

SAINT HELENA ISLAND NATIONAL SCENIC AREA ACT

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JULY 26, 1999.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
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Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 468]

[Including Cost Estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 468) to establish the Saint Helena Island National Scenic Area, 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 out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Saint Helena Island National Scenic Area Act”.

SEC. 2. ESTABLISHMENT OF SAINT HELENA ISLAND NATIONAL SCENIC AREA, MICHIGAN.

(a) **PURPOSE.**—The purposes of this Act are—

(1) to preserve and protect for present and future generations the outstanding resources and values of Saint Helena Island in Lake Michigan, Michigan, and

(2) to provide for the conservation, protection, and enhancement of primitive recreation opportunities, fish and wildlife habitat, vegetation, and historical and cultural resources of the island.

(b) **ESTABLISHMENT.**—For the purposes described in subsection (a), there shall be established the Saint Helena Island National Scenic Area (in this Act referred to as the “scenic area”).

(c) **EFFECTIVE UPON CONVEYANCE.**—Subsection (b) shall be effective upon conveyance of satisfactory title to the United States of the whole of Saint Helena Island, except that portion conveyed to the Great Lakes Lighthouse Keepers Association pursuant to section 1001 of the Coast Guard Authorization Act of 1996 (Public Law 104-324; 110 Stat. 3948).

SEC. 3. BOUNDARIES.

(a) SAINT HELENA ISLAND.—The scenic area shall comprise all of Saint Helena Island, in Lake Michigan, Michigan, and all associated rocks, pinnacles, islands, and islets within one-eighth mile of the shore of Saint Helena Island.

(b) BOUNDARIES OF HIAWATHA NATIONAL FOREST EXTENDED.—Upon establishment of the scenic area, the boundaries of the Hiawatha National Forest shall be extended to include all of the lands within the scenic area. All such extended boundaries shall be deemed boundaries in existence as of January 1, 1965, for the purposes of section 8 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460/-9).

(c) PAYMENTS TO LOCAL GOVERNMENTS.—Solely for purposes of payments to local governments pursuant to section 6902 of title 31, United States Code, lands acquired by the United States under this Act shall be treated as entitlement lands.

SEC. 4. ADMINISTRATION AND MANAGEMENT.

(a) ADMINISTRATION.—Subject to valid existing rights, the Secretary of Agriculture (in this Act referred to as the “Secretary”) shall administer the scenic area in accordance with the laws, rules, and regulations applicable to the National Forest System in furtherance of the purposes of this Act.

(b) SPECIAL MANAGEMENT REQUIREMENTS.—Within 3 years of the date of enactment of this Act, the Secretary shall seek to develop a management plan for the scenic area as an amendment to the land and resources management plan for the Hiawatha National Forest. Such an amendment shall conform to the provisions of this Act. Nothing in this Act shall require the Secretary to revise the land and resource management plan for the Hiawatha National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). In developing a plan for management of the scenic area, the Secretary shall address the following special management considerations:

(1) PUBLIC ACCESS.—Alternative means for providing public access from the mainland to the scenic area shall be considered, including any available existing services and facilities, concessionaires, special use permits, or other means of making public access available for the purposes of this Act.

(2) ROADS.—After the date of enactment of this Act, no new permanent roads shall be constructed within the scenic area.

(3) VEGETATION MANAGEMENT.—No timber harvest shall be allowed within the scenic area, except as may be necessary in the control of fire, insects, and diseases, and to provide for public safety and trail access. Notwithstanding the foregoing, the Secretary may engage in vegetation manipulation practices for maintenance of wildlife habitat and visual quality. Trees cut for these purposes may be utilized, salvaged, or removed from the scenic area as authorized by the Secretary.

(4) MOTORIZED TRAVEL.—Motorized travel shall not be permitted within the scenic area, except on the waters of Lake Michigan, and as necessary for administrative use in furtherance of the purposes of this Act.

(5) FIRE.—Wildfires shall be suppressed in a manner consistent with the purposes of this Act, using such means as the Secretary deems appropriate.

