

**The original documents are located in Box 20, folder “1975/01/03 HR5773 Canaveral National Seashore Florida” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.**

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APPROVED  
JAN 3-1975

THE WHITE HOUSE

ACTION

WASHINGTON

Last day - Saturday, January 4

January 2, 1975

Posted 1/4/75  
To ARCHIVES  
1/6/75



MEMORANDUM FOR:

THE PRESIDENT

FROM:

KEN COLE

SUBJECT:

Enrolled Bill H.R. 5773: Canaveral  
National Seashore, Florida

BACKGROUND

Attached for your consideration is House bill H.R. 5773, sponsored by Representative D. Chappell of Florida and 14 others. The bill would establish the Canaveral National Seashore to be administered by the Secretary of the Interior. The area would consist of approximately 67,500 acres of lands and waters generally north of Cape Canaveral. Of the total, about 54,000 acres are owned by NASA, about 12,500 are owned by the State of Florida and about 900 acres by private parties. The Secretary would be authorized to acquire lands and waters by donation or, for private lands only, by purchase or exchange. The bill authorizes \$7,941,000 for land acquisition (but Interior estimates that only \$5 million of this will be needed). It authorizes \$500,000 for development. Roy Ash provides detailed comments at Tab A.

ARGUMENTS FOR SIGNING

Development is occurring on the private lands within the proposed Seashore and such development will increase unless there is prompt action to create the Seashore and thus protect it from further development.

While the purposes of the bill are generally being achieved, this is not the first area that would be formally established in similar circumstances. Most of the area is in public ownership so that additional acquisition costs will be relatively small (\$5 million). Unlike other park areas the Administration has opposed for designation, the area meets the standards and criteria for national seashore areas established by the Interior's National Park Service.

ARGUMENTS FOR POCKET VETO

In reporting to the Congress, the Administration has opposed the bill since most of the proposed Seashore is in public ownership, is already being protected and preserved and is available for public recreational use. Also the State of Florida may acquire additional private lands in the area. In summary, the principal purposes of the bill are already being achieved.

STAFF AND AGENCY POSITIONS

The following recommend signature:

Ken Cole  
 Roy Ash  
 Max Friedersdorf  
 Phil Areeda  
 NASA

The following recommend pocket veto:

Department of the Interior

DECISION - H.R. 5773

Sign (Tab B)

DR 7

Pocket Veto

(approve the  
 memo of dis-  
 approval at  
 Tab C  
 Paul Theis  
 approved)



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

DEC 30 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5773 - Canaveral National  
Seashore, Florida  
Sponsor - Rep. Chappell (D) Florida and 14 others

Last Day for Action

January 4, 1975 - Saturday

Purpose

Establishes the Canaveral National Seashore in Florida and authorizes appropriations of not more than \$7,941,000 and \$500,000 for land acquisition and development, respectively.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Disapproval (Memorandum of Disapproval Attached)
National Aeronautics and Space Administration	No objection
Council on Environmental Quality	No objection
Department of Defense	Defers to Interior

Discussion

H.R. 5773 would establish the Canaveral National Seashore in Florida to be administered by the Secretary of the Interior. The Secretary would be authorized to acquire lands and waters by donation, purchase or exchange although



State or other public lands could be acquired by donation only. Federally owned property within the seashore could, with the concurrence of the agency having custody thereof, be transferred without consideration to the Secretary. Any seashore lands that are within the Kennedy Space Center (KSC) of the National Aeronautics and Space Administration (NASA) would be managed to assure public safety, meet the needs of the space and defense programs of the Nation, and would be closed to the public when necessary for space operations. Administration of the seashore would be jointly undertaken by two Interior agencies: (1) the National Park Service would manage the beach and dunes complex; and, (2) The United States Fish and Wildlife Service would manage the lagoon and marsh complex -- this area represents the NASA lands which are presently managed under cooperative agreement with Interior as the Merritt Island National Wildlife Refuge.

Owners of improved property could reserve a right of use and occupancy for a specified term and within 3 years of enactment, the Secretary would be required to report to the President his recommendations as to the suitability of any area within the seashore for preservation as wilderness.

H.R. 5773 would authorize appropriations of not more than \$7,941,000 and \$500,000 for land acquisition and development, respectively.

The area is presently a vast complex on Florida's eastern seashore just north of Cape Canaveral that encompasses some twenty miles of beautiful Atlantic beaches and waters (boundary would extend to a point one-half mile offshore) backed by a system of dunes and marsh, and includes an extensive lagoon area which is rich in wildlife values. With the exception of 891 acres of privately owned beachfront, the 67,500 acre seashore is exclusively in State and Federal ownership.

In reporting to Congress on this legislation the Administration opposed enactment on the basis that most of the proposed seashore is in public ownership, is already being



protected and preserved, and is available to the public for recreational use. Interior and NASA reports did, however, note that if future conditions change so that "a different form of Federal management may be preferable for this area, we will of course reassess the management situation."

However, in its report on H.R. 5773, the House Interior Committee contends that immediate action is necessary:

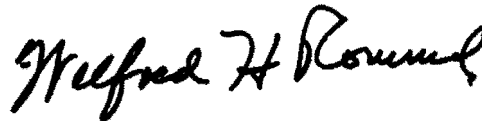
"Recent changes affecting this area have been a stimulus to the current legislation. North of the proposed National Seashore, the shoreline areas have undergone intensive development, and this trend is continuing toward the proposed area. Recent construction has already occurred not far from Turtle Mound, a registered National Landmark located within the proposal. Although the State of Florida is to be commended for acting to acquire portions of the lands north of the NASA reservation for park purposes, the private lands remaining in this area are still subject to development. The intent of H.R. 5773 is to assure that the protection of this area will not be compromised by further construction."

In its views letter on the enrolled bill, Interior reiterates the Administration's earlier objections to the bill as noted above, and concludes that:

"The purposes of H.R. 5773 are for the most part already being achieved. The area is available to the public for recreational use and it is being preserved and protected under State and Fish and Wildlife Service Management. For these reasons we recommend against approval of H.R. 5773."

Although we agree with Interior that this seashore area is currently being protected, preserved, and appropriately used by the public, we do not believe, for the reasons set forth below, that the bill is sufficiently objectionable to warrant rejection of the congressional judgment that the seashore needs more formal protection:

1. This is certainly not the first area that would be formally established for specified purposes while actually already under public management for those very purposes.
2. The area is almost exclusively in public ownership.
3. Unlike many park areas that the Administration has opposed because of a lack of qualification, the Canaveral seashore area does meet National Park standards and criteria for National Seashore areas.
4. Interior has informally advised us that when the Congress decreased the private acreage included in the seashore from 1,450 to 891 acres, it inadvertently overlooked a commensurate reduction in the land acquisition authorization. The result is that land acquisition costs should approximate \$5,000,000 in lieu of the \$7,941,000 provided in the bill.



Assistant Director for  
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 922

Date: December 30, 1974

Time: 10:00 p.m.

