

STATEMENT OF STEPHANIE TOOTHMAN, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, PARTNERSHIPS AND SCIENCE, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE SUBCOMMITTEE ON NATIONAL PARKS OF THE ENERGY AND NATURAL RESOURCES COMMITTEE, CONCERNING H.R. 885, A BILL TO EXPAND THE BOUNDARY OF SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK, AND FOR OTHER PURPOSES.

July 31, 2013

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Department on H.R. 885, to expand the boundary of San Antonio Missions National Historical Park (Park), and for other purposes.

The Department supports H.R. 885 with amendments described later in this statement.

H.R. 885 would expand the boundary of the Park by approximately 137 acres, all of which are currently being managed by the National Park Service (NPS). Of the 137 acres, 102 acres are either owned by the United States and managed by the NPS or are being managed by the NPS under a cooperative agreement and are in the process of being donated to the Park. Nineteen acres are currently, and will continue to be, managed through a cooperative agreement with the landowners, the city of San Antonio and Bexar County that protects the cultural landscape, ensures public access, and provides for greater interpretation of the historical and architectural values of the Park. The additional 16 acres will continue to be managed by Bexar County.

The Park's authorizing legislation allows for the acquisition of new lands outside the Park boundary and allows the Park to enter into cooperative agreements to preserve historic properties and provide for visitor access and interpretation. However, the Park has only limited authority to revise the Park boundary to include additional lands, which is why this legislation is necessary. Because the park currently manages 121 acres of the lands that would be included in the new boundary and Bexar County will continue to manage the additional 16 acres, H.R. 885 will not result in increased operational costs.

The Park preserves a significant link to Mexico and Spain that has influenced the culture and history of the United States since before its inception. San Antonio, Texas, is now the seventh-largest, third-fastest growing city in the United States. The city grew 68 percent between 1980 and 2007 and now almost entirely surrounds the Park with urban development, threatening areas that contain significant Spanish colonial resources historically associated with the Park. Based on the Park's General Management Plan and Land Protection Plan, which found that numerous areas containing significant Spanish colonial resources historically associated with the Park were outside the boundary, the Park acquired the additional lands that now need to be included in the boundary.

This legislation enjoys the support of officials from Bexar County, Wilson County, the City of San Antonio, the City of Floresville, the San Antonio River Authority, the San Antonio

Conservation Society, Los Compadres, and others. It would help guarantee the preservation, protection, restoration, and interpretation of the missions for current and future generations.

The Department recommends that the bill be amended to address the bill's park boundary, land acquisition, and buffer zone provisions: As passed by the House, H.R. 885 prohibits acquisition by condemnation of any land or interests in land within the boundaries of the park. The NPS has consistently opposed changing a park's existing land acquisition authority when boundary adjustments are made. While condemnation is rarely used, it can be a critical tool during a friendly condemnation, where the value of the land is in dispute, or when title to the property is in doubt or cannot be cleared. If the intent of this legislation is to prohibit the acquisition by condemnation of the new 137 acres that would be included in the park boundary, we recommend amending the bill to eliminate the general prohibition on condemnation, and to provide specifically that acquisition of the 137 acres brought within the boundary by this legislation may not be accomplished through condemnation.

The bill makes the establishment of the expanded boundary subject to the written consent of the owners of properties that would be included within the new boundary. This places landowners, rather than Congress or the Administration, in the position of determining the boundary of a federal park, which we believe is inappropriate. This provision has the potential to create legal and practical confusion over the boundary since it is possible that a landowner could give consent, then change his or her mind and withdraw consent or convey the property to another owner who withdraws consent. If the intent of this language is to ensure that only willing sellers convey lands to the NPS, we recommend amending the language to include such a provision, instead of investing members of the public with the ability to determine park boundaries.

The bill also includes language that says that an activity outside the boundary shall not be precluded because it can be heard or seen inside the park boundary. The Department has concerns about this language. It is misleading, as it suggests that the NPS may have authority to preclude activities outside the boundaries, which it does not. Of even greater concern, however, is that the language could discourage park managers from addressing threats to park resources from external sources. Even though the NPS does not control what happens outside of its boundaries, park managers have a responsibility under the NPS Organic Act and other laws to work with owners of properties outside of park boundaries to resolve problems that could negatively impact the resources the NPS is responsible for protecting. Therefore, we recommend removing paragraph (4) on page 3 of the bill by striking lines 1 through 15.

Mr. Chairman, thank you for the opportunity to present the views of the Administration.