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FORT FREDERICA NATIONAL MONUMENT LAND EXCHANGE ACT

SEPTEMBER 28, 2004.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 1113]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1113) to authorize an exchange of land at Fort Frederica National Monument, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the Act, as amended, do pass.

The amendment is as follows:

On page 2, lines 2 and 3, strike "any other provision of law" and insert "section 5(b) of Public Law 90–401 (16 U.S.C. 460*l*–22(b))".

PURPOSE OF THE MEASURE

The purpose of H.R. 1113 is to authorize an exchange of land at Fort Frederica National Monument in Georgia between Christ Church and the National Park Service.

BACKGROUND AND NEED

Fort Frederica was one of the earliest English settlements in what ultimately became the State of Georgia. The Fort was established by General James Ogelthorpe, a noted military leader, planner, and social reformer. General Ogelthorpe was responsible for establishing the colony of Georgia and directing the settlement and development of several Georgia communities including the city of Savannah.

In the early 1700s, Fort Frederica was a prosperous community of substantial homes whose residents were tradesmen and farmers that supplied the garrison stationed there. In 1739, Britain and Spain entered into a war that eventually involved Fort Frederica.

After the 1748 treaty with Spain, Fort Frederica's military garrison was withdrawn and the town of Fort Frederica fell into decline. In 1758 a fire destroyed most of the existing structures.

Fort Frederica National Monument was established on May 26, 1936. Subsequent legislation increased the authorized boundary to 250 acres and directed the Secretary of the Interior to acquire the Battle of Bloody Marsh memorial site on St. Simons Island.

In 1993, when a proposed development threatened to compromise the viewshed of Fort Frederica, the National Park Service, with the help of the Trust for Public Land and others, acquired 28 acres along the river front. This timely acquisition allowed the National Park Service to preserve the historic view of the river approach to Fort Frederica.

Christ Church is located adjacent to the Fort Frederica National Monument on St. Simons Island. Recently, the church experienced a substantial increase in membership and now requires additional land on which to expand. In order to accommodate the needed expansion the church contacted the National Park Service and proposed the land exchange authorized by H.R. 1113. This measure will authorize the Secretary to exchange approximately 6 acres of land from the 1993 riverfront acquisition for 8.7 acres of land adjacent to the Monument. The land to be acquired by the Secretary through this exchange contains archeological ruins dating from the colonial period. Tradition indicates that this land also includes the home of General Ogelthorpe, although archeological survey work has not yet verified this theory. Similarly, the National Park Service has not yet completed an appraisal of the lands to be exchanged. However, at this time, the agency believes the parcel to be acquired from Christ Church is of greater value than the parcel to be exchanged. H.R. 1113 will provide the necessary authorization to complete the land exchange and revise the boundary of the Monument accordingly.

LEGISLATIVE HISTORY

H.R. 1113 was introduced by Representative Kingston on March 6, 2003. The House Resources Committee ordered the bill, as amended, favorably reported (H. Rept. 108–201) on June 11, 2003. On September 23, 2003, H.R. 1113 was passed by the House of Representatives by a voice vote. The Senate Committee on Energy and Natural Resources' Subcommittee on National Parks held a hearing on H.R. 1113 on July 15, 2004. At the business meeting on September 15, 2004, the Committee on Energy and Natural Resources ordered H.R. 1113 favorably reported with amendment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in an open business session on September 15, 2004, by a unanimous voice vote of a quorum present, recommends that the Senate pass H.R. 1113 as described herein.

COMMITTEE AMENDMENT

During its consideration of H.R. 1113, the Committee adopted a clarifying amendment. The amendment removes language exempting H.R. 1113 from any other provision of law and clarifies that the

land exchange is exempted only from the requirements of section 5(b) of Public Law 90–401. That subsection authorizes the Secretary of the Interior to exchange lands only if they are of equal value, or if the values of the lands are equalized by cash payment. In addition it requires the Secretary to hold a public meeting prior to the land exchange if requested by an interested party and exempts timber lands subject to harvest under a sustained yield program.

SECTION-BY-SECTION ANALYSIS

Section 1 authorizes the Secretary of the Interior to acquire approximately six acres of land from Christ Church of St. Simons Island, Georgia, in exchange for approximately 8.7 acres of land. This section references a map depicting the lands to be exchanged and requires that this map be made available for public inspection at appropriate National Park Service offices.

Section 2 directs the Secretary to revise the boundary of Fort Frederica National Monument to reflect the land exchange and to administer the acquired land as part of the Monument.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office.

H.R. 1113—An act to authorize the exchange of land at Fort Frederica National Monument

H.R. 1113 would authorize the National Park Service (NPS) to exchange 6 acres of land within the boundary of the Fort Frederica National Monument in Georgia for 8.7 acres of nearby property owned by the Christ Church. The act would direct the NPS to adjust the boundaries of the monument to reflect the exchange when completed.