FOR ACTION: Mike Duval  
Max Friedersdorf *sign*  
Phil Areeda *sign*  
Paul Theis ✓

cc (for information): Warren Hendriks  
Jerry Jones  
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, December 31

Time: 1:00 p.m.

SUBJECT:

Enrolled bill H.R. 5773 - Canaveral National Seashore, Fla.

ACTION REQUESTED:

- |                                                   |                                                   |
|---------------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> For Necessary Action     | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply              |
| <input type="checkbox"/> For Your Comments        | <input type="checkbox"/> Draft Remarks            |

REMARKS:

Please return to Judy Johnston, Ground Floor ~~West~~ Wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

\_\_\_\_\_  
K. R. COLE, JR.  
For the President



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 922

Date: December 30, 1974

Time: 10:00 p.m.

FOR ACTION: Mike Duval  
Max Friedersdorf  
Phil Areeda  
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cc (for information): Warren Hendriks  
Jerry Jones  
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, December 31

Time: 1:00 p.m.

SUBJECT:

Enrolled bill H.R. 5773 - Canaveral National Seashore, Fla.

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*Agree with OMB; sign the bill  
P. Areeda*



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

THE WHITE HOUSE

WASHINGTON

December 31, 1974

MEMORANDUM FOR: WARREN HENDRIKS  
FROM: *Max L. Friedersdorf* MAX L. FRIEDERSDORF  
SUBJECT: Action Memorandum - Log No. 922

The Office of Legislative Affairs concurs with the Agencies that the enrolled bill should be signed.

Attachments



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

**DEC 27 1974**

Dear Mr. Ash:

This responds to your request for the views of this Department on the enrolled bill H.R. 5773, "To establish the Canaveral National Seashore in the State of Florida, and for other purposes."

We recommend that the President not approve this enrolled bill.

Enrolled bill H.R. 5773 would establish the Cape Canaveral National Seashore in the area along the Florida coast north of Cape Canaveral, to be administered by the Secretary of the Interior. The boundaries of the seashore are described generally in the bill.

The purpose of the national seashore, consisting of approximately 67,500 acres of lands and waters along the Atlantic and Gulf coasts, would be to provide for outdoor recreation use and for preservation of related scenic, scientific, and historic values. Hunting, fishing, and trapping would be permitted, subject to State and Federal law and to regulation by the Secretary. Rights of use and occupancy would be preserved for noncommercial residential purposes, for 25 years or, alternatively, for the life of the owner or the owner's spouse, whichever is longer.

The Secretary may acquire the lands, waters, and related interests within the seashore boundaries by donation, purchase with donated or appropriated funds, exchange, or transfer. However, lands owned by the State of Florida or any of its political subdivisions may be acquired only by donation. Property owned by other federal agencies in the area may, with their concurrence, be transferred to the administrative jurisdiction of the Secretary. In the case of any lands which may be transferred from the National Aeronautics and Space Administration, the two agencies must enter into a cooperative agreement to assure the use of such lands consistent with the needs of the national space and defense programs. The bill specifies, however, that there shall be no new construction or development within the seashore, except for facilities deemed necessary for the health and safety of visitors, or for administrative purposes.



*Save Energy and You Serve America!*



The Secretary and the NASA Administrator are to submit to the Congress a report detailing all land transfers made under the bill.

The bill also divides the management authority of the area between the National Park Service and the United States Fish and Wildlife Service. A metes and bounds description deliniating the boundary between the areas is included. In addition, those portions of the area to be administered by each agency are to be managed in accordance with the existing authorities governing each agency.

The area north of the northern boundary of the H.M. Gomez Grant which is now a part of the Kennedy Space Center is to be transferred to the Secretary of the Interior. This general area is to be used for the construction of the administrative facilities for the national seashore, as well as for the establishment of the primary visitor center, which is to be named the "Spessard L. Holland Visitor Center."

The Secretary is also instructed to retain the shoreline and adjacent lands in the national seashore in their natural and primitive state, constructing only those facilities which are essential for the health and safety of visitors. Except for administrative purposes, all vehicular traffic on the beach is to be prohibited.

The bill also establishes a five member advisory commission for the seashore. The commission, with a life span of ten years, is to advise the Secretary on matters of planning, development, and operation of the seashore.

The remaining NASA lands, not transferred for the purpose of an administrative site, within the boundaries are to be covered by a use agreement to be completed within 90 days of enactment of the bill. In this agreement, the Administrator of NASA must grant to the Secretary such uses of these areas for the purposes of the seashore as the Administrator may determine will be consistent with public safety and the national space and defense programs. If at any time the Administrator finds that any of the NASA lands included within the seashore are excess to the needs of NASA, such lands shall be transferred to the Secretary for administration pursuant to the bill.

There are authorized to be appropriated not more than \$7,941,000 for acquisition of lands and interests in lands within the seashore. The Secretary is instructed to make every reasonable effort to promptly complete the acquisition of all private lands within the

seashore. Until the acquisition program is completed, he is instructed to report on the progress of the program to the House and Senate Committees at the close of each fiscal year.

The authorization for development in the seashore is limited to a maximum of \$500,000. The Secretary is further directed to develop and report to the Committees, within three years after enactment, a comprehensive master plan for the full development of the seashore.

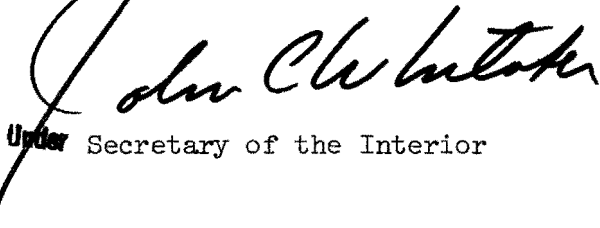
This Department has consistently recommended against the enactment of H.R. 5773 in the 93rd Congress. The resources located within the proposed national seashore are already being protected and preserved. All but a small portion is now in public ownership: of the 67,500 total acreage, about 54,117 acres are owned by the National Aeronautics and Space Agency and about 12,491 acres are owned by the State of Florida. Approximately 891 acres are in private ownership.

The NASA-owned portion of the proposed national seashore is being administered under agreement with the Fish and Wildlife Service of this Department as part of the Merritt Island National Wildlife Refuge, on which hunting, fishing, and swimming, are allowed.

Recreational use is also being made of the lands north of the refuge where the State has acquired over 20,000 feet of beach frontage at a cost of over \$5 million. In its acquisition program, the State was aided by grants from the Land and Water Conservation Fund totaling \$2,728,900. It is our understanding that the State intends to expand the park to include additional lands.

The purposes of H.R. 5773 are for the most part already being achieved. The area is available to the public for recreational use and it is being preserved and protected under State and Fish and Wildlife Service Management. For these reasons we recommend against the approval of H.R. 5773.

Sincerely yours,



**Under** Secretary of the Interior

Honorable Roy L. Ash  
Director  
Office of Management and Budget  
Washington, D. C. 20503

TO THE HOUSE OF REPRESENTATIVES:

I am returning herewith, without my approval, H.R. 5773, "To establish the Canaveral National Seashore in the State of Florida, and for other purposes."

