

CASTILLO DE SAN MARCOS NATIONAL MONUMENT PRESERVATION AND  
EDUCATION ACT; CASTILLO DE SAN MARCOS NATIONAL MONUMENT  
BOUNDARY ADJUSTMENT ACT OF 2004

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SEPTEMBER 7, 2004.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 2457]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill  
(H.R. 2457) to authorize funds for an educational center for the  
Castillo de San Marcos National Monument, and for other pur-  
poses, 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:

**TITLE I—CASTILLO DE SAN MARCOS  
NATIONAL MONUMENT PRESERVATION ACT**

**SEC. 101. SHORT TITLE.**

This title may be cited as the “Castillo de San Marcos National Monument Preser-  
vation and Education Act”.

**SEC. 102. VISITOR CENTER.**

(a) **AUTHORIZATION.**—Subject to the availability of appropriations and the project  
being prioritized in the National Park Services 5-year, line-item construction pro-  
gram, the Secretary of the Interior (referred to in this section as the “Secretary”)  
may design and construct a Visitor Center for the Castillo de San Marcos National  
Monument (referred to in this section as the “Monument”).

(b) **PREFERRED ALTERNATIVE.**—The Visitor Center authorized in subsection (a)  
shall be located and constructed in accordance with the Preferred Alternative identi-  
fied in the Record of Decision for the General Management Plan for the Monument,  
expected to be signed in 2005.

**SEC. 103. COOPERATIVE AGREEMENT.**

The Secretary may enter into cooperative agreements with the City of St. Augus-  
tine, Florida, the Colonial St. Augustine Preservation Foundation, other Federal,  
State, and local departments or agencies, academic institutions, and non-profit enti-

ties for the planning and design, construction, management, and operation of the Visitor Center.

**SEC. 104. BOUNDARY EXPANSION.**

(a) **PROPERTY ACQUISITION.**—If the Preferred Alternative for the Visitor Center authorized by section 102 is located outside the boundary of the Monument, the Secretary is authorized to acquire the site for the Visitor Center, from willing sellers, by donation, purchase with donated or appropriated funds, or by exchange.

(b) **ADMINISTRATION OF NEWLY ACQUIRED LAND.**—Land added to the Monument pursuant to subsection (a) shall be administered by the Secretary in accordance with applicable laws and regulations.

(c) **BOUNDARY MODIFICATION.**—The boundary of the Monument shall be modified to reflect the acquisition of land authorized in subsection (a) after completion of the acquisition.

**SEC. 105. PROJECT APPROVAL.**

Prior to initiating any planning, design, or construction on the Visitor Center authorized by section 102, the project must be reviewed and approved by the National Park Service consistent with partnership construction guidelines established by that agency.

## **TITLE II—CASTILLO DE SAN MARCOS NATIONAL MONUMENT BOUNDARY MODIFICATION**

**SEC. 201. SHORT TITLE.**

This title may be cited as the “Castillo de San Marcos National Monument Boundary Adjustment Act of 2004”.

**SEC. 202. FINDINGS.**

Congress finds the following:

(1) The early defense lines for Fort Marion, Florida, today known as the Castillo de San Marcos National Monument, included defenses extending in a line due west to the Sebastian River, a distance of about one half mile.

(2) In the 1830’s, during the Seminole Wars in Florida, these defensive lines were maintained, but as Florida became more settled they fell into disrepair and/or became obsolete.

(3) In 1908 the War Department deeded much of the property running west to the Sebastian River to the St. Johns County Board of Public Instruction. The portion of this property remaining in federal ownership today is occupied by Orange Street, a City of St. Augustine, Florida street.

(4) For nearly a century, the City of St. Augustine has maintained and managed Orange Street, a modern city street, and associated utilities in the Orange Street corridor.

(5) Any archeological remains that are still present on the property overlaid by Orange Street are adequately protected by the City’s archeological ordinances, and by the City having an archeologist on staff.

(6) Although the city currently operates Orange Street under a right-of-way from the National Park Service, from a management perspective it is appropriate for the City of St. Augustine to own Orange Street.

**SEC. 203. BOUNDARY ADJUSTMENT.**

(a) **CONVEYANCE OF LAND.**—The Secretary of the Interior shall convey, without consideration, to the City of St. Augustine, Florida, all right, title, and interest of the United States in and to the lands known as Orange Street, a portion of the Castillo de San Marcos National Monument (Monument), consisting of approximately 3.1 acres, as shown on the map entitled Castillo de San Marcos National Monument Boundary Adjustment and Correction, numbered 343/80060, and dated April 2003. Upon completion of the conveyance, the Secretary shall revise the boundary of the Monument to exclude the land conveyed.

