

TO ADJUST THE BOUNDARIES OF THE GULF ISLANDS NATIONAL SEASHORE TO INCLUDE CAT ISLAND, MISSISSIPPI

NOVEMBER 4, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 2541]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2541) to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi, 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. BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The first section of Public Law 91-660 (16 U.S.C. 459h; 84 Stat. 1967) is amended—

(1) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F) and adjusting the margin 2 ems to the right;

(2) by striking “shall comprise the following gulf coast” and inserting the following: “shall comprise the following:

“(1) The gulf coast”; and

(3) by adding at the end the following new paragraph:

“(2)(A) Only after acquisition by the Secretary from a willing seller, (i) the water area adjacent to the shoreline of Cat Island that is not owned by the State of Mississippi on the date of the enactment of this paragraph, and (ii) all of the property on Cat Island, Mississippi, except that property described in subparagraph (B).

“(B) The property to be excluded from the boundaries of the seashore pursuant to subparagraph (A) is as follows:

“(i) A parcel of land situated and being located in Sections 32 and 33 of the Claim of Juan de Cuevas as patented on February 23, 1882, Township 9 South, Range 11 West, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit: Beginning at the Northeast corner of Lot 2 of the Survey of Bayou Marie Ridge, Unit 1-A (Plat Book 27, Page 10); thence run South 77 degrees 21 minutes 26 seconds East 77.73 feet to the Northeast corner of Lot 1 of the Survey of Bayou Marie Ridge, Unit 1-A; thence run South 12 degrees 09 minutes 44 seconds West 115.64 feet to the Southeast corner of said Lot 1; thence run South 78 degrees 22 minutes 34 seconds East 80.00 feet to a point on the easterly end of a canal; thence run South 11 degrees 55 minutes 46 seconds West 80.49 feet to a point on the southerly margin of a canal; thence run North 78 degrees 07 minutes 53 seconds West 700.32 feet along the southerly margin of a canal to the Northeast corner of Lot 20 of the Survey of Bayou Marie Ridge, Unit 2-A; thence run South 10 degrees 23 minutes 52 seconds West 124.47 feet to the Southeast corner of said Lot 20; thence run North 78 degrees 27 minutes 44 seconds West 166.82 feet along the south line of Lots 20 and 19 of the Survey of Bayou Marie Ridge, Unit 2-A; thence run North 11 degrees 12 minutes 19 seconds East 124.71 feet to the Northwest corner of said Lot 19; thence run North 78 degrees 22 minutes 10 seconds West 1,436.58 feet along the northerly line of Lot 18 through 1, inclusive of the Survey of Bayou Marie Ridge, Unit 2-A to the Northwest corner of said Lot 1; thence run South 11 degrees 37 minutes 50 seconds West along the westerly line of said Lot 1 and a southerly projection thereof a distance of 395 feet, more or less to the centerline of a shell road; thence generally westerly 2,943 feet, more or less, along the centerline of said shell road; thence run South 00 degrees 00 minutes 00 seconds East 835 feet, more or less, to a point on the shoreline of an inlet to Little Bay/South Bayou; thence run generally easterly, westerly, and easterly along the shoreline of the inlet to Little Bay/South Bayou and along the northerly shoreline of Little Bay/South Bayou a meandering distance of 12,127 feet, more or less, to a point at the easterly end of Little Bay/South Bayou; thence run North 33 degrees 02 minutes 51 seconds East 806 feet, more or less; thence run North 06 degrees 17 minutes 53 seconds West 455 feet, more or less, to a point on a marsh line; thence run generally westerly, northwesterly, easterly, and westerly along said marsh line a distance of 1,362 feet, more or less, to a point that is North 10 degrees 05 minutes 33 seconds East from the POINT OF BEGINNING; thence run South 10 degrees 05 minutes 33 seconds West 247 feet, more or less, to the POINT OF BEGINNING.

“(ii) That land marked as 1-A and 1-C on the map entitled ‘Survey of Bayou Marie Ridge; Units 1-A, 1-B, and 1-C’, dated February 10, 1969.

“(iii) That land marked as 19 and 20 on the map entitled ‘Survey of Bayou Marie Ridge; Unit 2-A’, dated July, 10, 1970.”.

(b) ACQUISITION AUTHORITY.—Section 2(a) of Public Law 91-660 (84 Stat. 1967) is amended by inserting after “consent of the owner.” the following: “The Secretary may acquire, from a willing seller only, the property described in paragraph (2)(A) of the first section of this Act.”.

