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FORT MATANZAS NATIONAL MONUMENT

OCTOBER 9 (legislative day, OCTOBER 2), 1998.—Ordered to be printed

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

REPORT

[To accompany S. 2239]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2239) to revise the boundary of Fort Matanzas National Monument, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 2239 is to expand the boundary of Fort Matanzas National Monument in the State of Florida by approximately 70 acres.

BACKGROUND AND NEED

Fort Matanzas National Monument was established by Presidential Proclamation in 1924 (No. 1713, 43 Stat. 1968). S. 2239 would adjust the boundary of Fort Matanzas National Monument in the State of Florida by approximately 70 acres. Two tracts of land, which are currently adjacent to the park's boundary, were donated to the United States in 1963 and 1965. At that time, no attempt was made to include these tracts within the park's boundary.

The third tract of land was intended to be donated to the park in the 1920's but was left off the original park boundary map. Since the 1920 this 1.6 acre tract has been managed as part of the Monument.

S. 2239 would include the three tracts within the boundary of Fort Matanzas National Monument.

69–010

LEGISLATIVE HISTORY

S. 2239 was introduced June 26, 1998 by Senator Murkowski, at the request of the administration, and referred to the Committee on Energy and Natural Resources. The Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on S. 2239 on September 17, 1998.

At its business meeting on September 24, 1998, the Committee on Energy and Natural Resources ordered S. 2239, favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on September 24, 1998, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 2239, as described herein.

SUMMARY OF S. 2239

S. 2239 revises the boundary of Fort Matanzas National Monument in the State of Florida by adding three tracts of land totaling approximately 70 acres. The boundary adjustments are depicted on the map entitled Fort Matanzas National Monument, numbered 347/80004, and dated February 1991. The Secretary is authorized to acquire the lands by donation, purchase, transfer or exchange. The lands will be administered as part of Fort Matanzas National Monument and will be subject to the laws that are applicable to the monument.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 1, 1998.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2239, a bill to revise the boundary of Fort Matanzas National Monument.

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

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2239—A bill to revise the boundary of Fort Matanzas National Monument

S. 2239 would expand the boundary of Fort Matanzas National Monument to include three additional parcels of land totaling about 70 acres. The bill would authorize the National Park Service

(NPS) to acquire the additional acreage by purchase, donation, transfer, or exchange.

Based on information provided by the NPS, CBO estimates that implementing S. 2239 would have no significant effect on the federal budget. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 2239 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

CBO estimates that to implement the bill the NPS would incur only minor expenses typically associated with boundary revisions, such as the costs of surveying and mapping. We expect that the NPS would not have to purchase any of the lands added to the boundary of Fort Matanzas by S. 2239 because even though this land was never officially included in the monument, the NPS has held and managed all three parcels for many years. Two of the three parcels were donated to the government during the 1920s and 1960s, and the third parcel was intended for donation, but was inadvertently omitted from the legal description of a large parcel of land donated during the 1920s. The agency could incur legal expenses to establish clear title to that parcel, but CBO estimates that such expenses would not add significantly to the total cost of implementing the legislation because it is unlikely that anyone would contest the government's claim of ownership to the 1.6-acre site. Finally, because the NPS already manages the three parcels, CBO estimates that the agency would not incur any additional operating or maintenance costs as a result of the boundary revision.

The CBO staff contact is Deborah Reis. This estimate was approved by Paul N. Van de Water, 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. 2239. The bill is not a regulatory measure in the sense of imposing Government-established standards of 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 enactment of S. 2239, as ordered reported.

EXECUTIVE COMMUNICATIONS

S. 2239 was introduced at the request of the Administration. On February 23, 1998, the Department of the Interior transmitted a letter to the Energy and Natural Resources Committee requesting that the bill be introduced and passed. A copy of the letter, and the testimony of the National Park Service follows:

DEPARTMENT OF INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, February 23, 1998.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill, "to revise the boundary of Fort Matanazas National Monument, and for other purposes." Also enclosed is a section-by-section analysis of the bill. We recommend that the bill be introduced, referred to the appropriate committee for consideration, and enacted.

The enclosed bill would revise the boundary of Fort Matanzas National Monument in Florida to clarify long-standing boundary and acquisition issues involving a total of approximately 70 acres. The first issue involves two tracts of land, 01–102 and 01–103 which are currently adjacent to the park's boundary. These two tracts were donated to the United States in 1963 and 1965. At the time of the donations, no attempt was made to seek authority to include these tracts within the park's boundary.

The second issue involves Tract 01–107, which was originally intended to be donated as part of Tract 01–102 on January 1, 1965. However, a regional Solicitor's opinion of September 14, 1984, indicated that an error in the legal description omitted this tract and the United States does not hold title to this parcel.

The purpose of this bill is to include the three tracts within the boundary of Fort Matanzas National Monument. This would ensure that the National Park Service could legally protect the resources on the tracts and ensure visitor safety.

The Office of Management and Budget has advised that there is no objection to the enactment of the enclosed draft legislation from the standpoint of the Administration's program.

Sincerely,

DONALD BARRY,
Acting Assistant Secretary for
Fish and Wildlife and Parks.

STATEMENT OF DESTRY JARVIS, ASSISTANT DIRECTOR FOR EXTERNAL AFFAIRS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 2239, a bill to revise the boundary of Fort Matanzas National Monument, and for other purposes. We strongly support S. 2239 which involves no cost and corrects long-standing technical problems with the park's boundary.

The Administration submitted a proposal to Congress on February 25, 1998, to address this issue. Senator Murkowski introduced the legislation as S. 2239 on June 26, 1998 and the language is identical to our proposal. The bill would resolve long-standing boundary and acquisition issues involving three tracts of land, totaling approximately 70 acres. This action is consistent with the 1996

Statement of Management, which stems from the monument's 1982 General Management Plan.

In 1963 and 1965, the Johnson family donated to the United States two tracts of land adjacent to monument grounds. Although this land was donated to the United States, no legislative authority existed then, or now exists, to make these tracts part of Fort Matanzas National Monument. No attempt at the time nor since then has been made, to include these beachfront tracts within the monument's boundary.

A third tract described in the bill was originally intended for donation to the United State, but was erroneously omitted from the legal description of a larger parcel of donated land. Although the United States does not hold title to this tract, the St. Johns County tax assessor regards it as Federal property. Again, no authority existed nor now exists to include it within the boundary of the monument. The National Park Service will seek to clear title once it is included within the monument's boundary. To the best of our knowledge, this bill would adversely affect no private landowners.

The Presidential Proclamation of October 24, 1924, established the Fort Matanzas National Monument in St. Johns County, Florida. The purpose of the monument is to preserve the rehabilitated Spanish fortification named Fort Matanzas, and interpret for the visiting public the architectural, political, military, and social history of the fortification, including armament, organizational operations, supply, and individual and collective personnel.

The inclusion of these three tracts within the boundary of Fort Matanzas National Monument would ensure that the National Park Service could legally protect the resources on the tracts and ensure visitor safety.

Mr. Chairman, this concludes my remarks.

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 S. 2239, as ordered reported.

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