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BLACKWATER NATIONAL WILDLIFE REFUGE EXPANSION ACT

OCTOBER 8, 2002.—Ordered to be printed

Mr. JEFFORDS, from the Committee on Environment and Public Works, submitted the following

REPORT

[to accompany H.R. 4807]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (H.R. 4807) to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

On June 23, 1942, President Roosevelt issued Executive Order 9185 establishing the Susquehanna National Wildlife Refuge in Cecil County, Maryland. This area, which was closed to hunting, contained thousands of acres of submerged aquatic vegetation providing superb habitat for a large population of diving ducks.

In 1978, the U.S. Fish and Wildlife Service opened the closed area to hunting because the aquatic vegetation had largely disappeared and waterfowl use had declined to the point where Federal protection was no longer necessary. As a result, the size of the refuge was reduced to the four acres of Battery Island which had been the site of a U.S. Coast Guard lighthouse since the 1920's. The Susquehanna Refuge has been further reduced by erosion and it is managed as a non-staffed satellite of the larger Blackwater National Wildlife Refuge.

Garrett Island is located at the mouth of the Susquehanna River and it is the only rocky island in the tidal waters of the Chesa-

peake Bay. It is a link between the river and the bay. The island is about a mile and a half wide, is comprised of approximately 198 acres, and rises to 115 feet above sea level. The island is currently owned by a group of private land conservators who donated 15 percent of the island to the Cecil Land Trust. It is estimated that the cost to the Federal Government of purchasing the remaining acreage would be $300,000.

Garrett Island has been occupied by humans for generations. It was the site of Maryland's second settlement in the early 1600's. In the mid–1800's, the B&O railroad purchased the island as a base for a bridge they built across the Susquehanna River and named it after its Chairman of the Board, John W. Garrett. Today, the island has no permanent residents and there is limited public use including bird watching, fishing and picnicking. The island has a variety of archeological, natural and wildlife resources. It provides high-quality habitat for 44 different avian populations and dozens of fish species, including 14 kinds of ducks, eagles, Canadian geese, common loons and tundra swans.

Accokeek Creek and Potomac Creek in Stafford County, Virginia, form a more than 7,000 acres peninsula of forested mature wood and old growth forest. In the mid–1800's, the Peninsula was a thriving plantation with a brick and wood manor house called "Tranquility". The Civil War saw Tranquility burned and the harbor used by the Union as a supply port to provide materials to the Army of the Potomac. After the Civil War, the area was left largely untouched by human activity.

The peninsula provides nesting, roosting, and migratory habitat for many neotropical land birds and raptors and is home to one of the largest heron rookeries—over 600 pairs—in the Chesapeake Bay watershed. Fifty-seven species were found breeding during the spring of 1999, with sixty percent of them experiencing serious population declines. Within the 7,480-acre boundary, the refuge will protect nearly 400 acres of open water, 5,800 acres of forested uplands, tidal marshes, bottomland wetland forests and floodplain forests.

The comment period on the Final Environmental Assessment demonstrated the strong support of the local government, property owners within the proposed boundary and local civic groups for establishment of the Refuge.

OBJECTIVES OF THE LEGISLATION

H.R. 4807 authorizes the Secretary of the Interior to acquire Garrett Island in Cecil County, Maryland. The Secretary is required to manage the Island as the Garret Island Unit of the Blackwater National Wildlife Refuge in order to support the Delmarva Conservation Corridor Demonstration Program; conserve, restore, and manage habitats as necessary to contribute to the migratory bird populations prevalent in the Atlantic Flyway; to conserve, restore, and manage the significant aquatic resource values associated with submerged adjacent land and achieving the habitat objectives of the Chesapeake 2000 Agreement; to conserve its archeological resources; and to provide public access that does not adversely impact natural resources.

H.R. 4807 also establishes the Accokeek Creek National Wildlife Refuge in Stafford County, Virginia.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

This Section cites the bill as the "Blackwater National Wildlife Refuge Expansion Act".

Sec. 2. Findings

This Section finds that Garrett Island is a microcosm of the geology and geography of the region; the only rocky island in the tidal waters of the Chesapeake; provides high-quality habitat for bird and fish species; and contains significant archaeological sites reflecting human history and prehistory of the region.