Enrolled bill H.R. 5773 would establish The Cape Canaveral National Seashore in the area along the Florida coast north of Cape Canaveral, to be administered by the Secretary of the Interior. The boundaries of the seashore are described generally in the bill.

The purpose of the national seashore, consisting of approximately 67,500 acres of lands and waters along the Atlantic and Gulf coasts, would be to provide for outdoor recreation use and for preservation of related scenic, scientific, and historic values. Hunting, fishing, and trapping would be permitted, subject to State and Federal law and to regulation by the Secretary. Rights of use and occupancy would be preserved for noncommercial residential purposes, for 25 years or, alternatively, for the life of the owner or the owner's spouse, whichever, is longer. State lands could be either purchased from the State with its concurrence or obtained by donation.

There are authorized to be appropriated not more than \$7,941,000 for acquisition of lands and interests in lands within the seashore. The Secretary is instructed to make every reasonable effort to promptly complete the acquisition of all private lands within the seashore. Until the acquisition program is completed, he is instructed to report on the progress of the program to the House and Senate Committees at the close of each fiscal year.

The authorization for development in the seashore is limited to a maximum of \$500,000. The Secretary is further directed to develop and report to the Committees, within three years after enactment, a comprehensive master plan for the full development of the seashore.



This Administration has consistently recommended against the enactment of H.R. 5773 as unnecessary because the resources of the area are already being protected and preserved. All but a small portion is now in public ownership: of the 67,500 total acreage, about 54,117 acres are owned by the National Aeronautics and Space Agency and about 12,491 acres are owned by the State of Florida. Approximately 891 acres are in private ownership. For these reasons I do not believe that the approval of H.R. 5773 is desirable.

THE WHITE HOUSE

December 26, 1974



NATIONAL AERONAUTICS AND SPACE ADMINISTRATION  
WASHINGTON, D.C. 20546

OFFICE OF THE ADMINISTRATOR

DEC 23 1974

Director  
Office of Management and Budget  
Executive Office of the President  
Washington, DC 20503



Attention: Assistant Director  
for Legislative Reference

Subject: Enrolled Enactment Report on H.R. 5773, 93rd Congress

This is an Enrolled Enactment report on H.R. 5773, "To establish the Canaveral National Seashore in the State of Florida and for other purposes." It is submitted pursuant to Mr. Wilfred H. Rommel's memorandum of December 19, 1974.

The Enrolled Bill would establish the Canaveral National Seashore in the State of Florida from approximately 67,500 acres of Atlantic Ocean coastal real estate consisting of both lands and waters. The Seashore would include, among other parcels, some 41,000 acres which are a substantial portion of the John F. Kennedy Space Center (KSC) of the National Aeronautics and Space Administration (NASA). The lands bounded by the Seashore outside the NASA boundary are owned partly by the State of Florida and partly by private interests. The Bill would allow the Department of the Interior (DOI) to receive the Florida-owned land by donation and would allow DOI to acquire the privately owned land by donation, purchase, exchange or transfer. The Bill would direct DOI, through the National Park Service and the Fish and Wildlife Service, to manage and develop the area as a recreational resource but also to maintain and protect the fragile wildlife values encompassed by the Seashore boundaries.

NASA defers to the views of the DOI on the need for, or the desirability of, a National Seashore at Cape Canaveral, as would be created by the Bill.

The Enrolled Bill would impact NASA in that, as previously stated, about 41,000 acres of NASA lands and waters would be included within the boundaries of the proposed Seashore and become part thereof. Approximately 1,000 acres in the northwest portion



of the NASA lands would be transferred to DOI, upon approval of H.R. 5773, for use by the National Park Service as a site for the "Spessard L. Holland Visitor Center," with the provision that, "the Secretary of the Interior, upon the request of the Administrator of the National Aeronautics and Space Administration, shall close this area or any part thereof to the public when necessary for space operations."

With respect to the remaining 40,000 acres of NASA lands within the Seashore, the Bill would authorize the Administrator of NASA to transfer directly to the Secretary of the Interior any lands "which the Administrator determines to be excess to the needs of such agency...." On that point, the legislative history of the Bill is clear that such lands, for the foreseeable future, will not be excess to NASA's needs. That is consistent with the original authorization under which NASA acquired the lands for potential future expansion as well as to serve as buffer zones. There was a clear recognition that, with the planned Space Shuttle activities at KSC and future programs, the NASA lands within the Seashore will be required to support KSC as this Nation's primary spaceport.

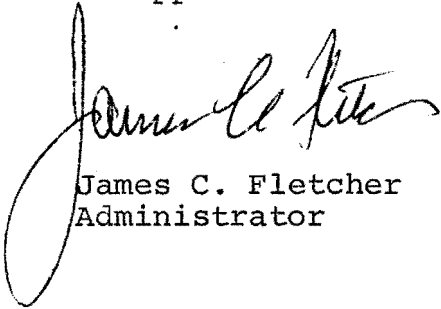
Under Section 7 of the Bill, the Administrator of NASA would be required, within 90 days after approval of the Bill, to "grant to the Secretary for carrying out the intent and purpose of this Act such use of said portions as the Administrator determines is not inconsistent with public safety and the needs of the space and defense programs of the Nation." Since 1963, NASA has had a cooperative use agreement with DOI providing for their management (through the Fish and Wildlife Service) of increasing amounts of the non-operational NASA lands as the Merritt Island National Wildlife Refuge. The current agreement, entered into in 1972, includes all non-operational land and water areas within the KSC perimeter (about 140,000 acres). Since part of this existing Wildlife Refuge would be included within the boundaries of the proposed Seashore, it is NASA's intention to enter into an agreement with DOI under Section 7 which is patterned closely on the existing use agreement.

Starting in the late 1970's, NASA will begin operation of the Space Shuttle at KSC. It is anticipated that several years after the start of these operations Shuttle flights will reach a level of about 40 per year. During launch and recovery of the Space Shuttle, NASA will be forced to close portions of KSC, including possibly all of the KSC lands included in the Seashore, for security and public safety purposes. Until experience is gained

in operating the Shuttle, NASA cannot state specifically the amount of land which will be closed or the duration of such closings. It is possible that such closings could severely restrict the recreational use of the Seashore lands on NASA property.

NASA does not anticipate that approval of the Enrolled Bill would have any cost impact on NASA.

The National Aeronautics and Space Administration has no objection to approval of the Enrolled Bill, H.R. 5773.



James C. Fletcher  
Administrator

EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
722 JACKSON PLACE, N. W.  
WASHINGTON, D. C. 20006

DEC 23 1974


MEMORANDUM FOR W. H. ROMMEL  
OFFICE OF MANAGEMENT AND BUDGET

ATTN: Mrs. Mohr

SUBJECT: Enrolled Bill, H.R. 5773, "To establish the  
Canaveral National Seashore in the State of  
Florida, and for other purposes."

This is in response to your request of December 19, for  
our views on the subject enrolled bill.