(6) INSECTS AND DISEASE.—Insect and disease outbreaks may be controlled in the scenic area to maintain scenic quality, prevent tree mortality, or to reduce hazards to visitors.

(7) DOCKAGE.—The Secretary shall provide through concession, permit, or other means docking facilities consistent with the management plan developed pursuant to this section.

(8) SAFETY.—The Secretary shall take reasonable actions to provide for public health and safety and for the protection of the scenic area in the event of fire or infestation of insects or disease.

(c) CONSULTATION.—In preparing the management plan, the Secretary shall consult with appropriate State and local government officials, provide for full public participation, and consider the views of all interested parties, organizations, and individuals.

SEC. 5. FISH AND GAME.

Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Michigan with respect to fish and wildlife in the scenic area.

SEC. 6. MINERALS.

Subject to valid existing rights, the lands within the scenic area are hereby withdrawn from disposition under all laws pertaining to mineral leasing, including all laws pertaining to geothermal leasing. Also subject to valid existing rights, the Secretary shall not allow any mineral development on federally owned land within the

scenic area, except that common varieties of mineral materials, such as stone and gravel, may be utilized only as authorized by the Secretary to the extent necessary for construction and maintenance of roads and facilities within the scenic area.

SEC. 7. ACQUISITION.

(a) **ACQUISITION OF LANDS WITHIN THE SCENIC AREA.**—The Secretary shall acquire, by purchase from willing sellers, gift, or exchange, lands, waters, structures, or interests therein, including scenic or other easements, within the boundaries of the scenic area to further the purposes of this Act.

(b) **ACQUISITION OF OTHER LANDS.**—The Secretary may acquire, by purchase from willing sellers, gift, or exchange, not more than 10 acres of land, including any improvements thereon, on the mainland to provide access to and administrative facilities for the scenic area.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) **ACQUISITION OF LANDS.**—There are hereby authorized to be appropriated such sums as may be necessary for the acquisition of land, interests in land, or structures within the scenic area and on the mainland as provided in section 7.

(b) **OTHER PURPOSES.**—In addition to the amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated such sums as may be necessary for the development and implementation of the management plan under section 4(b).

PURPOSE OF THE BILL

The purpose of H.R. 468 is to establish the Saint Helena Island National Scenic Area.

BACKGROUND AND NEED FOR LEGISLATION

In 1667, a Native American community called the “New Village of Ottawa” was established in the State of Michigan between Pointe La Barbe and Gros Cap on the mainland directly north of Saint Helena Island in Lake Michigan. This area is now managed as the Hiawatha National Forest by the Secretary of Agriculture. Native Americans from the mainland used the Island as a special place to visit. There are several Native American legends concerning Saint Helena Island, and it was called “Mish-aou-o-ning” meaning beautiful island.

In 1873, a lighthouse was built and remained in operation until the 1920s. In 1988, the Boy Scouts of America began restoring the lighthouse, and it is estimated that their efforts are 75 percent complete.

Saint Helena Island in Lake Michigan contains approximately 240 acres, all in private ownership with the exception of the 3-plus acres owned by the U.S. Coast Guard which contain the lighthouse. The Island is approximately one mile long from northwest to southeast, and is about 3/8ths of a mile across at its widest point. The owners of this historic island have put it up for sale.

H.R. 468 will authorize the Secretary of Agriculture to acquire the Island (excepting the parcel containing the lighthouse) and manage it as a designated scenic area within the Hiawatha National Forest. The bill would also allow the Secretary to acquire up to 10 acres of land, including improvements, on the mainland, to provide access and facilities for the scenic area. The Secretary would also develop a management plan for the area within three years.

This will preserve and protect for future generations the outstanding resources and values of Saint Helena Island and provide for the conservation, protection and enhancement of primitive rec-

reational opportunities, fish and wildlife habitat, vegetation and historical and cultural resources of the Island.

