

## Calendar No. 768

106TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 106-392

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### SAINT HELENA ISLAND NATIONAL SCENIC AREA ACT

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AUGUST 25, 2000.—Ordered to be printed

Filed under authority of the order of the Senate of July 26, 2000

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

### REPORT

[To accompany H.R. 468]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 468) to establish the Saint Helena Island National Scenic Area, having considered the same, reports favorably thereon with an amendment and recommends that the Act, as amended, do pass.

The amendment is as follows:

On page 4, lines 1-5; Strike the first sentence and insert the following:

“Within 3 years of the acquisition of 50% of the land authorized for acquisition under section 7, the Secretary shall develop an amendment to the land and resources management plan for the Hiawatha National Forest which will direct management of the scenic area.”.

#### PURPOSE OF THE MEASURE

The purpose of H.R. 468 is to establish the Saint Helena Island National Scenic Area.

#### BACKGROUND AND NEED

The owners of most of Saint Helena Island, an island in the Straits of Mackinac in Lake Michigan, have put their 240 acre parcel up for sale. H.R. 468 authorizes the purchase of this land to preserve and protect its outstanding resources. The bill also establishes the Saint Helena Island National Scenic Area to be managed as part of the Hiawatha National Forest. H.R. 468 also authorizes the Secretary of Agriculture to acquire up to 10 acres of land, in-

cluding improvements, on the mainland to provide access and facilities for the scenic area.

#### LEGISLATIVE HISTORY

H.R. 468 was introduced on February 2, 1999, by Congressman Dale Kildee. On September 21, 1999, H.R. 468 passed the House by a vote of 410–2. The Subcommittee on Forests and Public Land Management held a hearing on H.R. 468 on June 8, 2000. At the business meeting on July 13, 2000, the Committee on Energy and Natural Resources ordered H.R. 468 reported favorably with an amendment.

#### COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on July 13, 2000, by a voice vote of a quorum present, recommends that the Senate pass H.R. 468 if amended as described herein.

#### COMMITTEE AMENDMENT

During the consideration of H.R. 468, the Committee adopted an amendment that addresses the Administration's concerns on the timing of the development of a management plan for the National Scenic Area.

#### SECTION-BY-SECTION ANALYSIS

Section 1 states that the short title is the "Saint Helena Island National Scenic Area Act."

Section 2 gives the purposes of the Act and establishes the Saint Helena Island National Scenic Area effective upon conveyance of satisfactory title of the whole of Saint Helena Island except for the portion owned by the Great Lakes Lighthouse Keepers Association.

Section 3 specifies the boundaries of the scenic area and extends the Hiawatha National Forest to encompass the scenic area.

Section 4(a) requires the Secretary of Agriculture to administer the scenic area similar to other National Forest System lands.

Subsection (b) requires the Secretary to develop creation of a management plan for the scenic area within three years of the acquisition of at least half of the land authorized for purchase, and requires that the plan address several specified management considerations.

Subsection (c) requires that the management plan be developed in consultation with State and local government officials and provide for full public participation.

Section 5 preserves the existing jurisdiction of the State of Michigan for fish and wildlife responsibility.

Section 6 withdraws the lands in the scenic area from mineral leasing, subject to existing rights, except for common materials for road and facility construction needs.

Section 7(a) requires the Secretary to acquire from willing sellers, lands or interests therein.

Subsection (b) authorizes the Secretary to acquire not more than 10 acres on the mainland to provide access to the scenic area.

Section 8 authorizes appropriations as necessary for the acquisition of land, interest in land, or structures within the scenic area

and for an administrative site, as well as what may be necessary for development and implementation of the management plan.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office (CBO) estimate of the costs of this measure follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 19, 2000.*

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 H.R. 468, the Saint Helena Island National Scenic Area Act.

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

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 468—Saint Helena Island National Scenic Area Act*

CBO estimates that implementing H.R. 468 would cost about \$3 million over the 2001–2005 period, subject to the appropriation of the estimated amounts. Because the legislation would not affect direct spending or receipts, pay-as-you-go procedures would not apply. H.R. 468 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.

H.R. 468 would direct the Secretary of Agriculture to acquire almost 240 acres of privately owned land comprising most of Saint Helena Island in Lake Michigan to establish the Saint Helena Island National Scenic Area. H.R. 468 also would authorize the Secretary to acquire up to 10 acres of land, including improvements, on the mainland to provide access and facilities for the proposed scenic area. The acquired land would be managed as part of the Hiawatha National Forest. Once the Secretary has acquired half of the land authorized for the scenic area, H.R. 468 would direct the Secretary to develop a management plan for the area.

Based on information from the Forest Service and recent information from landowners on the island, CBO estimates that the agency would spend about \$2 million to acquire the land, plus another \$600,000 to establish and manage the scenic area, including developing a management plan for the island, constructing basic facilities, and surveying the area. Once the national scenic area is established, ongoing administrative costs would total about \$50,000 each year. Such spending would be subject to the appropriation of the necessary amounts.

On July 14, 1999, CBO transmitted a cost estimate for H.R. 468 as ordered reported by the House Committee on Resources on June 30, 1999. The two versions of this legislation are substantively the same. CBO's estimate of the cost to acquire the land on Saint Hel-

ena Island is now about \$500,000 higher than our estimate in June 1999.

The CBO staff contact is Megan Carroll. This estimate was approved by Robert A. Sunshine, 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 H.R. 468.

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 H.R. 468, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

On July 13, 2000 the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 468. These reports had not been received at the time the report on H.R. 468 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Forest Service at the Subcommittee hearing follows:

#### STATEMENT OF JACK CRAVEN, DIRECTOR OF LANDS, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. Chairman, and members of the subcommittee, thank you for the opportunity to present the Administration's views concerning H.R. 468, an Act to establish the Saint Helena Island National Scenic Area. The Administration supports this bill with a minor amendment.

This bill would establish the Saint Helena Island National Scenic Area in the State of Michigan to be included within the Hiawatha National Forest. It would authorize the purchase of private land on the island from willing sellers. The creation of the Saint Helena Island National Scenic Area would preserve and protect this outstanding resource. The island provides habitat for rare, threatened, and endangered plant species, and a great blue heron rookery. The addition of this land to the Hiawatha National Forest would provide opportunities for recreation experiences in a primitive setting outside of wilderness. For these reasons, the Administration supports this legislation if the following consideration is given.

The bill would require the Forest Service to develop a management plan within three years of enactment. We would recommend that the bill direct the management

plan be developed after 50% of the lands within the scenic area are acquired by the Forest Service.

This concludes my testimony. I would be glad to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by H.R. 468, as ordered reported.