The Council has no objection to the approval and enactment  
of this bill.

  
Steven D. Jellinek  
Staff Director



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
WASHINGTON, D. C. 20301

December 27, 1974

Honorable Roy L. Ash  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

Dear Mr. Ash:

Reference is made to your request for the views of the Department of Defense with respect to the enrolled enactment of H.R. 5773, 93d Congress, an Act "To establish the Canaveral National Seashore in the State of Florida, and for other purposes."

This Act will designate an area on the Atlantic Coast of Florida, adjacent to the Kennedy Space Center as the "Canaveral National Seashore." This area, consisting of approximately 67,500 acres, will be administered by the Department of the Interior. The Secretary of the Interior is authorized to acquire lands and waters within the area by donation, purchase, exchange or transfer. Federally owned land "may, with the concurrence of the agency having custody thereof, be transferred without consideration . . . ." The Act prescribes the manner in which the area is to be administered and developed. Appropriate authority is conferred.

Creation of the proposed Seashore will not affect any program of the Department of Defense. Accordingly, this Department defers to the views of the Department of the Interior and other interested Federal Agencies.

Sincerely,

A handwritten signature in black ink, reading "Martin R. Hoffmann", is written over a horizontal line.

Martin R. Hoffmann

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 922

Date: December 30, 1974

Time: 10:00 p.m.

*W/H*

FOR ACTION: Mike Duval  
Max Friedersdorf  
Phil Areeda  
Paul Theis

cc (for information): Warren Hendriks  
Jerry Jones  
Jack Marsh

*ye 12/31/74*

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, December 31

Time: 1:00 p.m.

SUBJECT:

Enrolled bill H.R. 5773 - Canaveral National Seashore, Fla.

ACTION REQUESTED:

\_\_\_ For Necessary Action

\_\_\_ For Your Recommendations

\_\_\_ Prepare Agenda and Brief

\_\_\_ Draft Reply

\_\_\_ For Your Comments

\_\_\_ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

DATA DEC 31 AM 8 32



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks \_\_\_\_\_  
For the President

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

DEC 30 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5773 - Canaveral National  
Seashore, Florida  
Sponsor - Rep. Chappell (D) Florida and 14 others

Last Day for Action

January 4, 1975 - Saturday

Purpose

Establishes the Canaveral National Seashore in Florida and authorizes appropriations of not more than \$7,941,000 and \$500,000 for land acquisition and development, respectively.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

Disapproval (Memorandum of Disapproval Attached)

National Aeronautics and  
Space Administration

No objection

Council on Environmental Quality

No objection

Department of Defense

Defers to Interior

Discussion

H.R. 5773 would establish the Canaveral National Seashore in Florida to be administered by the Secretary of the Interior. The Secretary would be authorized to acquire lands and waters by donation, purchase or exchange although

To  
St. Andrews  
12-30-74  
6:30 PM



TO THE HOUSE OF REPRESENTATIVES:

*with*  
I am ~~returning herewith~~, ~~without my approval~~, H.R. 5773, a *bill*

~~To~~ establish the Canaveral National Seashore in the State of Florida ~~and for other purposes.~~

*This*  
~~Enrolled~~ bill H.R. ~~5773~~ would establish ~~The Cape~~ Canaveral National Seashore in the area along the Florida coast north of Cape Canaveral to be administered by the Secretary of the Interior. The boundaries of the seashore are described generally in the bill.

The purpose of the national seashore, consisting of approximately 67,500 acres of lands and waters along the Atlantic and Gulf coasts, would be to provide ~~for~~ outdoor recreation ~~and~~ and for preservation of related scenic, scientific, and historic values. Hunting, fishing, and trapping would be permitted, subject to State and Federal law and to regulation by the Secretary. Rights of use and occupancy would be preserved for noncommercial residential purposes ~~for 25 years or~~ ~~alternatively~~, for the life of the owner or the owner's spouse, whichever is longer. State lands could be either purchased from the State with its concurrence or obtained by donation.

*(Under this bill,*

*would be authorized*

~~There are authorized to be appropriated not more than \$7,941,000~~

for acquisition of lands and interests in lands within the seashore.

The Secretary *would be* instructed to make every reasonable effort to promptly complete the acquisition of all private lands within the seashore.

~~Until the acquisition program is completed, he is instructed to report~~  
*The* ~~on the progress of the program to the House and Senate Committees at~~ *is a progress*  
~~the close of each fiscal year.~~

*seashore*  
The authorization for development ~~in the seashore~~ *would be* is limited to a maximum of \$500,000. The Secretary ~~is further~~ *would be* directed to develop and report to the Committees, within three years after enactment, a comprehensive master plan for the full development of the seashore.

This Administration has consistently ~~recommended~~ <sup>disapproved</sup> against

<sup>this bill</sup> the enactment of H.R. 5773 as unnecessary because the resources of

the area are already being protected and preserved. All but ~~one~~ <sup>890 acres</sup> ~~part~~ of the 67,500

*total acreage*

~~portion~~ is now in public ownership of the 67,500 total acreage.

~~about 51,117 acres are owned by the National Aeronautics and Space~~

~~Agency and about 12,491 acres are owned by the State of Florida.~~

~~Approximately 392 acres are in private ownership.~~ For these

reasons I do not believe that the approval of H.R. 5773 is desirable.

THE WHITE HOUSE

~~December 26, 1974~~



ACTION

Last day - Saturday, January 4

January 2, 1975

MEMORANDUM FOR: THE PRESIDENT  
FROM: KEN COLE  
SUBJECT: Enrolled Bill H.R. 5773: Canaveral  
National Seashore, Florida

BACKGROUND

Attached for your consideration is House bill H.R. 5773, sponsored by Representative D. Chappell of Florida and 14 others. The bill would establish the Canaveral National Seashore to be administered by the Secretary of the Interior. The area would consist of approximately 67,500 acres of lands and waters generally north of Cape Canaveral. Of the total, about 54,000 acres are owned by NASA, about 12,500 are owned by the State of Florida and about 900 acres by private parties. The Secretary would be authorized to acquire lands and waters by donation or, for private lands only, by purchase or exchange. The bill authorizes \$7,941,000 for land acquisition (but Interior estimates that only \$5 million of this will be needed). It authorizes \$500,000 for development. Roy Ash provides detailed comments at Tab A.

ARGUMENTS FOR SIGNING

Development is occurring on the private lands within the proposed Seashore and such development will increase unless there is prompt action to create the Seashore and thus protect it from further development.

While the purposes of the bill are generally being achieved, this is not the first area that would be formally established in similar circumstances. Most of the area is in public ownership so that additional acquisition costs will be relatively small (\$5 million). Unlike other park areas the Administration has opposed for designation, the area meets the standards and criteria for national seashore areas established by the Interior's National Park Service.

