's boundary now so that the plan can incorporate the best alternatives for protecting this important resource in this public process.

This completes my prepared remarks Mr. Chairman. I would be happy to answer any questions that you may 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. 1990, as ordered reported, are 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 87-213, September 8, 1961)

Authorizing the establishment of a National Historic Site at Fort Davis, Jeff Davis County, Texas.

That the Secretary of the Interior shall acquire, on behalf of the United States, by gift, purchase, condemnation, or otherwise, all right, title, and interest in and to such lands, [not to exceed four hundred and sixty acres] *not to exceed 476 acres* in all, together with any improvements thereon, as the Secretary may deem necessary for the purpose of establishing a National Historic Site at the site of Fort Davis, near the town of Fort Davis, Jeff Davis County, Texas.