(c) REGULATION OF FISHING.—Section 3 of Public Law 91-660 (84 Stat. 1968) is amended—

(1) by inserting “(a)” before “The Secretary”; and

(2) by adding at the end the following:

“(b) The proviso in subsection (a) shall not apply to the property described in paragraph (2)(A) of the first section of this Act to the extent that such proviso relates to fishing activities, including shrimping.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of Public Law 91-660 (84 Stat. 1970) is amended—

(1) by inserting “(a)” before “There”; and

(2) by adding at the end the following:

“(b) In addition to the funds authorized by subsection (a), there are authorized to be appropriated such sums as are necessary to acquire the property described in paragraph (2)(A) of the first section of this Act.”.

PURPOSE OF THE BILL

The purpose of H.R. 2541 is to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi.

BACKGROUND AND NEED FOR LEGISLATION

Gulf Islands National Seashore was established in 1971 (Public Law 91-660) and is administered by the National Park Service. Gulf Islands National Seashore consists of a number of coastal barrier islands stretching along the coasts of Mississippi and the panhandle of Florida. This seashore is comprised of approximately 19,000 acres of land area and 115,000 acres of marine area. The Gulf Islands provides the public with numerous outdoor recreational activities and also contains other natural and historic resources.

H.R. 2541 would modify the boundaries of the Gulf Islands National Seashore to include an area of land known as Cat Island which lies off the coast of Mississippi. Cat Island is approximately 2145 acres in size and offers around 21 miles of shoreline. Most of Cat Island (approximately 90 percent) is currently owned by one family. The remainder of the island is owned by nearly 12 others who have smaller land holdings. The east end of Cat Island is one of the most popular surf fishing locations on the entire Gulf Coast and also contains other wildlife and natural resources.

COMMITTEE ACTION

H.R. 2541 was introduced on July 15, 1999, by Congressman Gene Taylor (D-MS). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands. On September 30, 1999, the Subcommittee held a hearing on the bill where the Administration testified in favor of the bill, if amended. On October 27, 1999, the Full Committee met to consider the bill. The Subcommittee on National Parks and Public Lands was discharged from further consideration of the bill by unanimous consent. An amendment in the nature of a substitute was offered by Congressman James V. Hansen (R-UT) which excluded 150 acres of private property of the majority owner of Cat Island and also exempts all the small ($\frac{1}{4}$ acre lots) from inclusion in the boundaries of the national seashore. Furthermore, the amendment assured that acquisition of any property is by willing seller only and clarifies that the Secretary of the Interior cannot acquire the water area adjacent to the shoreline of Cat Island which is owned by the State of Mississippi. The substitute also authorized such sums necessary to acquire Cat Island except for the exclusions. The amendment was adopted by voice vote and 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.

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 Committee 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, November 2, 1999.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2541, a bill to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi.

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

Sincerely,

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

Enclosure.

H.R. 2451—A bill to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi

H.R. 2541 would add about 2,200 acres of land and water to the boundaries of the Gulf Island National Seashore. The property to be added is located on Cat Island, Mississippi. The bill would au-

thorize the Secretary of the Interior to acquire the property and would authorize the appropriation of whatever amounts are necessary for this purpose.

In the absence of a formal appraisal of the property, the cost of implementing this bill is uncertain. However, based on information obtained from the National Park Service and local tax authorities, CBO estimates that purchasing the Cat Island acreage could cost as much as \$30 million, assuming appropriation of the necessary amounts. We estimate that additional costs to develop visitor facilities on the island would cost between \$1 million and \$2 million over the next five years. Operating costs for this new property would be about \$500,000 in fiscal year 2000 and about \$200,000 annually thereafter.

H.R. 2541 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no impact on the budgets of state, local, or tribal governments.

The staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, 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 MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

ACT OF JANUARY 8, 1971

AN ACT To provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve for public use and enjoyment certain areas possessing outstanding natural, historic, and recreational values, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish and administer the Gulf Islands National Seashore (hereinafter referred to as the "seashore"). The seashore [shall comprise the following gulf coast] *shall comprise the following:*

(1) *The gulf coast* islands and mainland areas, together with adjacent water areas as generally depicted on the drawing entitled "Proposed Boundary Plan, Proposed Gulf Islands National Seashore," numbered NS-GI-7100J, and dated December 1970:

【(1)】 (A) Ship, Petit Bois, and Horn Islands in Mississippi;

【(2)】 (B) the eastern portion of Perdido Key in Florida;

【(3)】 (C) Santa Rosa Island in Florida;

【(4)】 (D) the Naval Live Oaks Reservation in Florida;

【(5)】 (E) Fort Pickens and the Fort Pickens State Park in Florida; and

【(6)】 (F) a tract of land in the Pensacola Naval Air Station in Florida that includes the Coast Guard Station and the Lighthouse, Fort San Carlos, Fort Barrancas, and Fort Redoubt and sufficient surrounding land for proper administration and protection of the historic resources.

(2)(A) *Only after acquisition by the Secretary from a willing seller, (i) the water area adjacent to the shoreline of Cat Island that is not owned by the State of Mississippi on the date of the enactment of this paragraph, and (ii) all of the property on Cat Island, Mississippi, except that property described in subparagraph (B).*

(B) *The property to be excluded from the boundaries of the seashore pursuant to subparagraph (A) is as follows:*

(i) A parcel of land situated and being located in Sections 32 and 33 of the Claim of Juan de Cuevas as patented on February 23, 1882, Township 9 South, Range 11 West, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit: Beginning at the Northeast corner of Lot 2 of the Survey of Bayou Marie Ridge, Unit 1-A (Plat Book 27, Page 10); thence run South 77 degrees 21 minutes 26 seconds East 77.73 feet to the Northeast corner of Lot 1 of the Survey of Bayou Marie Ridge, Unit 1-A; thence run South 12 degrees 09 minutes 44 seconds West 115.64 feet to the Southeast corner of said Lot 1; thence run South 78 degrees 22 minutes 34 seconds East 80.00 feet to a point on the easterly end of a canal; thence run South 11 degrees 55 minutes 46 seconds West 80.49 feet to a point on the southerly margin of a canal; thence run North 78 degrees 07 minutes 53 seconds West 700.32 feet along the southerly margin of a canal to the Northeast corner of Lot 20 of the Survey of Bayou Marie Ridge, Unit 2-A; thence run South 10 degrees 23 minutes 52 seconds West 124.47 feet to the Southeast corner of said Lot 20; thence run North 78 degrees 27 minutes 44 seconds West 166.82 feet along the south line of Lots 20 and 19 of the Survey of Bayou Marie Ridge, Unit 2-A; thence run North 11 degrees 12 minutes 19 seconds East 124.71 feet to the Northwest corner of said Lot 19; thence run North 78 degrees 22 minutes 10 seconds West 1,436.58 feet along the northerly line of Lot 18 through 1, inclusive of the Survey of Bayou Marie Ridge, Unit 2-A to the Northwest corner of said Lot 1; thence run South 11 degrees 37 minutes 50 seconds West along the westerly line of said Lot 1 and a southerly projection thereof a distance of 395 feet, more or less to the centerline of a shell road; thence generally westerly 2,943 feet, more or less, along the centerline of said shell road; thence run South 00 degrees 00 minutes

00 seconds East 835 feet, more or less, to a point on the shoreline of an inlet to Little Bay/South Bayou; thence run generally easterly, westerly, and easterly along the shoreline of the inlet to Little Bay/South Bayou and along the northerly shoreline of Little Bay/South Bayou a meandering distance of 12,127 feet, more or less, to a point at the easterly end of Little Bay/South Bayou; thence run North 33 degrees 02 minutes 51 seconds East 806 feet, more or less; thence run North 06 degrees 17 minutes 53 seconds West 455 feet, more or less, to a point on a marsh line; thence run generally westerly, northwesterly, easterly, and westerly along said marsh line a distance of 1,362 feet, more or less, to a point that is North 10 degrees 05 minutes 33 seconds East from the POINT OF BEGINNING; thence run South 10 degrees 05 minutes 33 seconds West 247 feet, more or less, to the POINT OF BEGINNING.

(ii) That land marked as 1-A and 1-C on the map entitled "Survey of Bayou Marie Ridge; Units 1-A, 1-B, and 1-C", dated February 10, 1969.

(iii) That land marked as 19 and 20 on the map entitled "Survey of Bayou Marie Ridge; Unit 2-A", dated July 10, 1970.