Memorandum of Disapproval

~~TO THE HOUSE OF REPRESENTATIVES:~~

~~I am returning herewith, without my approval,~~ *withholding my approval from* H.R. 5773, a bill

~~To establish the Canaveral National Seashore in the State of Florida and for other purposes.~~

*This* Enrolled bill H.R. ~~5773~~ would establish ~~The Cape~~ Canaveral National Seashore in the area along the Florida coast north of Cape Canaveral to be administered by the Secretary of the Interior. The boundaries of the seashore are described generally in the bill.

The purpose of the national seashore, consisting of approximately 67,500 acres of lands and waters along the Atlantic and Gulf coasts, would be to provide ~~for~~ outdoor recreation ~~and~~ and for preservation of related scenic, scientific, and historic values. Hunting, fishing, and trapping would be permitted, subject to State and Federal law and to regulation by the Secretary. Rights of use and occupancy would be preserved for noncommercial residential purposes / for 25 years or / ~~alternatively~~, for the life of the owner or the owner's spouse, whichever is longer. State lands could be either purchased from the State with its concurrence or obtained by donation.

*(Under this bill,* *would be authorized*  
~~There are authorized to be appropriated not more than \$7,941,000~~

for acquisition of lands and interests in lands within the seashore. The Secretary ~~is~~ *would be* instructed to make every reasonable effort to promptly complete the acquisition of all private lands within the seashore.

~~Until the acquisition program is completed, he is instructed to report on the progress of the program to the House and Senate committees at the close of each fiscal year.~~

~~The authorization for development in the seashore is limited to a maximum of \$500,000. The Secretary is further directed to develop and report to the Committees, within three years after enactment, a comprehensive master plan for the full development of the seashore.~~



This Administration has consistently ~~recommended against~~ <sup>disapproved</sup>

<sup>this bill</sup>  
the enactment of H.R. 5773 as unnecessary because the resources of

the area are already being protected and preserved. All but ~~a small part~~ <sup>890 acres</sup> of the 67,500

<sup>total acreage</sup>  
~~portion~~ is now in public ownership of the 67,500 total acreage,

about 54,117 acres are owned by the National Aeronautics and Space

Agency and about 12,491 acres are owned by the State of Florida.

~~Approximately 891 acres are in private ownership.~~

For these reasons I do not believe that the approval of H.R. 5773 is desirable.

THE WHITE HOUSE

~~December 26, 1974~~

MEMORANDUM OF DISAPPROVAL

I am withholding my approval from H.R. 5773, a bill to establish the Canaveral National Seashore in the State of Florida.

This bill would establish the Canaveral National Seashore in the area along the Florida coast north of Cape Canaveral to be administered by the Secretary of the Interior. The boundaries of the seashore are described generally in the bill.

The purpose of the national seashore, consisting of approximately 67,500 acres of lands and waters along the Atlantic and Gulf coasts, would be to provide for outdoor recreation and for preservation of related scenic, scientific, and historic values. Hunting, fishing, and trapping would be permitted, subject to State and Federal law and to regulation by the Secretary. Rights of use and occupancy would be preserved for noncommercial residential purposes for 25 years or for the life of the owner or the owner's spouse, whichever is longer. State lands could be either purchased from the State with its concurrence or obtained by donation.

Under this bill, not more than \$7,941,000 would be authorized for acquisition of lands and interests in lands within the seashore. The Secretary would be instructed to make every reasonable effort to promptly complete the acquisition of all private lands within the seashore.

Authorization for seashore development would be limited to a maximum of \$500,000. The Secretary would be directed to develop and report to the committees, within three years after enactment, a comprehensive master plan for the full development of the seashore.



This Administration has consistently disapproved enactment of this bill because the resources of the area are already being protected and preserved. All but 891 acres of the 67,500 total acreage is now in public ownership. For these reasons I do not believe that the approval of H.R. 5773 is desirable.

THE WHITE HOUSE,

ESTABLISHING THE SPESSARD L. HOLLAND NATIONAL SEASHORE IN THE STATE OF FLORIDA, AND FOR OTHER PURPOSES

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NOVEMBER 26, 1974.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. HALEY, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 5773]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 5773) To establish the Spessard L. Holland National Seashore 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:

Page 1, beginning on line 3, strike out all after the enacting clause and insert in lieu thereof the following:

That in order to preserve and protect the outstanding natural, scenic, scientific, ecologic and historic values of certain lands, shoreline and waters of the State of Florida, and to provide for public outdoor recreation use and enjoyment of the same, there is hereby established the Canaveral National Seashore (hereinafter referred to as the "seashore"), as generally depicted on the map entitled "Boundary Map, Canaveral National Seashore", dated August 1974 and numbered NS-CAN-40,000A. Such seashore shall comprise approximately 67,500 acres within the area more particularly described by a line beginning at the intersection of State Highway 3 and State Road 402, thence generally easterly following State Road 402 to a point one-half mile offshore in the Atlantic Ocean, thence northwesterly along a line which is at each point one-half mile distant from the high water mark to Bethune Beach, thence inland in a generally westerly direction through Turner Flats and Shipyard Canal, thence northwesterly to the Intracoastal Waterway, thence southerly along the Intracoastal Waterway to a point on the waterway approximately one mile north of the boundary of the Kennedy Space Center, thence southwesterly to United States Highway 1, thence southerly along State Highway 3 to the point of beginning. The boundary map shall be on file and available for public inspection in the offices of the United States Fish and Wildlife Service and National Park Service, Department of the Interior, Washington, D.C. After advising the Committees on Interior and Insular Affairs of the United States Congress, in writing, at least 60 days prior to making any boundary revisions, the Secre-

tary may from time to time make minor revisions in the boundaries of the seashore by publication of a revised map or other boundary description in the Federal Register, *Provided*, That the total acreage included within the boundaries shall not exceed that enumerated in this section.

SEC. 2. Within the boundaries of the seashore, the Secretary may acquire lands, waters and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer. Any property owned by the State of Florida or any political subdivision thereof may be acquired only by donation. It is the intent and purpose of this Act that the Secretary shall have sole authority to develop and improve those state owned lands donated now and in the future in accordance with the intent and purposes of this Act. Notwithstanding any other provision of law, any federally-owned property within the boundaries of the seashore may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary of the Interior and he may develop and administer such lands in a manner consistent with the purposes of this Act. In accepting lands transferred by the National Aeronautics and Space Administration pursuant to this Act, the Secretary shall enter into a written cooperative agreement with the Administrator to assure the use of such lands in a manner which is deemed consistent with the public safety and with the needs of the space and defense programs of the Nation: *Provided*, That no new construction or development shall be permitted within the seashore, except for the construction of such facilities as the Secretary deems necessary for the health and safety of the visiting public or for the proper administration of the seashore: *Provided further*, That after the date of the enactment of this Act the Secretary of the Interior, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall submit to the Committees on Interior and Insular Affairs of the Congress and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a report of all land transfers made by the National Aeronautics and Space Administration to the Department of the Interior under this Act.

