

EVERGLADES NATIONAL PARK EXPANSION

JUNE 1, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3785]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3785) to authorize the exchange of certain land in Everglades National Park, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EVERGLADES NATIONAL PARK.

Section 102 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-6) is amended—

(1) in subsection (a)—

(A) by striking “The park boundary” and inserting the following:

“(1) IN GENERAL.—The park boundary”;

(B) by striking “The map” and inserting the following:

“(2) AVAILABILITY OF MAP.—The map”; and

(C) by adding at the end the following:

“(3) ACQUISITION OF ADDITIONAL LAND.—

“(A) IN GENERAL.—The Secretary may acquire from 1 or more willing sellers not more than 10 acres of land located outside the boundary of the park and adjacent to or near the East Everglades area of the park for the development of administrative, housing, maintenance, or other park purposes.

“(B) ADMINISTRATION; APPLICABLE LAW.—On acquisition of the land under subparagraph (A), the land shall be administered as part of the park in accordance with the laws (including regulations) applicable to the park.”; and

(2) by adding at the end the following:

“(h) LAND EXCHANGES.—

“(1) DEFINITIONS.—In this subsection:

“(A) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of General Services.

“(B) COUNTY.—The term ‘County’ means Miami-Dade County, Florida.

“(C) COUNTY LAND.—The term ‘County land’ means the 2 parcels of land owned by the County totaling approximately 152.93 acres that are designated as ‘Tract 605–01’ and ‘Tract 605–03’.

“(D) DISTRICT.—The term ‘District’ means the South Florida Water Management District.

“(E) DISTRICT LAND.—The term ‘District land’ means the approximately 1,054 acres of District land located in the Southern Glades Wildlife and Environmental Area and identified on the map as ‘South Florida Water Management District Exchange Lands’.

“(F) GENERAL SERVICES ADMINISTRATION LAND.—The term ‘General Services Administration land’ means the approximately 595.28 acres of land designated as ‘Site Alpha’ that is declared by the Department of the Navy to be excess land.

“(G) MAP.—The term ‘map’ means the map entitled ‘Boundary Modification for C–111 Project, Everglades National Park’, numbered 160/80,007, and dated April 30, 2002.

“(H) NATIONAL PARK SERVICE LAND.—The term ‘National Park Service land’ means the approximately 1,054 acres of land located in the Rocky Glades area of the park and identified on the map as ‘NPS Exchange Lands’.

“(2) EXCHANGE OF GENERAL SERVICES ADMINISTRATION LAND AND COUNTY LAND.—The Administrator shall convey to the County fee title to the General Services Administration land in exchange for the conveyance by the County to the Secretary of fee title to the County land.

“(3) EXCHANGE OF NATIONAL PARK SERVICE LAND AND DISTRICT LAND.—

“(A) IN GENERAL.—As soon as practicable after the completion of the exchange under paragraph (2), the Secretary shall convey to the District fee title to the National Park Service land in exchange for fee title to the District land.

“(B) USE OF NATIONAL PARK SERVICE LAND.—The National Park Service land conveyed to the District shall be used by the District for the purposes of the C–111 project, including restoration of the Everglades natural system.

“(C) BOUNDARY ADJUSTMENT.—On completion of the land exchange under subparagraph (A), the Secretary shall modify the boundary of the park to reflect the exchange of the National Park Service land and the District land.

“(4) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.”

SEC. 2. BIG CYPRESS NATIONAL PRESERVE.

Subsection (d)(3) of the first section of Public Law 93–440 (16 U.S.C. 698f) is amended by striking “The amount described in paragraph (1)” and inserting “The amount described in paragraph (2)”.

PURPOSE OF THE BILL

The purpose of H.R. 3785 is to authorize the exchange of certain land in Everglades National Park.

BACKGROUND AND NEED FOR LEGISLATION

The 1996 Water Resources Development Act authorized modifications to one of the historic projects associated with the restoration of the Florida Everglades known as the C–111 Project. Specifically, the C–111 Project, located on the eastern boundary of the Florida Everglades, would restore habitat of the Everglades National Park that has been adversely affected by the Army Corps of Engineers Central and Southern Florida Project, as well as restore more natural flows of water to the Park’s eastern panhandle, Taylor Slough and Florida Bay.

H.R. 3785 would direct the Secretary of the Interior to exchange approximately 1054 acres of land from the Rocky Glades area of the Park for approximately 1054 acres from the South Florida Water Management District located in the Southern Glades Wild-

life and Environmental Area. The exchange would allow the National Park Service to provide the necessary lands to complete the project modifications and obtain an equal amount of acreage adjacent to the Park boundary, which when incorporated into the Park would conform to the Park Service's goal of no net loss to the Park.

COMMITTEE ACTION

H.R. 3785 was introduced on February 10, 2004, by Congressman Mario Diaz-Balart (R-FL). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On May 19, 2004, the Full Resources Committee met to consider the bill. The Subcommittee on National Parks, Recreation and Public Lands was discharged from further consideration of the bill by unanimous consent. Congressman George Radanovich (R-CA) offered an amendment in the nature of a substitute to: (1) clarify the use of the land conveyed to the South Florida Water Management District; (2) direct the completion of additional federal administrative actions that are necessary to complete the exchange; and (3) authorize the Secretary of the Interior to acquire no more than 10 acres outside the Park boundary, from willing sellers, in the vicinity of the East Everglades portion of the Park for administrative, housing, and maintenance uses. The amendment was adopted by unanimous consent. The bill as amended was then ordered favorably reported to the House of Representatives by unanimous consent.

