

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

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NOVEMBER 16, 2009.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. RAHALL, from the Committee on Natural Resources,  
submitted the following

## R E P O R T

[To accompany H.R. 86]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 86) to eliminate an unused lighthouse reservation, provide management consistency by bringing the rocks and small islands along the coast of Orange County, California, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

Amend the title so as to read:

A bill 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.

### PURPOSE OF THE BILL

The purpose of H.R. 86 is 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.

## BACKGROUND AND NEED FOR LEGISLATION

H.R. 86 is intended to correct a situation in which two public laws from the 1930's are inadvertently preventing certain rocks, pinnacles, reefs, small islands and lighthouses off the coast of Orange County from being included in the California Coastal National Monument.

The California Coastal National Monument (Monument) was created by President Bill Clinton on January 11, 2000. The Monument spans the entire 1,100 miles of the California coast between Mexico and Oregon, and extends 12 nautical miles from the shoreline. The Monument encompasses more than 20,000 small islands, rocks, exposed reefs, and pinnacles above mean high tide. The Monument is protected as part of the National Landscape Conservation System, and managed by the Bureau of Land Management (BLM). However, the Presidential Proclamation designating the Monument only included "unreserved and unappropriated" rocks and islands. Since the areas covered by this bill were reserved they were not designated as part of the Monument.

H.R. 86 would amend the Act of February 18, 1931, entitled "An act to reserve for public use rocks, pinnacles, reefs, and small islands along the seacoast of Orange County, California." The original intent of this Act was to temporarily reserve certain rocks, islands and pinnacles within one mile of the coast of Orange County to protect them. H.R. 86 would strike the reservation language and amend the Act to provide that these areas be administered as part of the California Coastal National Monument.

In addition, the bill would repeal Section 31 of the Act of May 28, 1935, entitled "An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and for other purposes." The Act reserved, for lighthouse purposes, the San Juan Lighthouse off Dana Point, the San Mateo Rocks Lighthouse off San Clemente, and the Two Rocks Lighthouse in the vicinity of Laguna Beach; the disposal authority has gone unused. Repeal of this Act would nullify the reservation and allow these historic lighthouses to be included within the Monument as well.

## COMMITTEE ACTION

H.R. 86 was introduced by Representative John Campbell (R-CA) on January 6, 2009. The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. At a Subcommittee hearing on October 1, 2009, a representative of the Department of the Interior testified in support of the bill.

On October 28, 2009, the Subcommittee was discharged from the further consideration of H.R. 86 and the full Natural Resources Committee met to consider the bill. An amendment to correct the long title of the bill was agreed to by unanimous consent and the bill, as amended, was 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

Natural 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. **General Performance Goals and Objectives.** As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is 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.

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

*H.R. 86—A bill 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 bill also would repeal statutes enacted in the 1930s that reserved two of the rocks for lighthouses, which 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 and would not affect revenues or direct spending. 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.

The bill 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.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### EARMARK STATEMENT

H.R. 86 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

#### 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 italic, existing law in which no change is proposed is shown in roman):

#### ACT OF FEBRUARY 18, 1931

**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.

#### ACT OF MAY 28, 1935

An Act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and for other purposes.

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[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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