

Subcommittee on Federal Lands
Tom McClintock, Chairman
Hearing Memorandum

November 13, 2017

To: All Subcommittee on Federal Lands Members

From: Majority Committee Staff – Terry Camp
Subcommittee on Federal Lands (x 6-7736)

Hearing: **Legislative hearing on H.R. 4266 (Rep. Bruce Poliquin)**, To clarify the boundary of Acadia National Park, and for other purposes.
November 15, 2017 at 10:30 a.m.; 1334 Longworth HOB.

H.R. 4266 (Rep. Poliquin), “Acadia National Park Boundary Clarification Act”

Summary of the Bill

H.R. 4266, introduced by Representative Bruce Poliquin (R-ME-02), addresses a wide range of issues related to the boundaries of Acadia National Park, harvesting of marine organisms in the intertidal zone, and public involvement in park planning. Among other provisions, the bill would:

- Ratify the 2015 Schoodic Woods land transfer to the National Park Service (NPS);
- Clarify limitations on the Secretary of the Interior’s authority to modify the boundary of Acadia National Park;
- Repeal the authority provided to the Secretary of the Interior by a 1919 law to acquire land on Mt. Desert Island;
- Repeal the 1929 law which provides the Secretary of the Interior broad authority for land acquisition in Hancock and Knox Counties;
- Make permanent the Acadia National Park Advisory Commission; and
- Ensure that traditional uses of the intertidal zone are protected and that harvesters’ rights are upheld.

Cosponsors

Rep. Chellie Pingree (D-ME-1)

Witnesses

Panel I

The Honorable Bruce Poliquin
Member of Congress

Panel II

Ms. Sue Masica

Acting Deputy Director for Operations
National Park Service
Washington, D.C.

Mr. Timothy C. Woodcock

Attorney, Eaton Peabody
Bangor, Maine

Background

Acadia National Park preserves approximately 50,000 acres in Hancock and Knox Counties along the mid-section of the Maine coast. The park consists of portions of Mount Desert Island plus a portion of Isle au Haut to the southwest of Mount Desert Island, the tip of the Schoodic Peninsula on the mainland to the east, and most of or portions of 16 smaller outlying islands. The park also preserves more than 13,000 acres of conservation easements across its legislated boundary, which runs from the Penobscot River ship channel to just east of the Schoodic Peninsula.¹

Acadia National Park was established in 1916 as Sieur de Monts National Monument and incorporated into Lafayette National Park in 1919 as the first national park east of the Mississippi River. Much of the land comprising the park was donated from private landowners, a practice that continued throughout much of the 20th century.² In 1929, Congress authorized the Secretary of the Interior to accept a donation of land on the Schoodic Peninsula and gave the park its current name.³ The 1929 law also authorized the Secretary of the Interior to acquire additional lands for the park in Hancock County and certain parts of Knox County. In the succeeding decades additional lands were periodically acquired to expand the park.

In 1986, after years of poor relations between the surrounding towns and the NPS due to a diminishing tax base as land continued to be acquired for the park, Congress passed and President George H.W. Bush enacted Public Law 99-420 to establish a more permanent and contiguous boundary for the park. The 1986 law granted the Secretary of the Interior authority to exchange, or purchase from willing sellers, selected inholdings to remove private inholdings in the park; directed the Secretary to transfer ownership of selected noncontiguous parcels; continued the authority to accept conservation easements; and established a park advisory commission. The implementation of the 1986 law greatly improved relations between the local communities and the park.

In 2015, an anonymous donor gifted 1,441 acres, known as Schoodic Woods, to the NPS. It was only after the land was transferred to the park that the NPS informed the public that the

¹ National Park Service. Foundation Document Acadia National Park. 3. September 2016. Accessed November 9, 2017. https://www.nps.gov/acad/learn/management/upload/ACAD_FD_2016_508-2017.pdf.

² Ibid.

³ Ibid.

legal authority they used for the transfer came from the 1929 law that area residents and elected officials believed had been superseded by the 1986 law. According to a letter sent by the Department of the Interior's Office of the Solicitor to NPS officials on January 24, 2014, the 1929 law permits the park to accept ownership of donated land, as opposed to purchasing it. The 1986 law, according to the letter, sets physical limits for lands the NPS can purchase and for lands on which the NPS can acquire conservation easements, but it does not specifically set limits for donated land.⁴

Although the property donated to the park was supported by local towns and communities, the method by which the park was expanded was criticized by many area residents and elected officials and undermined some of the goodwill that has been built between the NPS and the Bar Harbor Region since 1986. Furthermore, the NPS did not consult with the Acadia Advisory Commission before the transfer took place. One of the primary reasons the 16-seat panel was created by Congress in 1986 was to consult with the NPS on "the acquisition of lands and interests in lands."⁵ H.R. 4266 would permanently authorize the Acadia Advisory Commission.

In addition to the disputes regarding the boundary of the park, issues related to traditional harvesting of marine organisms in the intertidal zone in and around the park have also arisen in recent years. Local clammers, wormers, and other harvesters have expressed concerns about the unpredictable enforcement in the intertidal zone in and around the park. In recent years, park officials have begun to limit commercial harvesting in the intertidal zone and some harvesters report having been forced to dump the buckets of worms or clams they spent hours digging, losing their day's pay. H.R. 4266 requires the Secretary of the Interior to allow for the traditional harvesting of the marine organisms in or near the park according to the laws of the state of Maine.

H.R. 4266 also includes provisions to require the Secretary of the Interior to fulfill a 1986 financial commitment to give \$350,000 to the Acadia Disposal District so that area communities can improve their solid waste facilities, conveys a 0.29-acre NPS parcel to the City of Bar Harbor for use as a solid waste facility, and revises the deed restriction on a parcel of land in the Town of Tremont so that it can be used for public purposes.

U.S. Senator Angus King (I-ME) has introduced a Senate companion bill this Congress as S. 2101.

⁴ Trotter, Bill. "Panel lambastes how Schoodic land was given to Acadia." Bangor Daily News. February 05, 2016. Accessed November 09, 2017. <https://bangordailynews.com/2016/02/03/news/hancock/panel-lambastes-how-schoodic-land-was-given-to-acadia/>.

⁵ "Acadia Advisory Commission." National Parks Service. Accessed November 09, 2017. <https://www.nps.gov/acad/getinvolved/acadia-advisory-commission.htm>.



Map Credit: National Park Service, 2016 (https://www.nps.gov/acad/learn/management/upload/ACAD_FD_2016_508-2017.pdf.)

Major Provisions

- Ratifies the 2015 Schoodic Woods land transfer to the NPS
- Clarifies limitations on the Secretary of the Interior’s authority to modify the boundary of Acadia National Park
- Repeals the authority provided to the Secretary of the Interior by a 1919 law to acquire land on Mt. Desert Island
- Repeals the 1929 law which provided the Secretary of the Interior broad authority for land acquisition in Hancock and Knox Counties;
- Makes permanent the Acadia National Park Advisory Commission
- Requires the Secretary of the Interior to fulfill a 1986 financial commitment to give \$350,000 to the Acadia Disposal District

- Releases restrictions on a parcel of land in Tremont so it can be utilized for public purposes as determined by the local community
- Ensure that traditional uses of the intertidal zone are protected and that harvesters' rights are upheld
- Conveys an approximately 0.29-acre parcel of NPS land to the city of Bar Harbor for use as a solid waste facility

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

Administration Position

The Administration position is unknown at this time.

Effect on Current Law (Ramseyer)