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PRESERVATION OF ORANGE COUNTY'S ROCKS AND SMALL ISLANDS

AUGUST 5, 2010.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 86]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 86) to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

The purpose of H.R. 86 is to incorporate several rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument.

BACKGROUND AND NEED

The California Coastal National Monument was established in 2000 to protect the rocks, small islands, and other geologic formations along the entire 1,100 miles of the California shoreline. It is managed by the Bureau of Land Management. As well as possessing scenic qualities and natural beauty, the Monument's rocks and small islands provide important habitat for seabirds, marine mammals, and other plant and animal life.

During the planning process for the monument, it was discovered that a small number of geologic formations located off the coastline

of Orange County in the Laguna Beach area, totaling approximately two acres, were not included within the Monument as they were covered by legislative withdrawals made in the 1930s. The withdrawals were intended to protect the area's scenic qualities and reserve three specific offshore rock clusters for the possibility of future lighthouses. The lighthouses were never built and the Coast Guard no longer needs the reservation.

The Laguna Beach community wishes to include the Orange County coastal formations within the California Coastal National Monument, in part because it has a strong interest in developing a community initiative for the Orange County coastal area.

Legislation to include these rocks and islands within the Monument is needed to ensure that the features remain protected and to allow the Bureau of Land Management to work with the community and local groups to provide responsible stewardship of this area.

LEGISLATIVE HISTORY

H.R. 86, sponsored by Representative Campbell, passed the House of Representatives by a vote of 397–4 on December 9, 2009.

The Subcommittee on Public Lands and Forests held a hearing on H.R. 86 on April 28, 2010. The Committee on Energy and Natural Resources considered the bill at its business meeting on June 16, 2010, and ordered H.R. 86 favorably reported without amendment at its business meeting on June 21, 2010.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on June 21, 2010, by a voice vote of a quorum present, recommends that the Senate pass H.R. 86.

SECTION-BY-SECTION ANALYSIS

Section 1(a) amends the Act of February 18, 1931, placing the geologic features located off the seacoast of Orange County within the California Coastal National Monument.

Subsection (b) repeals a portion of a 1935 law reserving the sites for future lighthouse construction, which are no longer needed.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

H.R. 86—An act to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original congressional intent of preserving Orange County's rocks and small islands

H.R. 86 would add certain islands and large rocks located off the coast of California to the California Coastal National Monument, which was created in 2000. The act also would repeal statutes enacted in the 1930s that reserved two of the rocks for lighthouses that were never constructed.

Based on information provided by the Bureau of Land Management, CBO estimates that implementing H.R. 86 would have no significant effect on the federal budget. The affected properties are already administered by the federal government, and their inclusion in the national monument would not require the purchase or development of any land. Enacting H.R. 86 would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

The act 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 November 5, 2009, CBO transmitted a cost estimate for H.R. 86 as ordered reported by the House Committee on Natural Resources on October 28, 2009. The two versions of the legislation are nearly identical, and the CBO cost estimates are the same.

The CBO staff contacts for this estimate are Alan Eder and Deborah Reis. The estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUTION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 86.

The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 86, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 86, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Bureau of Land Management at the April 28, 2010 Subcommittee hearing on H.R. 86 follows:

STATEMENT OF MARCILYNN A. BURKE, DEPUTY DIRECTOR,
BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE
INTERIOR

Thank you for inviting the Department of the Interior to testify on H.R. 86, which would add certain rocks and small islands along the coast of Orange County, California, to the California Coastal National Monument managed by the Bureau of Land Management (BLM). The BLM supports H.R. 86.

BACKGROUND

The California Coastal National Monument, part of the BLM's National Landscape Conservation System, was established by a Presidential Proclamation by President Clinton on January 11, 2000, to protect: "all unappropriated or unreserved lands and interest in lands owned or controlled by the United States in the form of islands, rocks, exposed reefs, and pinnacles . . . within 12 nautical miles of the shoreline of the State of California."

