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EVERGLADES NATIONAL PARK BOUNDARY ADJUSTMENT ACT

JUNE 16, 2008.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 2804]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2804) to adjust the boundary of the Everglades National Park, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends 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 "Everglades National Park Boundary Adjustment Act of 2008".

SEC. 2. DEFINITIONS.

In this Act:

(1) HURRICANE HOLE.—The term "Hurricane Hole" means the natural salt-water body of water within the Duesenbury Tracts of the eastern parcel of the Tarpon Basin boundary adjustment and accessed by Duesenbury Creek.

(2) MAP.—The term "map" means the map entitled "Proposed Tarpon Basin Boundary Revision", numbered 160/80,012, and dated May 2008.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TARPON BASIN PROPERTY.—The term "Tarpon Basin property" means land that—

(A) is comprised of approximately 600 acres of land and water surrounding Hurricane Hole, as generally depicted on the map; and

(B) is located in South Key Largo.

SEC. 3. BOUNDARY REVISION.

(a) BOUNDARY REVISION.—The boundary of the Everglades National Park is adjusted to include the Tarpon Basin property.

(b) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange, land, water, or interests in land and water, within the area depicted on the map, to be added to Everglades National Park.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) ADMINISTRATION.—Land added to Everglades National Park by this section shall be administered as part of Everglades National Park in accordance with applicable laws (including regulations).

SEC. 4. HURRICANE HOLE.

The Secretary may allow use of Hurricane Hole by sailing vessels during emergencies, subject to such terms and conditions as the Secretary determines to be necessary.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

PURPOSE

The purpose of S. 2804 is to adjust the boundary of Everglades National Park in the State of Florida.

BACKGROUND AND NEED

Everglades National Park was established in 1947 and is the largest subtropical wilderness in the United States. The area boasts rare and endangered species, such as the American crocodile, Florida panther, and West Indian manatee. It has been designated an International Biosphere Reserve, a World Heritage Site, and a Wetland of International Importance, in recognition of its significance to all the people of the world.

S. 2804 would expand the boundary of Everglades National Park to include the Tarpon Basin in South Key Largo. Tarpon Basin is 586 acres of land and water and currently owned by The Nature Conservancy. This parcel contains habitat for listed endangered species, such as the wood stork and the West Indian manatee and state-listed threatened species such as the roseate spoonbill and the white-crowned pigeon. A portion of the Tarpon Basin is known as the "Hurricane Hole", an area for vessel owners to harbor about 15 sailboats from the perils of tropical storms and hurricanes. A dense stand of mangrove trees protects the "Hurricane Hole" from high winds.

LEGISLATIVE HISTORY

S. 2804 was introduced by Senator Nelson on April 2, 2008. Senator Martinez is a cosponsor. The Subcommittee on National Parks held a hearing on S. 2804 on April 23, 2008.

At its business meeting on May 7, 2008, the Committee on Energy and Natural Resources ordered S. 2804 favorably reported, with amendment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 7, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 2804.

COMMITTEE AMENDMENTS

During the consideration of S. 2804, the Committee on Energy and Natural Resources amended the Act by striking everything after the enacting clause and providing an amendment in the na-

ture of a substitute. The amendments clarify the boundary description and make other clarifying and conforming amendments.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title "Everglades National Park Boundary Adjustment Act of 2008".

Section 2 defines key terms used in the bill.

Section 3 revises the boundary of Everglades National Park.

Subsection (a) authorizes Secretary of the Interior to adjust the boundary to include Tarpon Basin.

Subsection (b) authorizes the acquisition of land within the boundary adjustment from willing sellers.

Subsection (c) requires maps be made available to the public.

Subsection (d) authorizes the Secretary to administer this section as part of the Everglades National Park, in accordance with applicable laws.

Section 4 directs the Secretary of the Interior to allow the use of Hurricane Hole during emergencies.

Section 5 authorizes appropriations for this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 2804—Everglades National Park Boundary Adjustment Act of 2008

S. 2804 would modify the boundary of the Everglades National Park in Florida to include the 600-acre Tarpon Basin property on Key Largo. Assuming availability of the necessary amounts, CBO estimates that the National Park Service would spend about $1 million to acquire the property in 2009. We estimate that additional administrative costs to manage the new properties would be minimal. Enacting S. 2804 would not affect revenues or direct spending.

