

AUTHORIZING ESCAMBIA COUNTY, FLORIDA, TO CONVEY CERTAIN PROPERTY THAT WAS FORMERLY PART OF SANTA ROSA ISLAND NATIONAL MONUMENT AND THAT WAS CONVEYED TO ESCAMBIA COUNTY SUBJECT TO RESTRICTIONS ON USE AND RECONVEYANCE

DECEMBER 8, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 1452]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1452) to authorize Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and reconveyance, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1452 is to authorize Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and reconveyance.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1452 would allow Escambia County, Florida, to convey, or otherwise dispose of, all right, title, and interest in and to any portion of the property that the federal government conveyed to the County in 1947 on Santa Rosa Island.

On January 15, 1947, the federal government removed the Santa Rosa National Monument from the jurisdiction of the National Park Service and deeded the land located on Santa Rosa Island to

Escambia County, Florida. Under the terms of the conveyance, Escambia County was given the authority to transfer property on Santa Rosa Island; however, it was not allowed to sell or convey the property. After taking custody of the land, Escambia County began offering leases for businesses and homeowners who would pay a lease fee, but not be charged property taxes. This arrangement continues today.

Santa Rosa Island grew enormously in the intervening years, and the Board of Commissioners of both Escambia County and Santa Rosa County passed resolutions asking for a federal solution to allow current Santa Rosa Island leaseholders the option of attaining fee simple title, while protecting public access to the beaches and conservation areas on the Island. H.R. 1452 provides a long-needed solution, similar to what was attained by neighboring Okaloosa Island, and allows for the County to more fairly levy taxes while protecting the Island's natural resources.

An identical version of this bill, introduced in the 113th Congress as H.R. 2954, was favorably reported by the Committee on Natural Resources on December 16, 2013 (House Report 113–296). The bill was subsequently expanded to include a package of lands bills and was passed by the House of Representatives by a recorded vote of 220–194 on February 6, 2014.

COMMITTEE ACTION

H.R. 1452 was introduced on March 19, 2015, by Congressman Jeff Miller (R–FL). The bill was referred to the Committee on Natural Resources. Within the Natural Resources Committee, the bill was referred to the Subcommittee on Federal Lands. On October 7, 2015, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered, and the bill was ordered favorably reported on October 8, 2015, 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 Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(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. 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:

H.R. 1452—A bill to authorize Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and reconveyance

H.R. 1452 would authorize Escambia County in Florida to convey to private entities certain property that it received from the federal government. The specified properties had been part of the Santa Rosa Island National Monument and were transferred to Escambia County in 1947 for public purposes. Under the terms of that conveyance, Escambia County can only reconvey the properties to the federal government or to the state of Florida. H.R. 1452 would remove that condition and add new conditions. First, under the bill, any conveyance of the specified properties would require Escambia County to convey to Santa Rosa County any of the property that falls within the jurisdictional boundaries of Santa Rosa County. Second, any proceeds above the direct or incidental costs of the conveyances would be transferred to the federal government.

CBO estimates that implementing the legislation would have no significant effect on the federal budget. Enacting H.R. 1452 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. Based on information provided by the National Park Service and local government entities, CBO estimates that the proceeds from any conveyances of the specified properties would be used to cover direct or incidental costs.

CBO estimates that enacting H.R. 1452 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year period beginning in 2026.

H.R. 1452 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Marin Burnett. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of 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. According to the Congressional Budget Office, implementation of this bill would have no significant effect on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to authorize Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and reconveyance.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman believes that this bill does not direct an executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

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.

DISSENTING VIEWS

H.R. 1452 authorizes Escambia County to permanently convey land associated with the former Santa Rosa National Monument to Santa Rosa County.

Santa Rosa Island is a 40-mile barrier island in the Gulf of Mexico off the coast of Pensacola, Florida. Settled by Spanish explorer Tristan De Luna in 1559, it's the site of the earliest European settlement in North America and an eventual home to Fort Pickens, an important U.S. military base throughout much of early American history.

In 1939, President Franklin Delano Roosevelt recognized the historical significance of the island and proclaimed the Santa Rosa Island National Monument. The monument was abolished by Congress in 1946 and the Department of Interior, in 1947, conveyed a portion of Santa Rosa Island back to Escambia County. Following the 1946 Act, all use of the land is required to meet the public interest. Escambia County deemed that 100-year leases were in the "public interest" and, in 1956, leased the area of Navarre Beach to the neighboring Santa Rosa County.

A lot of development has happened on Santa Rosa Island in the sixty years since the land was first conveyed to Escambia County, but Congressional intent remains the same: federal land conveyed to Escambia must be used for a public purpose. H.R. 1452 undermines that intent.

Santa Rosa County is considering plans to create a marina at Navarre Beach. The proposed marina would cut off public access to local beaches and have sizable impacts on the estuaries and wetlands that support wildlife habitat at Gulf Island National Seashore. Barrier islands play a critical role in the ecosystem, providing protection from storm surges and erosion. Dredging a channel to create a marina will lead to beach erosion, requiring continuous, costly restoration and stabilization efforts to preserve the beach. Making our coasts more vulnerable to flooding, erosion, and storm surge is not in the public interest.

The National Park Service, in a statement for the record on a similar bill in the 113th Congress, recommended several amendments to the bill that would authorize the conveyance in a manner consistent with Congressional intent. Unfortunately, these amendments were not adopted.

For these reasons, we oppose H.R. 1452.

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