

110TH CONGRESS
1ST SESSION

H. R. 4829

To authorize the Secretary of the Army to convey the surface estate of the San Jacinto Disposal Area to the city of Galveston, Texas.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 2007

Mr. PAUL introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To authorize the Secretary of the Army to convey the surface estate of the San Jacinto Disposal Area to the city of Galveston, Texas.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AUTHORIZATION TO CONVEY THE SURFACE ES-**
4 **TATE OF THE SAN JACINTO DISPOSAL AREA**
5 **IN GALVESTON, TEXAS.**

6 Section 108 of the Energy and Water Development
7 Appropriations Act, 1994 (33 U.S.C. 59hh) is amended
8 to read as follows:

9 “SEC. 108. (a) IN GENERAL.—The Secretary of the
10 Army is authorized to convey to the city of Galveston,

1 Texas, the surface estate of all or any part of a parcel
2 of land containing approximately 605 acres known as the
3 San Jacinto Disposal Area located on the east end of Gal-
4 veston Island, Texas, in the W.A.A. Wallace Survey, A-
5 647 and A-648, city of Galveston, Galveston County,
6 Texas, being part of the old Fort San Jacinto site (in this
7 section referred to as the ‘Disposal Area surface estate’),
8 at the fair market value of the Disposal Area surface es-
9 tate to be determined in accordance with the provisions
10 of subsection (d). Such conveyance shall only be made by
11 the Secretary of the Army upon the agreement of the Sec-
12 retary and the city as to all compensation due herein.

13 “(b) COMPENSATION FOR CONVEYANCE.—

14 “(1) IN GENERAL.—Upon receipt of compensa-
15 tion from the city of Galveston, the Secretary shall
16 convey the Disposal Area surface estate, or any part
17 of the Disposal Area surface estate.

18 “(2) CONVEYANCE OF THE DISPOSAL AREA
19 SURFACE ESTATE.—If the full Disposal Area surface
20 estate is conveyed, the compensation shall be—

21 “(A) conveyance to the Department of the
22 Army of the surface estate of a parcel of land
23 containing approximately 564 acres on Pelican
24 Island, Texas, in the Eneas Smith Survey, A-
25 190, Pelican Island, city of Galveston, Gal-

1 veston County, Texas, adjacent to property cur-
2 rently owned by the United States (in this sec-
3 tion referred to as the ‘Pelican Island surface
4 estate’), with the fair market value of the Peli-
5 can Island surface estate being determined in
6 accordance with subsection (d); and

7 “(B) payment to the United States of an
8 amount equal to the difference between the fair
9 market value of the Disposal Area surface es-
10 tate and the fair market value of the Pelican Is-
11 land surface estate.

12 “(3) CONVEYANCE OF PART OF THE DISPOSAL
13 AREA SURFACE ESTATE.—If the conveyance is 125
14 acres or less, compensation shall be an amount equal
15 to the fair market value of the part of the Disposal
16 Area surface estate to be conveyed, with the fair
17 market value of the part of the Disposal Area sur-
18 face estate to be conveyed being determined in ac-
19 cordance with subsection (d).

20 “(c) DISPOSITION OF SPOIL.—Costs of maintaining
21 the Galveston Harbor and Channel will continue to be gov-
22 erned by the Local Cooperation Agreement (LCA) between
23 the United States of America and the city of Galveston
24 dated October 18, 1973, as amended. Upon conveyance
25 of the Disposal Area surface estate, or any part of the

1 Disposal Area surface estate, the Department of the Army
2 shall be compensated directly for the present value of the
3 total costs to the Department for disposal of dredge mate-
4 rial and site preparation pursuant to the LCA, if any, in
5 excess of the present value of the total costs that would
6 have been incurred if this conveyance had not been made.

7 “(d) DETERMINATION OF FAIR MARKET VALUE.—
8 The fair market value of the Disposal Area surface estate
9 or the part of the Disposal Area surface estate to be con-
10 veyed and the Pelican Island surface estate shall be deter-
11 mined by independent appraisers using the market value
12 method.

13 “(e) NAVIGATIONAL SERVITUDE.—

14 “(1) DECLARATION OF NONNAVIGABILITY; PUB-
15 LIC INTEREST.—Unless the Secretary finds, after
16 consultation with local and regional public officials
17 (including local and regional public planning organi-
18 zations), that the proposed projects to be undertaken
19 within the Disposal Area surface estate are not in
20 the public interest then, subject to paragraphs (2)
21 and (3), the Disposal Area surface estate is declared
22 to be nonnavigable waters of the United States.

23 “(2) LIMITS ON APPLICABILITY; REGULATORY
24 REQUIREMENTS.—The declaration under paragraph
25 (1) shall apply only to those parts of the Disposal

1 Area surface estate which are or will be bulkheaded
2 and filled or otherwise occupied by permanent struc-
3 tures, including marina facilities. All such work is
4 subject to all applicable Federal statutes and regula-
5 tions including, but not limited to, sections 9 and 10
6 of the Act of March 3, 1899 (30 Stat. 1151; 33
7 U.S.C. 401 and 403), commonly known as the Riv-
8 ers and Harbors Appropriations Act of 1899, section
9 404 of the Federal Water Pollution Control Act (33
10 U.S.C. 1344), and the National Environmental Pol-
11 icy Act of 1969 (42 U.S.C. 4321 et seq.).

12 “(3) EXPIRATION DATE.—If, on October 28,
13 2013, any area or part of the Disposal Area surface
14 estate is not bulkheaded or filled or occupied by per-
15 manent structures, including marina facilities, in ac-
16 cordance with the requirements set out in paragraph
17 (2), or if work in connection with any activity per-
18 mitted in paragraph (2) is not commenced within 5
19 years after issuance of such permits, then the dec-
20 laration of nonnavigability for such area or part
21 thereof shall expire.

22 “(f) SURVEY AND STUDY.—The Disposal Area sur-
23 face estate and the Pelican Island surface estate shall be

1 surveyed and further legally described prior to convey-
2 ance.”.

○