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, tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2804. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2804, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 2804, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined by rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the April 23, 2008, hearing on S. 2804 follows:

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on S. 2804, a bill to adjust the boundary of Everglades National Park and to authorize the Secretary of the Interior to acquire additional property in the Tarpon Basin district.

The Department supports enactment of this bill, with some technical amendments as discussed later in this testimony.

Congress passed legislation in 1934 authorizing the establishment of Everglades National Park through public and private donations of land. Thirteen years later, in 1947, President Harry Truman dedicated Everglades as the first national park to preserve purely biological—not geological—resources. In establishing the park, Congress recognized that South Florida's climate and the abundant flora and fauna present there were unique to the United States and to the world. Specifically, Congress noted the importance of protecting the mangrove swamp, which "teems with aquatic and amphibian life" and provides a sanctuary for numerous wading birds. Congress also recognized the importance of protecting the hardwood hammocks. Oak, mahogany and gumbo-limbo trees grow on these slightly elevated mounds of limestone, providing habitat for birds and other wildlife.

Everglades National Park is located at the interface of a temperate and subtropical environment with a great diversity of resources. It is recognized by the United Nations as an International Biosphere Reserve and as a World Heritage Site. It is also designated a Wetland of International Importance by the international Ramsar Convention treaty.

The purpose of the proposed legislation is to adjust the boundary of Everglades National Park and authorize the acquisition of approximately 600 acres of land and water surrounding Tarpon Basin for inclusion in the park. These changes are relatively minor, as Everglades National Park encompasses approximately 1,509,000 acres. However, the resources that will be acquired are significant and characteristic of those intended by Congress to be protected. The approximate acquisition costs would be $983,000 including cleanup, appraisals and other associated costs. Anticipated costs for operations are estimated to be under

$100,000. Funding for these costs will be subject to NPS priorities and availability of appropriations.

The boundary expansion property, located near Key Largo, Florida, contains habitat for the wood stork and the West Indian Manatee, each of which are listed as endangered under the Endangered Species Act of 1973. The property also contains habitat for the roseate spoonbill and the white-crowned pigeon. Both are categorized by the Florida Fish and Wildlife Conservation Commission as threatened species.

The property is comprised of two parcels abutting the northeast and southwest sides of Tarpon Basin. The northeastern parcel, referred to as the Dusenbury Creek peninsula, encompasses slightly more than 59 percent of the total tract and includes predominantly coastal mangrove areas, with some 10 acres of hardwood hammock. This parcel has approximately 900 feet of frontage along the west side of US Highway 1 and is bounded by Tarpon Basin on the south and Blackwater Sound on the north and west. The southwestern parcel, referred to as the Grouper Creek peninsula, consists of approximately 41 percent of the remaining total tract as coastal mangrove. A number of small saltwater ponds are located throughout the two parcels. The largest, Lake Donna, is accessible by land. Access to the others is restricted due to dense mangrove stands.

The Dusenbury Creek parcel has a small "hurricane hole," located in the northern end of the property, which can be accessed from the Intracoastal Waterway and from Tarpon Basin. Historically, this area has been used by boaters to moor their sailboats during a hurricane or tropical storm. This legislation provides the Secretary of the Interior with authority to issue permits to the owners of a sailing vessel who, before the date of enactment of this legislation, have used the hurricane hole to secure that sailing vessel during a tropical storm or hurricane.

This legislation will have minimal impact on the park's budget, other than funding for land acquisition. The park will be able to manage any land additions within its existing priorities. No additional personnel will be needed to implement the proposal. The boundary adjustment and acquisition will require the park's Florida Bay District personnel to perform additional water- and land-based patrols. Thse patrol changes are minor, however.

The department has some technical amendments to S. 2804. First, the land acquisition and administration language in sections 4(b) and 4(d) is confusing as to its intent. We would like to work with the committee to simplify the language in accordance with other park boundary adjustment legislation approved by the committee. We would also like to suggest a couple of technical changes to the language of section 2 to reflect the correct name of the Florida Fish and Wildlife Conservation Commission and to section 5 to clarify which sailing vessels are eligible for the permits. We will be glad to provide those to the committee.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or any members of the Subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill, S. 2804, as ordered reported.

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