

EXPANSION OF SLEEPING BEAR DUNES NATIONAL LAKESHORE

OCTOBER 2, 2003.—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. 408]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 408) to provide for expansion of Sleeping Bear Dunes National Lakeshore, 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. EXPANSION OF SLEEPING BEAR DUNES NATIONAL LAKESHORE.

(a) IN GENERAL.—When title to the land described in subsection (b) has vested in the United States in fee simple, the boundary of Sleeping Bear Dunes National Lakeshore is revised to include such land in that part.

(b) LAND DESCRIBED.—The land referred to in subsection (a) consists of approximately 104.45 acres of unimproved lands generally depicted on National Park Service map number 634/80078, entitled “Bayberry Mills, Inc. Crystal River, MI Proposed Expansion Unit to Sleeping Bear Dunes National Lakeshore”. The Secretary of the Interior shall keep such map on file and available for public inspection in the appropriate offices of the National Park Service.

(c) PURCHASE OF LANDS AUTHORIZED.—The Secretary of the Interior may acquire the land described in subsection (b), only by purchase from a willing seller.

(d) LIMITATION ON ACQUISITION BY EXCHANGE OR CONVEYANCE.—The Secretary of the Interior may not acquire any of the land described in subsection (b) through any exchange or conveyance of lands that are within the boundary of the Sleeping Bear Dunes National Lakeshore as of the date of the enactment of this Act.

PURPOSE OF THE BILL

The purpose of H.R. 408 is to provide for the expansion of Sleeping Bear Dunes National Lakeshore.

BACKGROUND AND NEED FOR LEGISLATION

Created in 1970, the Sleeping Bear Dunes National Lakeshore encompasses a 35 mile stretch of Lake Michigan's eastern coastline, as well as North and South Manitou Islands. The Lakeshore was established primarily for its outstanding natural features, including forests, beaches, dune formations and ancient glacial phenomena. The Lakeshore is 71,176 acres and had 1.1 million visitors in 2002, and is administered by the National Park Service.

Since 1986, the owners of the 104-acre Homestead Resort, which is adjacent to the National Lakeshore and encompasses 6,500 feet of frontage along the Crystal River, have been trying to develop the land either as a golf course or housing. According to the conservation community as well as the U.S. Fish and Wildlife Service, the Homestead property encompasses "globally rare" resources. To protect the National Lakeshore from development, the Park Service recently proposed swapping Park Service land for the Crystal River property. That proposed was immediately criticized by the local community. At the urging of opponents of the land swap proposal, Congressman Dave Camp introduced H.R. 408 to authorize the Park Service to acquire the land from the willing seller and bars the Service from exchanging any land that is within the National Lakeshore.

COMMITTEE ACTION

H.R. 408 was introduced on January 28, 2003, by Congressman Dave Camp (R-MI). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On July 15, 2003, the Subcommittee held a hearing on the bill. On September 23, 2003, the Subcommittee met to mark up the bill. Congressman George Radanovich (R-CA) offered an amendment in the nature of a substitute to strike Section 1(c)(2) of the bill, which violated the Recommendations Clause of the Constitution. The amendment was adopted by voice vote. The bill, as amended, was then forwarded to the Full Resources Committee by voice vote. On September 24, 2003, the Full Resources Committee met to consider the bill. No further amendments were offered, and the bill, as amended, was 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 grants 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. 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, October 1, 2003.

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. 408, a bill to provide for expansion of Sleeping Bear Dunes National Lakeshore.

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

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 408—A bill to provide for expansion of Sleeping Bear Dunes National Lakeshore

H.R. 408 would expand the boundary of the Sleeping Bear Dunes National Lakeshore in Michigan to include an adjacent 104-acre tract of undeveloped land located on the Crystal River.

Assuming appropriation of the necessary amounts, CBO estimates that purchasing the proposed addition would cost the federal government between \$8 million and \$10 million during the next year or two. Because the new tract probably would be maintained in its natural state, we estimate that any additional costs to develop or manage it would be insignificant. This estimate is based on information provided by the National Park Service, local tax authorities, and the current landowners.

H.R. 408 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of 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

If enacted, this bill would make no changes in existing law.

