

SLEEPING BEAR DUNES NATIONAL LAKESHORE
CONSERVATION AND RECREATION ACT

FEBRUARY 28, 2014.—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

[To accompany H.R. 163]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 163) to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes, 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. SHORT TITLE.

This Act may be cited as the “Sleeping Bear Dunes National Lakeshore Conservation and Recreation Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term “map” means the map consisting of 6 sheets entitled “Sleeping Bear Dunes National Lakeshore Proposed Wilderness Boundary”, numbered 634/80,083B, and dated November 2010.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 3. SLEEPING BEAR DUNES WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land and inland water within the Sleeping Bear Dunes National Lakeshore comprising approximately 32,557 acres along the mainland shore of Lake Michigan and on certain nearby islands in Benzie and Leelanau Counties, Michigan, as generally depicted on the map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Sleeping Bear Dunes Wilderness”.

(b) MAP.—

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

(2) CORRECTIONS.—The Secretary may correct any clerical or typographical errors in the map.

(3) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a legal description of the wilderness boundary and submit a copy of the map and legal description to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(c) ROAD SETBACKS.—The wilderness boundary shall be—

- (1) 100 feet from the centerline of adjacent county roads; and
- (2) 300 feet from the centerline of adjacent State highways.

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—Subject to valid existing rights, the wilderness area designated by section 3(a) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) MAINTENANCE OF ROADS OUTSIDE WILDERNESS BOUNDARY.—Nothing in this Act prevents the maintenance and improvement of roads that are located outside the boundary of the wilderness area designated by section 3(a).

(c) FISH AND WILDLIFE.—Nothing in this Act affects the jurisdiction of the State of Michigan with respect to the management of fish and wildlife, including hunting and fishing within the national lakeshore in accordance with section 5 of Public Law 91-479 (16 U.S.C. 460x-4).

(d) BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around any area designated as wilderness by subsection (a).

(2) ACTIVITIES OUTSIDE WILDERNESS.—The fact that an activity or use on land outside any area designated as wilderness by subsection (a) can be seen or heard within the wilderness shall not preclude the activity or use outside the boundary of the wilderness.

(e) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(1) low-level overflights of military aircraft over an area designated as wilderness by subsection (a), including military overflights that can be seen or heard within any wilderness area;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes over the wilderness area.

(f) SAVINGS PROVISIONS.—Nothing in this Act modifies, alters, or affects—

(1) any treaty rights; or

(2) any valid private property rights in existence on the day before the date of enactment of this Act.

PURPOSE OF THE BILL

The purpose of H.R. 163 is to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore, a unit of the National Park System, in the State of Michigan.

BACKGROUND AND NEED FOR LEGISLATION

Sleeping Bear Dunes National Lakeshore was established on October 21, 1970, in order “. . . that certain outstanding natural features including forests, beaches, dune formations, and ancient (glacial) phenomena . . . be preserved in their natural setting . . . for the benefit, inspiration, education, recreation, and enjoyment of the public.” The Lakeshore extends nearly 30 miles along the eastern shore of Lake Michigan and includes two large islands with an additional 35 miles of shoreline. The lakeshore encompasses 71,291 acres with 30,000 acres currently managed as wilderness.

In 1981 the Department of the Interior published a General Management Plan (GMP) that would greatly hinder public recreational access to the lake shoreline and prevent maintenance of

popular trails, roads and historic sites through wilderness restrictions. In 2002, when the GMP was about to go into effect, a local citizens group was formed to block implementation. After years of negotiations, a revised GMP was issued in 2009. It re-aligned the wilderness boundaries to allow motor boat access, maintenance of trails and historic sites and permits hunting under state regulation.

H.R. 163 codifies these negotiated changes to protect public access. Under the bill, the wilderness area does not include any existing county roads or areas managed primarily for historic resources. This is to ensure the continued availability of the county roads for visitors accessing remote trailheads, beaches, backcountry areas and historic areas. Although the lakeshore's boundary extends one-quarter mile out into Lake Michigan, none of the waters of Lake Michigan are proposed as wilderness. This ensures continued access by motor boaters to the shoreline beach adjacent to the wilderness area.

COMMITTEE ACTION

H.R. 163 was introduced on January 4, 2013, by Congressman Dan Benishek (R-MI). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On July 23, 2013, the Subcommittee on Public Lands and Environmental Regulation held a hearing on the bill. On January 28, 2014, the Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Doc Hastings (R-WA) offered an amendment designated #1 to the bill; the amendment was adopted by voice vote. The bill as amended 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 section 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:

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H.R. 163 would designate as wilderness about 32,500 acres of the Sleeping Bear Dunes National Lakeshore in the state of Michigan. The newly designated lands and inland waterways would comprise the Sleeping Bear Dunes Wilderness, a new component of the National Wilderness Preservation System.

Based on information from the National Park Service, CBO estimates that the bill would have no significant impact on the federal budget. More than 30,000 of the affected acres have been managed as wilderness since 1981, and CBO estimates that the potential impact of the designation on public use would be minor. Enacting H.R. 163 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 163 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.

On March 25, 2013, CBO transmitted a cost estimate for S. 23, the Sleeping Bear Dunes National Lakeshore Conservation and Recreation Act, as ordered reported by the Senate Committee on Energy and Natural Resources on March 14, 2013. The two pieces of legislation are similar, and the CBO cost estimates are the same.

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. Based on information from the National Park Service, CBO estimates that the bill would have no significant impact on the federal budget. Enacting H.R. 163 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

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 designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan.

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.