SEC. 3. (a) Except for property deemed necessary by the Secretary for visitor facilities, or for access to or administration of the seashore, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is the later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated to the United States, the Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) The Secretary may terminate a right of use and occupancy retained pursuant to this section upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this Act, and upon tender to the holder of the right of an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(c) The term "improved property", as used in this section shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1971 (hereafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures, necessary to the dwelling which are situated on the land so designated.

(d) Except as otherwise provided, the Secretary shall have the authority to use condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

SEC. 4. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the seashore in accordance with the appropriate laws of the State of Florida and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons

of public safety, administration, fish and wildlife management, public use and enjoyment, protection of the resource, or competing public use. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing and trapping activities.

SEC. 5. (a) The seashore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented, except that any other statutory authority available to the Secretary for the conservation management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

(b) Notwithstanding any other provisions of this Act, lands and waters in the Merritt Island National Wildlife Refuge as described in subsection (c) (2) of this section which are part of the seashore shall be administered for refuge purposes through the United States Fish and Wildlife Service pursuant to the National Wildlife Refuge System Administration Act, as amended (80 Stat. 926; 16 U.S.C. 668dd-668ee), except that the Secretary may utilize such additional authority as may be available to him for the conservation and management of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretive education as he deems appropriate, consistent with the preservation of natural and wildlife values.

(c) The Secretary shall cause to be issued a well defined division of management authority between the National Park Service and the United States Fish and Wildlife Service. It is the intent and purpose of this Act that such management authority, generally, shall be as follows:

(1) The National Park Service shall administer those lands and waters described as follows: beginning at the intersection of State Highway 3 and State Road 402; thence easterly along State Road 402 and continuing easterly in a straight line to a point one-half mile offshore in the Atlantic Ocean, following the southern boundary of the seashore created in section 1; thence northwesterly along the boundary of the seashore created in section 1, which line is at each point one-half mile distant from the high water mark, to Bethune Beach; thence inland in a generally westerly direction through Turner Flats and Shipyard Canal; thence northwesterly to the Intracoastal Waterway; thence southerly along the Intracoastal Waterway to a point on the waterway approximately one mile north of the boundary of the Kennedy Space Center; thence southwesterly to United States Highway 1; thence southerly along State Highway 3 to the northern boundary of H. M. Gomez Grant; thence easterly along the northern boundary of H. M. Gomez Grant and continuing easterly in a straight line to a point of intersection with the line between the marsh and the dunes; thence southerly along the line between the marsh and the dunes to a point approximately one-half mile north of the southern boundary of the seashore created in section 1; thence westerly in a straight line to connect with and to follow the Government Railroad to its intersection with State Highway 3; thence southerly along State Highway 3 to the point of beginning. The portion of land bounded by the northern boundary of the H. M. Gomez Grant is hereby transferred to the Secretary of the Interior and may be used for the purpose of establishing such facilities as are needed for the administration of the seashore, for the construction of the principal visitor center which shall be designated as the "Spessard L. Holland Visitor Center", and for a central access to the seashore: *Provided, however*, That the Secretary of the Interior, upon the request of the Administrator of the National Aeronautics and Space Administration, shall close this area or any part thereof to the public when necessary for space operations. In administering the shoreline and adjacent lands the Secretary shall retain such lands in their natural and primitive condition, shall prohibit vehicular traffic on the beach except for administrative purposes, and shall develop only those facilities which he deems essential for public health and safety.

(2) The United States Fish and Wildlife Service shall administer the remaining lands described in section 1 of the Act.

SEC. 6(a) There is hereby established the Canaveral National Seashore Advisory Commission which shall consult and advise with the Secretary on all matters of planning, development and operation of the seashore and shall provide such other advice and assistance as may be useful in carrying out the purposes of

this Act. The Commission shall terminate ten years after the extended by the Congress. The Commission shall be composed of five members who shall serve for terms of two years. Members shall be appointed by the Secretary, one of whom he shall designate as Chairman, in the following manner:

(1) one member from each county in which the seashore is located, to be selected from recommendations made by the county commission in each county

(2) two members representing the State of Florida who shall be selected from recommendations made by the Governor of Florida and

(3) one member representing the general public.

(b) After the Secretary designates the member to be Chairman, the Commission may meet as often as necessary at the call of the Chairman or of the Secretary, or upon petition of a majority of the members of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(c) Members of the Commission shall serve without compensation, as such, but the Secretary may pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its Members in carrying out their responsibilities under this section.

SEC. 7. Upon enactment of this Act, those lands to be used for the administrative and visitor facilities described in section 5(c)(1) shall be transferred by this Act to the Secretary of the Interior and those portions of the John F. Kennedy Space Center falling within the boundaries of the seashore as defined in section 1 of this Act shall become a part of the seashore, and within ninety days thereafter, the Administrator, National Aeronautics and Space Administration, shall grant to the Secretary for carrying out the intent and purpose of this Act such use of said portions as the Administrator determines is not inconsistent with public safety and the needs of the space and defense programs of the Nation. Notwithstanding any other provision of law, any lands within the seashore which the Administrator determines to be excess to the needs of such agency shall be transferred to the Secretary of the Interior for administration in accordance with the provisions of this Act: *Provided*, That any portions of the John F. Kennedy Space Center within the seashore not transferred to the Secretary shall remain under the control and jurisdiction of the Administrator.

SEC. 8. Within three years from the date of enactment of this Act, the Secretary shall review the area within the seashore and shall report to the President, in accordance with Section 3(c) and (d) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132(c) and (d)), his recommendations as to the suitability or nonsuitability of any area within the seashore for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 9. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than \$7,941,000 for the acquisition of lands and interests in lands. In order to avoid excessive costs resulting from delays in the acquisition program, the Secretary shall make every reasonable effort to promptly acquire the privately owned lands within the seashore. Until all such lands are acquired, he shall report, in writing on June 30 of each year to the Committees on Interior and Insular Affairs of the United States Congress, the following information:

(1) the amount of land acquired during the current fiscal year and the amount expended therefore;

(2) the amount of land remaining to be acquired; and

(3) the amount of land programmed for acquisition in the ensuing fiscal year and the estimated cost thereof.

(b) For the development of essential public facilities there are authorized to be appropriated not more than \$500,000. Within three years from the date of the enactment of this Act, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the U.S. Congress a final master plan for the full development of the seashore consistent with the preservation objectives of this Act, indicating:

(1) the facilities needed to accommodate the health, safety and recreation needs visiting public;

(2) the location and estimated cost of all facilities; and

(3) the projected need for any additional facilities within the seashore.

Amend the title to read:

To establish the Canaveral National Seashore in the State of Florida, and for other purposes.

#### PURPOSE

H.R. 5773,<sup>1</sup> as amended by the Committee on Interior and Insular Affairs, would establish the Canaveral National Seashore in the State of Florida. The area encompasses some twenty miles of spectacular Atlantic beaches backed by a marsh and dunes system, and including an extensive lagoon area which is rich in wildlife values. The bill further provides that the United States Fish and Wildlife Service will administer the lagoon area containing the prime wildlife values for refuge purposes, while the National Park Service will administer the remainder of the area as a National Seashore.

