

CASTLE NUGENT NATIONAL HISTORIC SITE
ESTABLISHMENT ACT OF 2010

JANUARY 12, 2010.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3726]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3726) to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes, 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. SHORT TITLE.

This Act may be cited as the “Castle Nugent National Historic Site Establishment Act of 2010”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **HISTORIC SITE.**—The term “historic site” means the Castle Nugent National Historic Site established in section 3.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 3. CASTLE NUGENT NATIONAL HISTORIC SITE.

(a) **ESTABLISHMENT.**—There is established as a unit of the National Park System the Castle Nugent National Historic Site on the Island of St. Croix, U.S. Virgin Islands, in order to preserve, protect, and interpret, for the benefit of present and future generations, a Caribbean cultural landscape that spans more than 300 years of agricultural use, significant archeological resources, mangrove forests, endangered sea turtle nesting beaches, an extensive barrier coral reef system, and other outstanding natural features.

(b) **BOUNDARIES.**—The historic site consists of the approximately 2,900 acres of land extending from Lowrys Hill and Laprey Valley to the Caribbean Sea and from Manchenil Bay to Great Pond, along with associated submerged lands to the three-mile territorial limit, as generally depicted on the map titled “Castle Nugent Na-

tional Historic Site Proposed Boundary Map”, numbered T22/100,447, and dated October 2009.

(c) MAP AVAILABILITY.—The map referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary is authorized to acquire lands and interests in lands within the boundaries of the historic site by donation, purchase with donated or appropriated funds, or exchange.

(2) U.S. VIRGIN ISLAND LANDS.—The Secretary is authorized to acquire lands and interests in lands owned by the U.S. Virgin Islands or any political subdivision thereof only by donation or exchange.

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the historic site in accordance with this Act and with laws generally applicable to units of the National Park System, including—

(1) the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.); and

(2) the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) SHARED RESOURCES.—To the greatest extent practicable, the Secretary shall use the resources of other sites administered by the National Park Service on the Island of St. Croix to administer the historic site.

(c) CONTINUED USE.—In order to maintain an important feature of the cultural landscape of the historic site, the Secretary may lease to the University of the Virgin Islands certain lands within the boundary of the historic site for the purpose of continuing the university’s operation breeding Senepol cattle, a breed developed on St. Croix. A lease under this subsection shall contain such terms and conditions as the Secretary considers appropriate, including those necessary to protect the values of the historic site.

(d) MANAGEMENT PLAN.—Not later than three years after funds are made available for this subsection, the Secretary shall prepare a general management plan for the historic site.

PURPOSE OF THE BILL

The purpose of H.R. 3726 is to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Castle Nugent Farms area is located on the arid southeastern shore of the island of St. Croix. Historic resources include the remnants of small Danish cotton, sugar, indigo, and cattle plantations, including slave quarters and a sugar mill. Pre-Columbian archaeological sites also exist on the property. The Castle Nugent Farms cattle ranch is one of the oldest in the West Indies, and is home to Senepol cattle, a unique breed developed on St. Croix for adaptation to the dry climate and poor forage found there.

The diverse and undisturbed natural resources of the site include the most substantial black mangrove stand left in the Virgin Islands, sea turtle nesting areas, large and healthy fringe coral reefs, and Great Pond Bay, a lagoon that is home to numerous species of birds and other wildlife.

A Special Resource Study of the site was authorized by Public Law 109–317 in 2006. The National Park Service (NPS) has completed the work associated with the study, though the report has yet to be finalized. The NPS has found that the site meets all applicable criteria for significance, suitability, and feasibility for designation as an NPS unit. There are three other small NPS sites on the island (Christiansted National Historic Site, Buck Island Reef National Monument, and Salt River Bay National Historical Park

and Ecological Preserve) which would share resources with the new proposed site.

COMMITTEE ACTION

H.R. 3726 was introduced by Representative Donna Christensen (D-VI) on October 6, 2009. The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. At a November 17, 2009, subcommittee hearing a representative of the National Park Service testified in support of the bill with technical amendments, but requested the Committee defer action on the measure until the study has been formally transmitted to Congress.

On December 16, 2009, the Subcommittee on National Parks, Forests, and Public Lands was discharged from further consideration of H.R. 3726 and the full Natural Resources Committee met to consider the bill. Representative Christensen offered an amendment to insert a map reference, which was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by a roll call vote of 25 to 14, as follows:

Adjourned:

