

Committee on Resources

Subcommittee on National Parks & Public Lands

Witness Statement

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS OF THE COMMITTEE ON RESOURCES, UNITED STATES HOUSE OF REPRESENTATIVES, CONCERNING 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

MAY 23, 2000

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 3033, a bill to direct the Secretary of the Interior to make certain adjustments to the boundaries of Biscayne National Park.

The Department opposes H.R. 3033. This legislation would be detrimental to Biscayne National Park and would set a bad precedent for addressing issues of expiring leases within the National Park System.

H.R. 3033 would transfer to the State of Florida nine small circles of submerged land, seven of which underlie seven structures known as the "Stiltsville" houses in Biscayne National Park, if the state transfers to the United States an area comprised of 30 acres of submerged lands adjacent to the northwest tip of the park. Through this exchange, jurisdiction over the Stiltsville structures would be transferred from the National Park Service to the state. The proposed exchange is intended to improve the chances of the owners of the Stiltsville buildings of being able to renew leases on the buildings that expired on July 1, 1999. However, the exchange would work against the ability of the National Park Service to protect and manage the park's resources.

Stiltsville began with a derelict barge run aground in the 1930s and evolved into a cluster of as many as 27 makeshift structures by the 1940s, most of them perched on pilings above the shallows of Biscayne Bay and used for a number of commercial and recreational purposes. During the 1950s and 1960s, the number of structures gradually declined as hurricanes took their toll. Most of the buildings standing today were built after 1963, when Hurricane Betsy struck, and most were built as vacation cabins or weekend get-aways for groups of individuals who associated together for that purpose.

In the 1970s, when the State of Florida undertook to regulate Stiltsville, there were 13 cabins and one radio tower widely scattered along the Biscayne Channel. The state's goals were to prevent additional structures from being built on state-owned submerged lands and to ensure that all the existing structures would be removed by a fixed date. For those purposes the state issued a lease for each of the 14 sites, with an expiration date of July 1, 1999. In the leases the owners agreed that they could not rebuild a structure that suffered more than 50 percent damage by any cause and that they would be responsible for removal of all their property. There were no provisions in the leases for either renewal or extension.

In 1980, Congress redesignated Biscayne National Monument as Biscayne National Park and expanded the boundary substantially (Public Law 96-287). The new area encompassed the 14 Stiltsville structures, located in a unique area known as the "Safety Valve" which lies between the very southern end of the Atlantic coast's sand barrier islands and the very northern end of the coral rock islands of the Florida Keys.

The legislation made no provision for any change in the status of the Stiltsville structures. When the State of Florida enacted its own legislation to donate the state-owned submerged lands to the enlarged national park, it included no special stipulations about Stiltsville. As a result, when the title to the lands was conveyed in 1983, Biscayne National Park became the landlord for the Stiltsville leaseholders, with the terms of the leases unchanged.

Also in 1983, the National Park Service adopted the current General Management Plan for Biscayne National Park, reflecting the boundary changes and national park designation that had been enacted three years earlier. According to that plan, which remains the principal management document for the park, the newly added submerged lands are to be managed as a natural area for the protection of natural resources. The plan explicitly states in several places that the structures of Stiltsville, located in that natural area, are to be removed upon expiration of the original leases.

In 1992, Hurricane Andrew destroyed the radio tower and 6 cabins, leaving the 7 buildings that are present today.

During the two years preceding the July 1, 1999, expiration date of the leases, several owners of Stiltsville cabins began seeking possible extension or renewal. The National Park Service determined that retaining these private cabins within a designated natural zone would be contrary to the prevailing laws, policies, and plans, including the park's General Management Plan, that govern the responsibilities of the National Park Service and the management of Biscayne National Park.

Stiltsville owners also sought to establish historic significance for the structures to bolster their efforts to extend their leases and to engender consideration of new management options, such as historic leasing. The owners prepared a nomination for the National Register of Historic Places based on architectural significance that was endorsed by the Florida Division of Historical Resources in August 1998. In March 1999, the Keeper of the National Register of Historic Places rejected the nomination on the grounds that the structures did not meet the appropriate criteria. The owners then prepared a second nomination based on criteria known as "traditional cultural practices". In October 1999, that nomination was also found to be insufficient to establish eligibility.