Sec. 3. Authority To Acquire Property for Inclusion in the Blackwater National Wildlife Refuge

This Section authorizes the Secretary of the Interior to acquire Garrett Island, located at the mouth of the Susquehanna River in Cecil County, Maryland and manage the lands as the Garrett Island Unit of the Blackwater National Wildlife Refuge. The purposes of the Garrett Island Unit are to support the Delmarva Conservation Corridor Demonstration Program; conserve, restore, and manage habitats as necessary to contribute to the migratory bird populations prevalent in the Atlantic Flyway; to conserve, restore, and manage the significant aquatic resource values associated with submerged adjacent land and achieving the habitat objectives of the Chesapeake 2000 Agreement; to conserve its archeological resources; and to provide public access that does not adversely impact natural resources.

Sec. 4. Accokeek National Wildlife Refuge

This Section establishes the Accokeek Creek National Wildlife Refuge in Stafford County, Virginia, authorizes the Secretary of the Interior to acquire from willing parties land within the boundaries of the depicted refuge, and administer the refuge in accordance with the National Wildlife Refuge System.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider H.R. 4807 on September 26, 2002. The committee agreed to a technical amendment by Senator Jeffords and an amendment by Senator Warner by voice vote. Later that day the committee met again to complete action on the bill and voted to report H.R. 4807, as amended, by voice vote.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that H.R. 4807 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the committee finds that H.R. 4807 would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 3, 2002.

Hon. JAMES M. JEFFORDS, *Chairman,*
Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4807, the Blackwater National Wildlife Refuge Expansion Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll, who can be reached at 226–2860.

Sincerely,

DAN L. CRIPPEN.

H.R. 4807, Blackwater National Wildlife Refuge Expansion Act as ordered reported by the Senate Committee on Environment and Public Works on September 26, 2002

Summary

H.R. 4807 would authorize the Secretary of the Interior to acquire certain lands for inclusion in the Blackwater National Wildlife Refuge in Maryland. The legislation also would establish the Accokeek Creek National Wildlife Refuge in Virginia and would authorize the Secretary to acquire non-Federal lands within that proposed refuge.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 4807 would cost about $20 million over the 2003–2007 period. The legislation would not affect direct spending or receipts. H.R. 4807 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no significant impact on the budgets of State, local, or tribal governments.

Estimated Cost to the Federal Government

The estimated budgetary impact of H.R. 4807 is shown in the following table. The costs of this legislation fail within budget functions 300 (natural resources and environment) and 800 (general government).

By Fiscal Year, in Millions of Dollars

	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	1	18	*	*	*
Estimated Outlays	1	18	*	*	*

NOTE: * = Less than $500,000.

Basis of Estimate

For this estimate, CBO assumes that H.R. 4807 will be enacted early in fiscal year 2003 and that amounts necessary to implement the legislation will be provided near the start of each fiscal year. Estimates of outlays are based on historic spending patterns for similar activities.

H.R. 4807 would authorize the Secretary of the Interior to acquire Garrett Island, a 198-acre island at the mouth of the Susquehanna River in Cecil County, Maryland. The legislation would direct the Secretary to manage the acquired lands as a unit of the Blackwater National Wildlife Refuge. Based on information from the U.S. Fish and Wildlife Service (USFWS), CBO estimates that the agency would spend up to $800,000 to acquire the island in 2003.

H.R 4807 also would establish the Accokeek Creek National Wildlife Refuge on 7,480 acres of land in Stafford County, Virginia, and would authorize the Secretary to acquire non-Federal lands within the proposed refuge. Based on information from the USFWS, we estimate that acquiring those lands would cost $18 million in 2004.

In addition, based on information from the USFWS, CBO estimates that the agency would spend less than $500,000 annually to manage lands acquired under H.R. 4807 and to make payments to Cecil County and Stafford County under the Refuge Revenue Sharing Act.

Intergovernmental and Private-Sector Impact

H.R 4807 contains no intergovernmental or private-sector mandates as defined in UMRA and would have no significant impact on the budgets of State, local, or tribal governments.

Previous CBO Estimate

On July 3, 2002, CBO transmitted a cost estimate for H.R. 4807 as ordered reported by the House Committee on Resources on June 26, 2002. Our estimates of the cost of acquiring and managing Garrett Island are the same under both versions of the legislation. Our estimate of total spending under the Senate version of H.R. 4807 is higher than for the House version, however, because it would establish the Accokeek Creek National Wildlife Refuge and authorize the Secretary of the Interior to acquire non-Federal lands within that proposed refuge.

Estimate Prepared By: Federal Costs: Megan Carroll (226–2860); Impact on State, Local, and Tribal Governments: Maijorie Miller (225–3220); Impact on the Private Sector Lauren Marks (226–2940).

Estimate Approved By: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES TO EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires the committee to publish changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.

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