#### BACKGROUND AND NEED FOR LEGISLATION

The outstanding natural qualities of the coastal areas in the vicinity of Cape Canaveral, Florida, have been recognized for many years. The general area was identified decades ago as being worthy of study for potential National Park System status. Although there has been extensive development in the area for the John F. Kennedy Space Center, much of the northern portion of the area has been left untouched up to the present time.

The State of Florida has maintained a continuing interest in the proposal, encouraged by the interest of the Interior Department over the years. When it appeared that development in the north was encroaching upon the beach areas, the State acted to acquire four miles of oceanfront in 1969 at a cost of \$5.6 million, including matching grants from the Land and Water Conservation Fund. The State intended to develop this area as a state park because it appeared that the Interior Department would be unable to act on the more extensive National Seashore proposal for some time. However, with the introduction of legislation to establish the Seashore, the State has expressed an interest in donating its land to the Federal Government for inclusion in the Canaveral National Seashore.

The wildlife values of the area are a subject of particular interest. The extensive lagoon and marsh complex behind the barrier dunes provides a magnificent habitat for a rich assemblage of bird life. Over 265 species, including several classed as endangered, are known to inhabit the area. Although much of the lagoon area is under the ownership of the National Aeronautics and Space Administration, the recognition of these superlative wildlife values led the agency to enter into a cooperative agreement with the United States Fish and Wildlife Service. Under the terms of this agreement, the NASA owned lands surrounding most of the developed area of the Space Center are managed as a National Wildlife Refuge, subject to closure when necessary for space or defense purposes.

Recent changes affecting this area have been a stimulus to the current legislation. North of the proposed National Seashore, the shoreline

<sup>1</sup> H.R. 5773 was introduced by Representative Bill Chappell and cosponsored by Representatives Frey, Haley, Sikes, Fuqua, Bennett, Gunter, Young of Florida, Gibbons, Bafalis, Rogers, Burke of Florida, Lehman, Pepper and Fascell.



areas have undergone intensive development, and this trend is continuing toward the proposed area. Recent construction has already occurred not far from Turtle Mound, a registered National Landmark located within the proposal. Although the State of Florida is to be commended for acting to acquire portions of the lands north of the NASA reservation for park purposes, the private lands remaining in this area are still subject to development. The intent of H.R. 5773 is to assure that the protection of this area will not be compromised by further construction.

In assessing the value of the Canaveral area for a National Seashore, the contrast with other areas of the Florida Atlantic coast is important. As the prime shoreline areas become ever more intensively developed for resort and recreational use, the opportunities to retain a superb beachfront area in a primitive condition will disappear. A National Seashore in the Canaveral area will not be intended to provide high-density recreation uses. Instead, the area can function both to ensure the continuing protection of the natural features and to afford opportunities for leisure activities in an undeveloped uncrowded setting.

#### LEGISLATIVE HISTORY

A field inspection was made of the proposed area by members of the Subcommittee on National Parks and Recreation during April, 1974. Washington hearings held in May of this year then drew testimony from a variety of witnesses.

The recommendation of the Department of the Interior against enactment of H.R. 5773 stated that many of the purposes of the bill were already being achieved. The progress of the State of Florida in acquiring park lands as well as the cooperative agreement allowing the NASA lands in the area to be managed for fish and wildlife purposes were cited as examples of existing protection for the resources of the area.

Taking note of this objection, a completely revised text for H.R. 5773 is recommended, incorporating several significant changes. This revision was adopted over the course of several meetings by the Subcommittee on National Parks and Recreation.

The language adopted includes an increase in the size of the area from 35,000 to approximately 67,500 acres of land and water. This revision adds additional NASA lands which include approximately five miles of beachfront, as well as an extension of the boundary to a point one-half mile offshore from the beach, giving additional protection to the area. These additions take in State Road 402 in its entirety along the southern boundary of the seashore, thus providing a means of controlling the access to this approach to the seashore itself.

As recommended, the bill prohibits public vehicular traffic on the beach. Also incorporated into the revised bill is a provision that the National Park Service will prepare a comprehensive plan for the preservation and use of the National Seashore. An area of land on the mainland side of the lagoon is included in order to give the National Park Service the ability to develop an initial visitor contact center and possible transportation staging area in this location. The mainland location is intended to serve as a focal point for the control and dispersal

of visitation to the area, rather than compromising the integrity of the beachfront area with large numbers of automobiles. At the same time, the road access on the southern and northern ends of the seashore will allow continued local recreation use of existing facilities in the area.

The amended bill also includes additional protection of the land base involved. Although much of the area has been managed for wildlife purposes up until this time, there will now be statutory recognition of the unique natural values of these lands.

As an expression of further recognition of the significant natural values of the resource, the Committee adopted an amendment directing that the entire Seashore be studied for its wilderness potential under the Wilderness Act of 1964.

The northernmost portion of the NASA reservation is transferred to the Secretary of the Interior, with the provision that the area will be closed to public use when deemed necessary by NASA. The remaining NASA properties within the National Seashore will be covered by cooperative agreements for management purposes, and such lands may be transferred to the seashore at a later date, should NASA find them to be excess to the space and defense programs of the nation. For the immediate future, the lands will serve as a buffer zone for the current space programs, but they will be protected from any further development.

The Committee also approved several recommendations suggested by NASA clarifying the status of the lands in the area. By doing so, the interests of NASA in retaining the control of the lands as a buffer zone are met, while management of the area for its natural, recreational, and wildlife values under the Department of the Interior is made possible. In the division of management authority within the seashore, the details of the boundary between United States Fish and Wildlife Service and National Park Service administration of the area are left to be worked out between the two Interior Department agencies. The referenced map shows the general division, but the exact boundary of responsibility on the beachfront side of Mosquito Lagoon will be determined by the agencies. The Committee intends that the beach and dunes complex will be managed by the National Park Service, while the marshlands associated with the lagoon where wildlife values are predominant may be managed for refuge purposes by the Fish and Wildlife Service.

In sum, the Committee believes that the added protection and coordinated management specified by the amended bill answers the reservations expressed by the Interior Department to the original proposal. The passage of H.R. 5773 will ensure the preservation of this remarkable natural area, allow for appropriate management of the recreation and wildlife values, and allow for the ongoing requirements of the area as a buffer zone for the national space and defense programs.

#### COST

H.R. 5773, as reported, authorizes the appropriation of \$7,941,000 for acquisition. This amount would allow acquisition of all privately owned lands and developments within the area. There would be no

acquisition costs for any lands transferred from NASA, and the lands owned by the State of Florida would be accepted upon donation.

The Committee also authorized the appropriation of \$500,000 for development within the area. This low figure reflects the determination of the Committee that the natural values of the area not be compromised, however, the Committee recognizes that further development may be necessary and the bill directs the National Park Service to prepare a master plan which will include any further development contemplated for this area. The plan is to be completed within three years and will be submitted to the Congress for further authorization before being implemented.