Covering more than 20,000 rocks and small islands spread along 1,100 miles of the California coastline, the Presidential Proclamation protects the Monument's overwhelming scenic quality and natural beauty. The Proclamation specifically calls for the protection of the geologic formations and the habitat that these rocks and small islands provide for seabirds, marine mammals, and other plant and animal life, both terrestrial and marine.

Some particularly significant public rocks and islands off the coast of Orange County in the Laguna Beach area provide important habitat for a wide variety of upper rocky intertidal species, as well as various shorebird species. Additionally, four rock locations—Bird Rock and Two Rocks off the City of Laguna Beach, San Juan Rocks off the City of Dana Point, and San Marcos Rocks off the southern portion of the City of San Clemente—provide important roosting habitat for seabirds (including cormorants and the Federally-listed brown pelican) and haul-out areas for seals and sea lions.

In the process of working with local communities on planning for the California Coastal National Monument, the BLM discovered that the rock features off the coastline of Orange County were under Congressional withdrawals dating from the 1930s and, therefore, were not included within the Monument. These withdrawals include more than 40 offshore rocks, small islands, exposed reefs, and pinnacles located within one mile of the coast of Orange County, California, totaling approximately two acres above mean high tide. More than 70 years old, the withdrawals were originally intended to temporarily reserve the Orange County offshore rocks and small islands for "park, scenic, or other public purposes" (1931 Act), and reserve three specific offshore rock clusters for the possibility of future lighthouses (1935 Act), which were never built. These withdrawals were ultimately never utilized and are no longer needed.

The Laguna Ocean Foundation has led a community-wide effort to include these significant areas within the California Coastal National Monument. The Foundation has worked with the City of Laguna Beach and other local groups, including the Audubon Society and the Surfrider Foundation, on a variety of city and area-wide coastal protection and monitoring projects, which resulted in H.R. 86.

H.R. 86

H.R. 86 would eliminate the existing withdrawals on these public lands off the coast of Orange County and place these features within the existing California Coastal National Monument. The BLM supports the revocation of the old withdrawals and the inclusion of these rocks, islands, and exposed reefs within the Monument.

The BLM has been working with partners along the 1,100-mile California coast to create a series of California Coastal National Monument Gateway community initiatives. These Gateway initiatives are a means to support organized local stewardship of various California coastal areas through the development of a consortium of the area's resource managers and advocates. The Laguna Beach community has expressed strong interest in developing a California Coastal National Monument Gateway initiative for the Orange County coastal area. Inclusion of these rocks and islands within the Monument will allow the BLM to work with the community to provide responsible, long-term stewardship of these valuable areas.

CONCLUSION

Thank you for the opportunity to testify in support of H.R. 86. We look forward to passage of this legislation which would place these significant features off the coast of Orange County within the California Coastal National Monument, thus ensuring their long-term protection and preservation, and paving the way for an important local community stewardship initiative.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 3804 as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

The Act of February 18, 1931 (Chapter 226; 46 Stat. 1172)

* * * * *

[chap. 226]

AN ACT To reserve for public use rocks, pinnacles, reefs, and small islands along the seacoast of Orange County, California

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all rocks, pinnacles, reefs, and islands having an area, at ordinary high tide, of less than two acres, and located in the Pacific Ocean within one mile of the coast of Orange County, California, be, and the same are hereby, [temporarily reserved, pending enactment of appropriate legislation by the Congress of the United States] part of the California Coastal National Monument and shall be administered as such, in the interest of preserving the same for park, scenic, or

other public purposes, and no patent shall issue for any of said rocks, pinnacles, reefs, or islands under any law relating to the public lands after the passage of this Act.

* * * * *

The Act of May 28, 1935 (Chapter 155; 49 Stat. 305)

CHAPTER 155

AN ACT To authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and for other purposes

* * * * *

【Sec. 31. That the Act of February 18, 1931 (46 Stat. 1172), entitled “An Act to reserve for public use rocks, pinnacles, reefs, and small islands along the sea coast of Orange County, California”, is hereby amended to reserve for lighthouse purposes the San Juan and San Mateo Rocks and the two rocks in the vicinity of Laguna Beach, off the coast of Orange County, California.】

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