

TO DIRECT THE SECRETARY OF THE INTERIOR TO MAKE CERTAIN ADJUSTMENTS TO THE BOUNDARIES OF BISCAYNE NATIONAL PARK IN THE STATE OF FLORIDA, AND FOR OTHER PURPOSES

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OCTOBER 26, 2000.—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

## R E P O R T

together with

## DISSENTING VIEWS

[To accompany H.R. 3033]

The Committee on Resources, to whom was referred the bill (H.R. 3033) to direct the Secretary of the Interior to make certain adjustments to the boundaries of Biscayne National Park in the State of Florida, 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. TRANSFER OF PROPERTY.

(a) IN GENERAL.—If the State of Florida transfers all right, title, and interest of that State in and to the submerged lands depicted for transfer to the United States on the map entitled “Boundary Map, Biscayne National Park, Stiltsville”, numbered , and dated , 2000, the Secretary of the Interior shall immediately thereafter transfer to the State of Florida, all right, title, and interest of the United States in and to the approximately equal acres of property depicted on that map for transfer to the State of Florida.

(b) MAP AND LEGAL DESCRIPTION.—The map referred to in subsection (a) and legal descriptions of the property authorized to be transferred by subsection (a) shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The map and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors in the map and legal descriptions.

(c) ADJUSTMENT OF PARK BOUNDARIES.—Property transferred to the United States pursuant to subsection (a) shall become, and be administered as, part of the Biscayne National Park after such transfer. Property transferred to the State of Florida pursuant to subsection (a) shall not be part of the Biscayne National Park after such transfer. As soon as practicable after such property is transferred, the Sec-

retary shall adjust the boundaries of the Biscayne National Park to reflect the transfer.

#### PURPOSE OF THE BILL

The purpose of H.R. 3033 is to direct the Secretary of the Interior to make certain adjustments to the boundaries of Biscayne National Park in the State of Florida, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

H.R. 3033 would direct the Secretary of the Interior to transfer an area of land to the State of Florida in exchange for State property to be added to Biscayne National Park. The federal land to be transferred to Florida consists of nine one-half acre parcels of land located in the Biscayne Bay National Park. The parcels are currently occupied with homes in an area known as "Stiltsville". Stiltsville is a unique historical and cultural community consisting of seven wood-frame houses resting on steel reinforced pilings, hence the name "Stiltsville". Stiltsville is about one mile from the nearest land and dates back to the 1930s. Stiltsville provides both historical and cultural resources and great sense of pride for Floridians. In fact, the State of Florida has recommended that Stiltsville be placed on the National Register of Historic Places. This recommendation, however, was rejected by the federal government in March 1999.

The houses at Stiltsville are privately owned, but the land underneath is leased by the National Park Service to the homeowners. The houses host a number of public functions, such as those by the Boy Scouts and church groups. In early 1999, the National Park Service decided not to extend the leases for the Stiltsville houses beyond July 1999. After the lease expires the Park Service would then proceed to demolish the structures. However, reacting to Congressional requests and a huge public support for saving the houses, the Park Service has extended the lease until December 31, 2000.

H.R. 3033 would address this situation by transferring the Stiltsville properties to the State of Florida. In return, Florida would transfer a large parcel of submerged land (approximately 30 acres) to the federal government. H.R. 3033 would authorize the Secretary of the Interior to adjust the boundaries of the Biscayne National Park to include the acquired property.

#### COMMITTEE ACTION

H.R. 3033 was introduced by Congresswoman Ileana Ros-Lehtinen (R-FL) on October 6, 1999. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands. On May 23, 2000, the Subcommittee held a hearing on the bill. On June 22, 2000 the Subcommittee met to consider the bill. An amendment in the nature of a substitute was offered by Congressman Joel Hefley (R-CO). The amendment would change the boundary of Biscayne National Park to exclude the Stiltsville structures with no land exchange involving the State of Florida. The amendment was adopted by voice vote. No further amendments were offered and the bill, as amended, was then ordered favorably reported to the Resources Committee by voice vote. On July 19, 2000, the Resources Com-

mittee met to consider the bill. An amendment in the nature of a substitute was offered by Congressman James V. Hansen (R-UT) which revived the land exchange with the State of Florida. The exchange would assure that an equal amount of acreage would be transferred to the federal government as that removed from Biscayne National Park, i.e., the Stiltsville area. Congressman Carlos Romero-Barcelo (D-PR) offered a substitute amendment to the Hansen amendment in the nature of a substitute which required the Secretary of the Interior to review Stiltsville for listing on the National Register of Historic Places. The Romero-Barcelo amendment failed by voice vote. The Hansen amendment in the nature of a substitute 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. The Committee believes that enacting this bill would have little cost involved and would have minimal impact on the federal budget.

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 Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office.

#### 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 State, local, or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

## DISSENTING VIEWS

H.R. 3033 is ill-conceived legislation that poses a threat to significant national park resources. I join with the Administration, the conservation community, and many others in strongly opposing this special interest measure.

Biscayne National Park is a spectacular marine environment. These lands and waters, owned by the American public and enjoyed by millions of people, are a national asset. Despite this, the majority has chosen to plunder this asset by pushing legislation that advances the interests of private parties to the detriment of one of our great national parks.

Originally, H.R. 3033 would have carved out of the park nine cabin sites located in an area of the park known as "Stiltsville." Not content with this bow to private interests, the majority voted in Subcommittee to delete 3900 acres of the park, including Stiltsville, that contain significant sea grass beds, endangered manatee habitat, protected sponge and lobster harvesting areas, submerged cultural sites, and an important navigation access route. In the face of a public outcry the majority redid their plan, voting in Full Committee to instead delete more than 1000 acres of the park in exchange for some undesirable submerged lands to the west of the park boundary.

Not only would Biscayne National Park be losing valuable resources and picking up undesirable lands, this new proposal would result in a net loss to the park of more than 200 acres. Further, one-half of the non-federal land to be exchanged is owned by the City of Coral Gables, a fact unbeknownst to the public and even the city itself. These errors and miscalculations are not surprising, given the majority's willingness to let the private interests in this legislation wield considerable influence in developing these various legislative incarnations.

While the National Park Service has announced plans to make these cabin sites available to all the public, the majority wants to maintain them for the exclusive use of a select few.

If the majority is willing to further private interests at the expense of the public interest in our national parks, no Federal lands are safe. H.R. 3033 is a threat to our national parks and deserves to be defeated.

GEORGE MILLER.

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