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 Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

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

2. 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.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. 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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 25, 2004.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3785, a bill to authorize the exchange of certain land in Everglades National Park.

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

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 3785—A bill to authorize the exchange of certain land in Everglades National Park

H.R. 3785 would authorize the National Park Service (NPS) to acquire certain lands for the Everglades National Park in Florida. The bill would enable the NPS to acquire about 1,050 acres through a four-way exchange with the General Services Administration, Dade County, and a local water district. In addition, the bill would authorize the agency to purchase up to 10 acres located outside of the park's East Everglades area. That property would be developed to provide employee housing and other park facilities.

Assuming appropriation of the necessary amounts, CBO estimates that acquiring and developing land near the East Everglades areas of the park would cost about \$3.5 million over the next few years. We estimate that about \$500,000 of this amount would be used by the NPS to acquire a suitable site of about 10 acres outside of the park's boundary. Of the remaining amount, we estimate that about \$3 million would be used to construct a fire station, maintenance and storage facilities, and administrative offices. This does not include \$2 million that would be spent for employee housing because the NPS is already authorized to build employee housing outside of the park.

CBO estimates that the administrative costs of the four-way land exchange would be less than \$50,000 over the next year or two. Additional costs to manage newly acquired acreage would be minimal. Costs to operate the new offsite facility would be similar to the cost of operating existing facilities within the park, which would be demolished.

H.R. 3785 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**SECTION 102 OF THE EVERGLADES NATIONAL PARK
PROTECTION AND EXPANSION ACT OF 1989**

SEC. 102. BOUNDARY MODIFICATION.

(a) **AREA INCLUDED.**—**[The park boundary]**

(1) *IN GENERAL.*—*The park boundary* is hereby modified to include approximately 107,600 acres as generally depicted on the map entitled “Boundary Map, Everglades National Park Addition, Dade County, Florida”, numbered 160-20,013B and dated September 1989. **[The map]**

(2) *AVAILABILITY OF MAP.*—*The map* shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(3) **ACQUISITION OF ADDITIONAL LAND.**—

(A) *IN GENERAL.*—*The Secretary may acquire from 1 or more willing sellers not more than 10 acres of land located outside the boundary of the park and adjacent to or near the East Everglades area of the park for the development of administrative, housing, maintenance, or other park purposes.*

(B) *ADMINISTRATION; APPLICABLE LAW.*—*On acquisition of the land under subparagraph (A), the land shall be administered as part of the park in accordance with the laws (including regulations) applicable to the park.*

* * * * *

(h) **LAND EXCHANGES.**—

(1) **DEFINITIONS.**—*In this subsection:*

(A) *ADMINISTRATOR.*—*The term “Administrator” means the Administrator of General Services.*

(B) *COUNTY.*—*The term “County” means Miami-Dade County, Florida.*

(C) *COUNTY LAND.*—*The term “County land” means the 2 parcels of land owned by the County totaling approximately 152.93 acres that are designated as “Tract 605-01” and “Tract 605-03”.*

(D) *DISTRICT.*—*The term “District” means the South Florida Water Management District.*

(E) *DISTRICT LAND.*—*The term “District land” means the approximately 1,054 acres of District land located in the Southern Glades Wildlife and Environmental Area and*

identified on the map as “South Florida Water Management District Exchange Lands”.

(F) *GENERAL SERVICES ADMINISTRATION LAND.*—The term “General Services Administration land” means the approximately 595.28 acres of land designated as “Site Alpha” that is declared by the Department of the Navy to be excess land.

(G) *MAP.*—The term “map” means the map entitled “Boundary Modification for C-111 Project, Everglades National Park”, numbered 160/80,007, and dated April 30, 2002.

(H) *NATIONAL PARK SERVICE LAND.*—The term “National Park Service land” means the approximately 1,054 acres of land located in the Rocky Glades area of the park and identified on the map as “NPS Exchange Lands”.

(2) *EXCHANGE OF GENERAL SERVICES ADMINISTRATION LAND AND COUNTY LAND.*—The Administrator shall convey to the County fee title to the General Services Administration land in exchange for the conveyance by the County to the Secretary of fee title to the County land.

(3) *EXCHANGE OF NATIONAL PARK SERVICE LAND AND DISTRICT LAND.*—

(A) *IN GENERAL.*—As soon as practicable after the completion of the exchange under paragraph (2), the Secretary shall convey to the District fee title to the National Park Service land in exchange for fee title to the District land.

(B) *USE OF NATIONAL PARK SERVICE LAND.*—The National Park Service land conveyed to the District shall be used by the District for the purposes of the C-111 project, including restoration of the Everglades natural system.

(C) *BOUNDARY ADJUSTMENT.*—On completion of the land exchange under subparagraph (A), the Secretary shall modify the boundary of the park to reflect the exchange of the National Park Service land and the District land.

(4) *AVAILABILITY OF MAP.*—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

ACT OF OCTOBER 11, 1974

AN ACT To establish the Big Cypress National Preserve in the State of Florida, and for other purposes.

(Public Law 93-440)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) * * **

** * * * **

(d)(1) * * *

** * * * **

(3) The amount described in paragraph [(1)] (2) shall be reduced by an amount equal to 20 percent of the amount of the total cost

incurred by the Secretary in acquiring lands in the Addition other than from the State of Florida.

* * * * *