COMMITTEE ACTION

H.R. 468 was introduced on February, 2, 1999, by Congressman Dale Kildee (D-MI). The bill was referred to the Committee on Resources, and within the Committee to both the Subcommittee on Forests and Forest Health and the Subcommittee on Energy and Minerals. On June 17, 1999, the Subcommittee on Forests and Forest Health held a hearing on the bill, where Congressman Kildee testified and the U.S. Forest Service was in attendance. On June 30, 1999, the Committee on Resources met to consider the bill. The Subcommittee on Forests and Forest Health and the Subcommittee on Energy and Minerals were discharged by unanimous consent from further consideration of H.R. 468. Congressman Kildee offered an amendment in the nature of a substitute that made technical corrections to the bill. It was adopted by voice vote. The bill, as amended, was then 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 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, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. *Government Reform Oversight Findings.* Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

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 Com-

mittee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 14, 1999.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 468, the Saint Helena Island National Scenic Area Act.

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

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 468—Saint Helena Island National Scenic Area Act

CBO estimates that implementing H.R. 468 would cost about \$2 million over the 2000–2004 period, subject to appropriation of the estimated amounts. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. H.R. 468 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

H.R. 468 would direct the Secretary of Agriculture to acquire almost 240 acres of privately owned land comprising most of Saint Helena Island in Lake Michigan to establish the Saint Helena Island National Scenic Area. The bill also would authorize the Secretary to acquire up to 10 acres of land, including improvements, on the mainland to provide access and facilities for the proposed scenic area. The acquired land would be managed as part of the Hiawatha National Forest. The bill would direct the Secretary to develop a management plan for the area within three years.

Based on information from the Forest Service, CBO estimates that the agency would spend about \$1.5 million to acquire the land, plus another \$600,000 to establish and manage the scenic area, including developing a management plan for the island, constructing basic facilities, and surveying the area. Once the national scenic area is established, ongoing administrative costs would total about \$50,000 each year. Spending to implement the bill would be subject to appropriation of the necessary amounts.

The CBO staff contact is Victoria Heid Hall. This estimate was approved by Robert A. Sunshine, 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 in existing law.

ADDITIONAL VIEWS

H.R. 468 provides a wonderful opportunity to protect a beautiful island in the Straits of Mackinac in Lake Michigan. Owned by willing sellers, St. Helena Island is located approximately two miles from the northern shore of Lake Michigan with a beautiful view of the Mackinac Bridge. In addition, the Island contains a historic lighthouse which is listed on the National Register of Historic Places. The two acres on which the lighthouse sits, were recently conveyed via quitclaim from the Coast Guard to the Great Lakes Lighthouse Keepers Association. This bill would authorize purchase of the remainder of the island.

The legislation will authorize the purchase of St. Helena Island from the sellers of the Brown and Hammond families. The island would become part of the Hiawatha National Forest, whose boundary reaches the shoreline to the immediate north of the Island. The National Forest Service would then manage the island as a national scenic area, and the island would be open to the public for recreational use.

The habitat of the island is ecologically diverse. There are over three hundred species of plant life, almost a quarter of which are not native to Michigan. Wildlife species include red fox, coyote, snowshoe rabbits, and beavers. Furthermore, numerous species of birds can be found as well.

In the 1800's, the island was populated with over 200 people in a fishing community that also provisioned ship traffic passing through the Straits. However, the island currently has no population. Today, the island is used, with the permission of the owners, for several youth summer programs. For example, in 1994 NOAA invited Boy Scout Troop 4 to present the only fresh water paper at the Third International Conference on Marine Debris. This paper was based on the troop's effort in cleaning up the island shoreline.

The local forest service is willing to manage the land, and the local taxing authority, Moran Township, has passed a resolution in support of the proposal. These entities, in conjunction with the Great Lakes Lighthouse Keepers Association, will work together to ensure the ultimate success of this project. It will provide wonderful recreational opportunities for many Michigianians, and it will allow us to preserve a small, yet beautiful island.

DALE E. KILDEE.

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