SEC. 2. (a) Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that property owned by a State or any political subdivision thereof may be acquired only with the consent of the owner. *The Secretary may acquire, from a willing seller only, the property described in paragraph (2)(A) of the first section of this Act.* The Secretary may acquire by any of the above methods not more than one hundred thirty-five acres of land or interests therein outside of the seashore boundaries on the mainland in the vicinity of Biloxi-Gulfport, Mississippi, for an administrative site and related facilities for access to the seashore. With the concurrence of the agency having custody thereof, any Federal property within the seashore and mainland site may be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the seashore.

SEC. 3. (a) The Secretary shall permit hunting and fishing on lands and waters within the seashore in accordance with applicable Federal and State laws: *Provided*, That he may designate zones where, and establish periods when, no hunting or fishing will be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations issued by the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

(b) *The proviso in subsection (a) shall not apply to the property described in paragraph (2)(A) of the first section of this Act to the extent that such proviso relates to fishing activities, including shrimping.*

* * * * *

SEC. 11. (a) There are authorized to be appropriated not more than \$3,120,000 for the acquisition of lands and interests in lands

and no more than \$14,779,000 (1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

(b) In addition to the funds authorized by subsection (a), there are authorized to be appropriated such sums as are necessary to acquire the property described in paragraph (2)(A) of the first section of this Act.

* * * * *

ADDITIONAL VIEWS

When the Gulf Islands National Seashore was created in 1971, it was hoped that Cat Island, Mississippi would serve as its "crown jewel." While the family who owns most of the island did not want to be included in the Seashore at that time, it now appears possible to achieve this goal. The family has indicated they are now willing to sell the property and H.R. 2541, as introduced, simply adjusted the boundaries of the Seashore to include the Island so that it might eventually be purchased. The inclusion of Cat Island in the seashore is obviously a valuable addition and, as a result, we fully support the intent of this legislation.

Unfortunately, significant alterations were made in this bill during consideration by the Committee which, if included in the final legislation, will so impair the National Park Service's (NPS) ability to manage this property that the benefits of the eventual acquisition will be diminished. Most significantly, the legislation as amended stipulates that more than 150 acres of the island will not be included within the Seashore boundary. The NPS would have no authority to negotiate limits on development on this parcel, nor could the Park Service ever purchase the property without another Act of Congress. Given that the intent of H.R. 2541 is to protect the natural beauty of Cat Island, uncontrolled development on the acreage now carved out by the bill defeats the purpose of this legislation. H.R. 2541 should be amended to authorize the NPS to purchase the excluded parcel, should it become available, and to enter negotiations for conservation easements which would more fully protect the resources on the whole of Cat Island.

Also of concern is the future management of the waters off the coast of Cat Island. The waters and submerged lands up to one mile off the coast of the other islands which make up the Gulf Islands National Seashore are within the Seashore boundaries. H.R. 2541 as introduced, however, sets the boundary of the Seashore at the mean high-tide line on Cat Island. Due to this discrepancy, the National Park Service had requested that language be inserted into the bill authorizing the NPS to enter into a voluntary Memorandum Of Understanding (MOU) with the State of Mississippi, which owns the lands and waters off Cat Island, outlining a coordinated plan for the management of those waters. Instead, the legislation was amended to restate the obvious fact that the National Park Service may not regulate fishing and shrimping outside the Seashore boundary and no language authorizing an MOU was included. Not only does this mean that the boundaries of Cat Island will be inconsistent with those in the rest of the Seashore, it also means that anyone visiting Cat Island who wishes to avoid National Park Service rules and regulations need only step into the water to elude NPS jurisdiction. Language authorizing the necessary MOU should be added to H.R. 2541.

Finally, H.R. 2541 as amended relies on a cumbersome legal description of the properties to be excluded from the Seashore boundary rather than following the more common practice of incorporating into the bill by reference a map depicting the new boundaries. The approach taken in the bill makes the legislation comprehensible to technical experts only and creates an increased likelihood of discrepancies within the descriptions. This section of the bill should be replaced with a standard map reference.

Clearly, the amendment adopted by the Committee damaged H.R. 2541. Unless these problems are addressed, the National Park Service will be forced to dedicate vast resources to deal with the management challenges on Cat Island created by this legislation. It is our hope that these issues can be resolved during consideration of H.R. 2541 by the full House.

GEORGE MILLER.