Assuming appropriation of the necessary amounts, CBO estimates that the NPS would spend about $200,000 over the year or two following acquisition of the 9.7-acre site to identify possible historic resources and determine how to exhibit them. Depending on the outcome of the archeological studies and the level of future appropriations, the NPS might spend additional funds to develop the new parcel. Based on information provided by the agency, CBO estimates that such development costs would not exceed $1 million. We estimate that additional costs to operate and maintain any facilities that might be developed (such as access roads and interpretive kiosks) would be less than $200,000 annually.

H.R. 1113 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.

On June 19, 2003, CBO transmitted a cost estimate for H.R. 1113 as ordered reported by the House Committee on Resources on June 11, 2003. The two versions of the legislation are very similar, and our cost estimates are the same.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

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. 1113.

The bill 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. 1113.

EXECUTIVE COMMUNICATIONS

On July 6, 2004, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 1113. These reports had not been received when this report was filed. The testimony provided by the Department of the Interior at the Subcommittee hearing on H.R. 1113 follows:

> STATEMENT OF A. DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR
>
> Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the Department's views on H.R. 1113. This bill would authorize an exchange of land at Fort Frederica National Monument.
>
> The Department supports an exchange of land between Christ Church, Frederica and Fort Frederica National Monument, as outlined in H.R. 1113. Although appraisals have not been completed for the two parcels, we expect that the value of the land received by the National Park Service (NPS) will be more than the value of the land given up so there will be no need for land acquisition funding. The NPS would incur increased operational costs associated with the exchange because of the archeological value to the park of the acquired lands. However, the amount of those costs cannot be determined until the significance of the resources present on the site NPS acquires is established.
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> The Department testified in support of this bill at a House Subcommittee on National Parks, Recreation, and Public Lands hearing on April 8, 2003. At the House markup the bill was amended to adjust the amount of land to be given by the NPS to Christ Church from 4.8 acres to 6 acres in order to provide sufficient land for the church to complete their development project. As a part of this process, the NPS worked closely with Representative Kingston's office to assure that the historic scene of the National Monument will be protected and that the park's artifact storage facility and other buildings would remain within the park boundary.

H.R. 1113 would authorize the Secretary to convey to Christ Church, Frederica, located on St. Simons Island, Georgia approximately 6 acres of land within the boundary of Fort Frederica National Monument in exchange for approximately 8.7 acres of land near Fort Frederica that will be acquired by Christ Church. Upon completion of the exchange, the Secretary shall revise the boundary of Fort Frederica National Monument and administer the land acquired through the exchange as part of the monument.

Fort Frederica National Monument is located 12 miles northeast of Brunswick on St. Simons Island, Georgia. The monument's authorized boundary contains 250 acres and preserves the remains of a fortified town established and laid out by Governor James Oglethorpe in 1736 to defend against invasion from Spanish colonies in Florida.

Fort Frederica was one of the earliest English settlements in what ultimately became the State of Georgia, preceded by Fort King George (1721), located near Darien, Georgia, and the Cities of Savannah (1733) and Augusta (1735), also established and planned by Oglethorpe. Fort Frederica was a prosperous community of substantial homes whose residents were tradesmen and farmers supplying the garrison stationed there much the same way communities provide goods and services to military installations today. In 1739, Britain and Spain entered a war that eventually involved Fort Frederica. After the 1748 treaty, Frederica's military garrison was withdrawn and the town of Fort Frederica fell into decline. In 1758, a fire destroyed most of the existing structures.

Fort Frederica National Monument was established on May 26, 1936. Subsequent legislation increased the authorized boundary to 250 acres and directed the Secretary of the Interior to acquire the Battle of Bloody Marsh memorial site on St. Simons Island. Subject to the 250-acre limitation, the Secretary was also authorized to acquire additional marshland acreage west of the Frederica River, across from the National Monument, for additional protection of the historic scene.

On June 29, 1993, following a lengthy campaign involving the efforts and support of the Trust for Public Land and many private citizens of St. Simons Island, Fort Frederica acquired 28 acres of land, including river frontage on the south side of the town site, that had been planned for a major marina development. This acquisition preserved the historic view of the river approach to Fort Frederica. The 6-acre parcel that H.R. 1113 directs the Secretary to give to Christ Church is within this 28-acre acquisition.

The 8.7-acre site that Christ Church proposes to exchange for the land at Fort Frederica contains archeological remains that have been established to be from the colonial period. Tradition indicates that the land includes General Ogelthorpe's home, however we are unaware of any archeological survey work that has been completed on this tract to positively determine if this is the case.

The main town site within the National Monument contains several well preserved and partially reconstructed colonial ruins. There may be additional administrative and operational costs associated with protecting a small archeological site detached from the main park unit and it has not been determined if that cost is commensurate with the limited additional interpretive value of the site if it only contains additional Frederica era resources but does not include Oglethorpe's home.

That completes my testimony. I would be happy to answer any questions that you or any members of the subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 1113 as ordered reported.

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