

TO AUTHORIZE ESCAMBIA COUNTY, FLORIDA, TO CONVEY CERTAIN PROPERTY THAT WAS FORMERLY PART OF SANTA ROSA ISLAND NATIONAL MONUMENT AND THAT WAS CONVEYED TO ESCAMBIA COUNTY SUBJECT TO RESTRICTIONS ON USE AND RECONVEYANCE

DECEMBER 16, 2013.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

## R E P O R T

together with

## DISSENTING VIEWS

[To accompany H.R. 2954]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2954) to authorize Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and reconveyance, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

### PURPOSE OF THE BILL

The purpose of H.R. 2954 is to authorize Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and reconveyance.

### BACKGROUND AND NEED FOR LEGISLATION

H.R. 2954 would allow Escambia County, Florida, to convey or otherwise dispose of all right, title, and interest in and to any portion of the property that was conveyed to it pursuant to a 1946 law and 1947 deed, to any person or entity, free from any restriction on conveyance or reconveyance imposed by the United States in the 1946 law or 1947 deed. Any proceeds from three conveyances shall be transferred to the federal government.

On January 15, 1947, the federal government removed the Santa Rosa National Monument from the jurisdiction of the National Park Service and deeded the land located on Santa Rosa Island to Escambia County, Florida. Under the terms of the conveyance, Escambia County was given the authority to transfer property on Santa Rosa Island; however, it was not allowed to issue title on the property. The Deed of Conveyance specified “that the above described land shall be retained by the said Escambia County and be used by it for such purposes as it shall deem to be in the public interest or be leased by it from time to time in whole or in part or parts to such persons and for such purposes as it shall deem to be in the public interest and upon such terms and conditions as it shall fix and always be subject to regulation by said county whether leased or not leased, but never to be otherwise disposed of or conveyed by it . . .”. After taking custody of the land, Escambia County began offering leases for businesses and homeowners who would pay a lease fee, but not be charged property taxes. This arrangement continues today.

Santa Rosa Island has grown enormously in the intervening years, and the Board of Commissioners of both Escambia County and Santa Rosa County passed resolutions asking for a federal solution to allow current Santa Rosa Island leaseholders the option of attaining fee title while protecting public access to the beaches and conservation areas on the island. H.R. 2954 provides the long-needed solution, similar to what was attained by neighboring Okaloosa Island, and allows for the County to more fairly levy taxes while protecting the island’s natural resources.

#### COMMITTEE ACTION

H.R. 2954 was introduced on August 1, 2013, by Congressman Jeff Miller (R-FL). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On October 3, 2013, the Subcommittee held a hearing on the bill. On October 30, 2013, the Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. No amendments were offered and the bill was then adopted and ordered favorably reported to the House of Representatives by voice vote.

#### 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.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(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 sec-

tion 402 of the Congressional Budget Act of 1974. 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. 2954—A bill to authorize Escambia County, Florida, to convey certain property that was formerly part of the Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and reconveyance*

H.R. 2954 would authorize Escambia County in Florida to convey certain property that it received from the federal government. The specified properties had been part of the Santa Rosa Island National Monument and were transferred to Escambia County in 1947 for public purposes. As a condition of that conveyance, Escambia County can reconvey the properties to the federal government or to the state of Florida. H.R. 2954 would remove that condition and add new conditions. First, under the bill, any conveyance of the specified properties would require Escambia County to convey to Santa Rosa County any of the property that falls within the jurisdictional boundaries of Santa Rosa County. Second, any proceeds above the direct or incidental costs from conveyances under the bill would be transferred to the federal government.

CBO estimates that implementing the legislation would have no significant impact on the federal budget. Enacting H.R. 2954 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. Based on information provided by the National Park Service and local government entities, CBO estimates that the proceeds from any conveyances of the specified properties would be used to cover direct or incidental costs.

H.R. 2954 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

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

2. Section 308(a) of 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. CBO estimates that implementing the legislation would have no significant impact on the federal budget.

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 Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and reconveyance.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

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.

## DISSENTING VIEWS

Santa Rosa Island is a 40-mile barrier island in the Gulf of Mexico off the coast of Pensacola, Florida. Settled by Spanish explorer Tristan De Luna in 1559, it's the site of the earliest European settlement in North America and an eventual home to Fort Pickens, an important U.S. military base throughout much of early American history. It is also the site of a significant battle during the American Civil War.

Throughout the 20th century, portions of the island switched ownership between the County of Escambia and the federal government. Beginning on April 19, 1929, much of the island was sold to Escambia County for \$10,000. The deed states that the land was to be used for public purposes and the county was prohibited from further conveyance of the land, except to the State of Florida or back to the federal government.

In 1939, President Franklin Delano Roosevelt recognized the historical significance of the island and proclaimed the Santa Rosa Island National Monument. The monument was abolished by Congress in 1946 and the Department of Interior in 1947 returned a portion of Santa Rosa Island back to Escambia County, again with a reversionary clause. Following the 1946 Act, all use of the land is required to meet the public interest. Escambia County deemed that 100-year leases were in the "public interest" and in 1956, leased the area of Navarre Beach to neighboring Santa Rosa County.

H.R. 2954 would convey, without restriction, land associated with the former Santa Rosa National Monument to the County of Escambia to be used at their discretion. This would negate the reversionary clause and allow Escambia County to deed the area of Navarre Beach to Santa Rosa County. Santa Rosa County has plans to dredge and build a harbor that could cut off access to the rest of the island. The island, excluding Navarre Beach and Pensacola Beach, is now managed as part of the Gulf Islands National Seashore, a unit of the National Park System (NPS), established by Congress in 1971.

Removing the restrictions associated with the 1946 Act could inhibit access, damage the resources of the island and allow development of land intended for public use.

PETER A. DEFazio.

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