(b) **BOUNDARY REVISION.**—Effective on the date of the enactment of this Act, the boundary of the Monument is revised to include an area of approximately 0.45 acres, as shown on the map identified in subsection (a). The Secretary shall administer the lands included in the boundary as part of the national monument in accordance with applicable laws and regulations.

## PURPOSE OF THE BILL

The purpose of H.R. 2457 is to authorize funds for an educational center for the Castillo de San Marcos National Monument, and for other purposes.

## BACKGROUND AND NEED FOR LEGISLATION

Located in St. Augustine, Florida, the Castillo de San Marcos National Monument is the oldest existing permanent seacoast fortification in the continental United States. The star-shaped fort, surrounding moat, and earthworks were constructed between 1672–1756 to protect Spanish territory in Florida and the shipping routes along the Florida coast. Castillo de San Marcos replaced an earlier series of earth and wood fortifications and was the northernmost outpost of the Spanish Caribbean. It was the focus of struggle between Great Britain and Spain for regional supremacy during the 17th and 18th centuries. In addition, the Castillo was the site of a British Garrison during the American Revolution and was last employed for defensive purposes in 1898 during the Spanish-American War.

The City of St. Augustine recently launched a restoration initiative in conjunction with both public and private entities in the community to preserve and enhance the Castillo de San Marcos National Monument. This project consists of two phases. The first phase includes the acquisition of properties which border the west region of the National Monument, and the design and planning stage of a visitors' educational resource center. The second phase involves the construction of the educational center which will complete the restoration project.

H.R. 2457 would authorize the Secretary of the Interior to grant funds for an educational center for the Castillo de San Marcos National Monument. Two million dollars will remain available until expended for land acquisition for the Center from willing owners only and for design and planning of the Center. In addition to these funds, the Secretary of the Interior will also set aside \$2 million to remain available until expended for construction of the Center.

## COMMITTEE ACTION

H.R. 2457 was introduced by Congressman John Mica (R-FL) on June 12, 2003. 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 22, 2003, the Subcommittee held a hearing on the bill. On July 8, 2004, the Subcommittee met to mark up the bill. An amendment in the nature of a substitute was offered by Chairman George Radanovich (R-CA) which added to the underlying legislation Title II, Castillo de San Marcos National Boundary Modification. Title II removed 3.1 acres located within the boundary of the Monument and conveyed it to the City of St. Augustine. It also added .45 acres of private land to the Monument. The amendment was agreed to by unanimous consent, and the bill as amended was forwarded to the Full Resources Committee by unanimous consent. On July 14, 2004, the Full Resources Committee met to mark up the bill. Chairman Richard Pombo (R-CA) offered an amendment in the nature of a substitute that followed recommendations made by the Administration

with respect to Title I of the bill. Chiefly, the Pombo amendment deferred action on the construction of a visitor's education center for the Monument pending the completion of the General Management Plan (GMP) for the Monument. The visitor's center will be constructed in a manner consistent with the GMP's preferred alternative. In addition, the amendment authorized the acquisition of property, as necessary, to meet the needs of the alternative. The amendment was agreed to by unanimous consent. 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 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, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget office, enactment of this bill could affect direct spending, but any effects would be negligible.

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 authorize funds for an educational center for the Castillo de San Marcos National Monument, 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. 2457—Castillo de San Marcos National Monument Preservation and Education Act*

CBO estimates that implementing H.R. 2457 would cost about \$5 million over the 2006–2009 period, assuming the availability of appropriated funds. Enacting the bill could affect direct spending, but we estimate that any such effects would be negligible. H.R. 2457

would not affect revenues. The bill 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.

H.R. 2457 would authorize the National Park Service (NPS) to design and build a visitor center for the Castillo de San Marcos National Monument in Florida. The center would be located and constructed as specified in a new plan for the monument that, under current law, is expected to be completed in 2005. Because details on alternative designs and locations for the proposed visitor center being considered under that plan are not available at the present time, CBO cannot estimate the cost of building that center with precision. However, based on information from the NPS about the average cost of other visitor centers, we estimate that the new center would cost \$5 million, assuming appropriation of the necessary amounts. (The cost could be greater if a more-complex design for the project is chosen.) We also estimate that construction would begin in 2006 and last at least two years.

H.R. 2457 also would direct the Secretary of the Interior to convey, for no consideration, 3.1 acres of land within the monument to the city of St. Augustine. According to the NPS, the land to be conveyed currently generates no significant receipts and is not expected to do so over the next 10 years. Hence we estimate that conveying it would not significantly affect offsetting receipts (a credit against direct spending). We also estimate that the agency would spend less than \$50,000 to complete the conveyance, assuming the availability of appropriated funds.

The CBO staff contact for this estimate is Megan Carroll. 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 to existing law.