While the second National Register nomination was being prepared, the July 1 expiration date occurred. Discussions among Stiltsville leaseholders, Representative Ileana Ros-Lehtinen, the National Park Service and Department of the Interior officials, and others prompted a decision to adopt a five-month "standstill agreement" between the Stiltsville owners and the Federal government, allowing discussions to continue without jeopardy to any party's legal position. In October, Representative Ros-Lehtinen introduced H.R. 3033; in November, Chairman Hansen issued a letter urging the National Park Service to try to find a way to allow Stiltsville to remain for future generations to enjoy; and in December, a new standstill agreement lasting until December 1, 2000, was adopted.

Because of community interest in maintaining the Stiltsville structures as part of Miami's cultural landscape and history, the Department has continued discussions with Representative Ros-Lehtinen about the future of these structures. In March, the National Park Service sent a letter to the Florida Division of Historical Resources advising that office that we are open to considering a new nomination of the Stiltsville structures for listing on the National Register of Historic Places. The new nomination would not necessarily result in a listing, but it would be fully considered. In conjunction with the letter, we let Representative Ros-Lehtinen know that we would be willing to extend the standstill agreements with the Stiltsville owners until March 29, 2002--two years beyond the date of the letter--in order to provide time for the preparation and review of a new nomination.

If H.R. 3033 were enacted and the exchange proposed by the legislation were agreed to by the State of Florida, the nine half-acre circles of submerged land--seven under the seven Stiltsville buildings and two where structures used to stand--would be removed from the jurisdiction of Biscayne National Park. These

small parcels would revert to state ownership and, by the presence of the privately owned structures, would become private inholdings. If the State of Florida renewed the leases on the seven structures, as is likely because of a recent state law extending leases for stilt structures, those inholdings would remain indefinitely as structural intrusions into a valuable natural area that Congress intended to be protected, unimpaired, for future generations.

From a management perspective, such an arrangement is difficult for both the state and the National Park Service. There would be nine isolated pockets of state lands in which the state and county would be fully responsible for law enforcement, emergency services, resource management, and the full range of other public services, right in the middle of an area in which the National Park Service provides such services.

Meanwhile, the National Park Service would not have authority to act to protect resources in the park, such as seagrass, from any detrimental activities by occupants of the Stiltsville structures. Within feet of each of the Stiltsville houses are dense seagrass beds. These beds are highly productive, rich with fauna, and ecologically important. Seagrass beds create shelter from predators and act as a nursery and feeding ground for most of the commercial and recreational fish and invertebrates in Biscayne National Park. Because the seagrass surrounding the Stiltsville houses is subject to damage from vessels used in connection with the houses, it is particularly important for the National Park Service to retain the ability to manage activity in the area.

In addition, the proposed exchange provides no benefit for Biscayne National Park. The 30-acre tract of submerged lands that would be added to the park contains no natural resources, such as coral reef, that would be a desirable addition from an ecological perspective. Thus, the National Park Service would be given responsibility for managing an area that provides no added value to the park.

Furthermore, the exchange would not be in the best interest of the National Park System as a whole. There are many units of the National Park System where use-and-occupancy leases have expired or will expire in the near future. The National Park Service has opposed previous legislation to extend these leases. We are concerned that if Congress enacts H.R. 3033, it will encourage those with expiring leases on buildings in national parks throughout the country to seek similar special legislation.

Mr. Chairman, to summarize, we believe H.R. 3033 would be detrimental to resources at Biscayne National Park and to the integrity of the entire National Park System. We urge the subcommittee not to act further on this legislation but rather to work with us to find a less damaging way to resolve the issues associated with the expired Stiltsville leases.

Mr. Chairman, that concludes my statement. I will be pleased to answer any questions you or other members of the subcommittee may have.

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