Recorded Vote # 3

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Rahall, WV	✓			Mr. Wittman, VA		✓	
Mr. Hastings, WA		✓		Mr. Boren, OK	✓		
Mr. Miller, CA	✓			Mr. Broun, GA		✓	
Mr. Young, AK				Mr. Sablan, MP	✓		
Mr. Markey, MA				Mr. Fleming, LA		✓	
Mr. Gallegly, CA		✓		Mr. Heinrich, NM	✓		
Mr. Kildee, MI	✓			Mr. Coffman, CO		✓	
Mr. Duncan, TN		✓		Mr. Hinchey, NY	✓		
Mr. DeFazio, OR				Mr. Chaffetz, UT		✓	
Mr. Flake, AZ				Mrs. Christensen, VI	✓		
Mr. Faleomavaega, AS	✓			Mrs. Lummis, WY			
Mr. Brown, SC		✓		Ms. DeGette, CO	✓		
Mr. Abercrombie, HI	✓			Mr. McClintock, CA		✓	
Mrs. Morris Rodgers, WA				Mr. Kind, WI	✓		
Mr. Pallone, NJ				Mr. Cassidy, LA		✓	
Mr. Gohmert, TX		✓		Mrs. Capps, CA	✓		
Mrs. Napolitano, CA	✓			Mr. Inslee, WA	✓		
Mr. Bishop, UT				Mr. Baca, CA	✓		
Mr. Holt, NJ	✓			Ms. Herseth Sandlin, SD	✓		
Mr. Shuster, PA				Mr. Sarbanes, MD	✓		
Mr. Grijalva, AZ	✓			Ms. Shea-Porter, NH	✓		
Mr. Lamborn, CO		✓		Ms. Tsongas, MA	✓		
Mrs. Bordallo, GU				Mr. Kratovil, Jr., MD	✓		
Mr. Smith, NE		✓		Mr. Pierluisi, PR	✓		
Mr. Costa, CA	✓						
				Total	25	14	

Markups - 1/3 to meet (16), 25 to report
December 17, 2009 (11:24am)

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the “Castle Nugent National Historic Site Establishment Act of 2010.”

Section 2. Definitions

Section 2 provides definitions for several key terms used in the Act.

Section 3. Castle Nugent National Historic Site

Section 3 defines the purpose of the Castle Nugent National Historic Site as the preservation, protection, and interpretation of a Caribbean cultural landscape including historic agricultural use, archaeological resources, mangrove forests, sea turtle nesting beaches, and a barrier coral reef system along with other outstanding natural resources.

This section establishes the boundaries of the site as those depicted on the map entitled “Castle Nugent National Historic Site Proposed Boundary Map,” numbered T22/100,447 and dated October 2009 and provides for the availability of the map in appropriate offices of the National Park Service.

Section 3 also authorizes the acquisition of land and interests in land within the boundaries of the site through donation, purchase with appropriated or donated funds, or exchange. It specifies exchange or donation as the only authorized means of acquisition of land owned by the U.S. Virgin Islands or any political subdivision.

Section 4. Administration

Section 4 mandates that the site be administered as a unit of the National Park System in accordance with the laws generally governing the System. It also requires that the National Park Service share resources between the Castle Nugent National Historic Site and other existing units of the National Park System on the island of St. Croix.

Section 4 authorizes the lease of lands within the park to the University of the Virgin Islands for the purpose of continuing the breeding of Senepol cattle and requires the preparation of a general management plan for the site within three years of appropriation of funds.

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.

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 compari-

son 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. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes.

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:

H.R. 3726—Castle Nugent National Historic Site Establishment Act of 2009

H.R. 3726 would establish Castle Nugent on the island of St. Croix in the U.S. Virgin Islands as a unit of the National Park System. The historic agricultural site encompasses about 8,600 acres of submerged lands owned by the Virgin Islands and 2,900 acres of nonsubmerged lands that are privately owned. The bill would allow the National Park Service (NPS) to acquire that property by purchase, donation, or exchange.

Based on information from the NPS, CBO estimates that implementing H.R. 3726 would cost \$26 million over the next five years, assuming appropriation of the necessary amounts, mostly to acquire about half of the total acreage. Currently the NPS estimates that the entire parcel (2,900 acres of nonsubmerged land) has a value of about \$45 million and would take 10 years to acquire. Based on that information, CBO expects that most of the private land acquisition would be accomplished by purchase and the public lands through donations and exchanges. In addition, CBO estimates that NPS would need about \$1 million to develop a general management plan, including the site's future needs for resource protection, visitor services, and other operational needs. Finally, we estimate that NPS would need about \$1 million annually to manage the new area. Enacting H.R. 3726 would have no effect on direct spending or revenues.

The bill contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

CBO expects that H.R. 3726 would impose no private-sector mandates as defined in UMRA because NPS indicates that it expects to acquire properties for the Castle Nugent National Historic Site without using condemnation. If, however, the Secretary determines that condemnation is necessary to acquire a property, such use of condemnation would be a private-sector mandate as defined in UMRA. The cost of the mandate would be equal to the fair-market

value of the property. Since, according to the NPS, the value of property that may be obtained is no more than \$50 million, CBO estimates that the cost of the mandate, if imposed, would fall well below the annual threshold established in UMRA for private-sector mandates (\$141 million in 2010, adjusted annually for inflation).

The CBO staff contacts for this estimate are Matthew Pickford (for federal costs) and Amy Petz (for the impact on the private sector). The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 3726 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

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.

