

ESCAMBIA COUNTY LAND CONVEYANCE ACT

JULY 20, 2017.—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. 2370]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2370) 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. 2370 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

In the Act of July 30, 1946 (Public Law 564, Ch. 699), Congress abolished the Santa Rosa National Monument and directed the Secretary of the Interior to convey the federal land in the monument to Escambia County, Florida. On January 15, 1947, the federal government deeded the land to the county. Under the terms of the conveyance, Escambia County was given the authority to lease the property on Santa Rosa Island; however, it was not al-

lowed to issue title on the property or otherwise dispose of or reconvey it.

In 1956, Escambia County leased a portion of Santa Rosa Island lying within the political jurisdiction of Santa Rosa County (the Navarre area) to that county, under a perpetually renewing, nominal-consideration lease. Both counties have subleased properties on the Island to residents and business owners.

In the intervening years, Santa Rosa Island experienced enormous growth. This growth prompted county leaders to assess ad valorem taxes on the leased lands. The imposition of taxes led to several lawsuits centered on the question of whether Island residents and business owners paying lease fees for their land could be taxed, despite not having outright ownership of the property. Courts have reached different conclusions based on differences in the language of particular leases, which has created fairness issues for the county governments of Santa Rosa and Escambia. One property may be subject to ad valorem taxes while a virtually identical property next door may not.

This uneven treatment has prompted interest in removing the deed restriction prohibiting reconveyance, thus allowing the county governments to convey ownership and create a uniform tax treatment for all properties at the beach. Recently, 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. A previous version of this bill was included as title I of H.R. 2954 (113th Congress), which passed the House of Representatives on February 6, 2014, by a bipartisan 220–194 vote.

COMMITTEE ACTION

H.R. 2370 was introduced on May 4, 2017, by Congressman Matt Gaetz (R–FL). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On June 22, 2017, the Full 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 to the House of Representatives by voice vote on June 27, 2017.

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 AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 19, 2017.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2370, the Escambia County Land Conveyance Act.

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

Sincerely,

MARK P. HADLEY
(For Keith Hall, Director).

Enclosure.

H.R. 2370—Escambia County Land Conveyance Act

H.R. 2370 would authorize Escambia County in Florida to convey to private entities certain property that it received from the federal government. The specified properties were formerly part of the Santa Rosa Island National Monument and were transferred from the National Park Service (NPS) to Escambia County in 1947 for public purposes. Under the terms of that conveyance, Escambia County may re-convey the properties to the federal government or to the state of Florida. H.R. 2370 would remove that condition and add new conditions. First, the bill would require Escambia County to convey to Santa Rosa County, Florida, any of the property that falls within the jurisdictional boundary 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 result in no costs to the federal government. Enacting H.R. 2370 could affect revenues because any proceeds collected above the direct and incidental costs associated with a land conveyance would be deposited into the general fund of the Treasury. Therefore pay-as-you-go procedures apply. However, based upon information provided by Escambia County and Santa Rosa County, CBO expects that the proceeds, net of the conveyance costs, would not be significant.

CBO estimates that enacting H.R. 2370 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 2370 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandate Reform Act and would impose no costs on state, local, or tribal governments.

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

2. 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. This bill does not contain any directed rule makings.

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. 2370 removes the reversionary interest from certain land on Santa Rosa Island, 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 used the Antiquities Act to proclaim the Santa Rosa Island National Monument. The monument was abolished by Congress in 1946 and the Department of Interior conveyed a portion of the island to Escambia County. The conveyance included a reversionary clause, which states that the land is to be used for public purposes and prohibits further conveyance of the land, except to the State of Florida or back to the federal government. The island, excluding Navarre Beach and Pensacola Beach, is now managed as part of the Gulf Islands National Seashore, which Congress established in 1971. The national seashore receives over five million annual visitors and is an important engine for the local tourism economy.

In 1956, Escambia County granted a 100-year lease of Navarre Beach to neighboring Santa Rosa County. The counties have since re-zoned to place Navarre Beach within Santa Rosa County, but it is still owned by Escambia County because of the use restrictions put in place by Congress. H.R. 2370 would convey, without restriction, land associated with the former Santa Rosa Island National Monument to the County of Escambia to be used at their discretion, removing the reversionary interest so that Escambia County can then transfer the deed to Santa Rosa County.

Santa Rosa County is considering plans to enhance a marina at Navarre Beach. The proposed enhancements include dredging a channel through Santa Rosa Island, which could 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. Not only would this destroy estuaries, wetlands and negatively impact fisheries and water quality, but it would, at the American taxpayer's expense, further destabilize an already unstable strip of sand, putting lives, private property, and public infrastructure at risk.

Barrier islands form to protect coastal areas. They are critical to healthy environments. Intact islands are important protection from rising waters, tides, and storm damage, so artificially breaching a barrier island is rarely good ecological practice.

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. Those changes have not been made.

We understand that 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. 2370 undermines that intent.

We would support legislation to assist Escambia County and Santa Rosa County with zoning and ownership, but this is not that. We are opposed to any bill that does not include safeguards to ensure ongoing public access and prevent the channelization of Santa Rosa Island.

RAÚL M. GRIJALVA,
*Ranking Member, House
Natural Resources Com-
mittee.*

JARED HUFFMAN,
*Ranking Member, Sub-
committee on Water, Power
and Oceans.*

COLLEEN HANABUSA,
*Ranking Member, Sub-
committee on Federal
Lands.*

NANETTE DIAZ BARRAGÁN,
Member of Congress.

GRACE F. NAPOLITANO,
Member of Congress.

A. DONALD MCEACHIN,
*Ranking Member, Sub-
committee on Oversight
and Investigations.*