#### SECTION-BY-SECTION ANALYSIS OF H.R. 5773 AS REPORTED

*Section 1.*—States the intent of the bill:

(1) to preserve and protect the natural, scenic, scientific, ecologic, and historic values, and

(2) to provide for recreational use and enjoyment, of an area in the State of Florida which would be established as the Canaveral National Seashore. A boundary map of the area is referenced, and a metes and bounds description of the proposed national seashore is included. The Secretary of the Interior is authorized to make minor boundary adjustments after advising the House and Senate Interior and Insular Affairs Committees.

*Section 2.*—Specifies that the Secretary may acquire the lands, waters, and related interests within the seashore boundaries by donation, purchase with donated or appropriated funds, exchange, or transfer. However, lands owned by the State of Florida or any of its political subdivisions may be acquired only by donation. The section further states that the bill intends that only the Secretary will have authority to develop the State owned lands to be donated in the area. Property owned by other Federal agencies in the area may, with their concurrence, be transferred to the administrative jurisdiction of the Secretary. In the case of any lands which may be transferred from the National Aeronautics and Space Administration, the two agencies shall enter into a cooperative agreement which will assure the use of such lands consistent with the needs of the national space and defense programs.

The Secretary and the NASA Administrator are to submit a report to the appropriate committees after enactment of this legislation which would detail all land transfers made under this Act.

*Section 3.*—Addresses the acquisition of private lands within the seashore area. Owners of private, noncommercial residences which were under construction by January 1, 1971, are allowed to elect a life tenancy or up to twenty-five year leaseback of their residence and a reasonable area of surrounding land for residential purposes only. This option would not apply in areas needed for visitor facilities or for access to, or administration of, the seashore. In cases where property is acquired subject to a right of use and occupancy, the fair market value of the retained right shall be subtracted from the purchase price of the property. Should the Secretary later terminate such a right of use and occupancy, after a determination has been made that the

retained right is being exercised in a manner inconsistent with the purposes of the Act, the fair market value of the unexpired portion of the right would be paid to the holder.

*Section 4.*—Permits hunting, fishing and trapping within the seashore area subject to State and Federal laws. While this refers to sport hunting and fishing, it was contemplated that existing oyster bed leases could be maintained, although the Secretary has authority to acquire them if necessary.

The Secretary may also designate zones or times within which such uses are prohibited for reasons of public safety, administration, fish and wildlife management, public use and enjoyment, resource protection, or competing public use. Except for emergencies, the appropriate state agency would be consulted before any such restrictions are made.

*Section 5.*—Makes a division of the management authority of the area between the National Park Service and the United States Fish and Wildlife Service. A metes and bounds description is also shown by the map referenced in Section 1. In addition, those portions of the area to be administered by each agency are to be managed in accordance with the existing Acts governing those agencies.

The mainland area of the seashore is intended to be used for the construction of the administrative facilities for the national seashore, as well as for establishment of the primary visitor center, which is to be named the "Spessard L. Holland Visitor Center" in memory of the late Senator from Florida.

The area north of the northern boundary of the H. M. Gomez Grant which is now a part of the Kennedy Space Center is transferred to the Secretary of the Interior. The area transferred from NASA would still be subject to closure at the request of that agency when deemed necessary by space operations.

The Secretary is also instructed to retain the shoreline and adjacent lands in the national seashore in their natural and primitive state, constructing only those facilities which are essential for the health and safety of visitors. Except for administrative purposes, all vehicular traffic on the beach is to be prohibited.

*Section 6.*—Establishes a five member advisory commission for the seashore. The commission, with a life span of ten years, is to advise the Secretary on matters of planning, development, and operation of the seashore. The Secretary is to select one commission member from each county in which the seashore will be located, with selections made from recommendations submitted by the county commissioners in each case. Two other members will be selected from recommendations made by the Governor of Florida, and one member is to be appointed from the general public. The commission is strictly advisory, and its members are to serve without pay, although documented relevant expenses of the members may be reimbursed by the Secretary.

*Section 7.*—Provides that the NASA lands described in Section 5 which are north of the northern boundary of the Gomez Grant are transferred on enactment of this bill to the Secretary. The remaining NASA lands within the boundaries are to be covered by a use agreement to be completed within 90 days of enactment of this legislation. In this agreement, the Administrator of NASA shall grant to the

Secretary such uses of these areas for the purposes of the seashore as the Administrator may determine will be consistent with public safety and the national space and defense programs. These lands within the seashore not actually transferred to the Secretary of the Interior remain under the control and jurisdiction of the NASA Administrator. If at any time the Administrator finds that any of the NASA lands included within the seashore are excess to the needs of NASA, such lands shall be transferred to the Secretary for administration under the purposes of this Act.

*Section 8.*—Directs the Secretary to conduct a study of the National Seashore to determine the suitability or nonsuitability of any areas within the seashore for designation as wilderness by the Congress under the terms of the Wilderness Act. This study is to be completed and a report made to the President within three years from the date of enactment of H.R. 5773.

*Section 9.*—Authorizes to be appropriated not more than \$7,941,000 for acquisition of lands and interests in lands within the seashore. The Secretary is instructed to make every reasonable effort to promptly complete the acquisition of all private lands within the seashore. Until the acquisition program is completed, he is instructed to report on the progress of the program to the House and Senate Interior and Insular Affairs Committees at the close of each fiscal year.

The authorization for development in the seashore is limited to a maximum of \$500,000. The Secretary is further directed to develop and report to the Committees a comprehensive master plan for the full development of the seashore. This plan is to be submitted within three years from the date of enactment of this legislation, and is to detail, in line with the preservation intent of the Act, the planning for any further development needs for the seashore.

#### COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, meeting in open session on October 3, 1974, ordered H.R. 5773, as amended, reported by a voice vote for the consideration of the House.

#### DEPARTMENTAL REPORTS

The reports of the Department of the Interior, dated August 8, 1973, and of the National Aeronautics and Space Administration, dated May 15, 1974, are printed here in full:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., August 8, 1973.*

HON. JAMES A. HALEY,  
*Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Your Committee has requested a report from this Department on H.R. 5773, a bill "To establish the Spessard L. Holland National Seashore in the State of Florida, and for other purposes."

We recommend against enactment of H.R. 5773 at this time.

The bill would establish a Spessard L. Holland National Seashore in the area along the Florida coast north of Cape Canaveral, to be administered by the Secretary of the Interior. The boundaries of the seashore are described generally in the bill.

The purpose of the national seashore would be to provide for outdoor recreation use and for preservation of related scenic, scientific, and historic values. Hunting, fishing, and trapping would be permitted, subject to state and Federal law and to regulation by the Secretary. Rights of use and occupancy would be preserved for noncommercial residential purposes, for 25 years or, alternatively, for the life of the owner or the owner's spouse, whichever is longer. State lands could be either purchased from the state with its concurrence or obtained by donation.

The boundaries of the proposed national seashore would encompass 35,000 acres of lands, waters, and islands which are one of the most outstanding recreational and natural resources along the Atlantic and Gulf Coasts. The area consists of approximately 15.4 miles of ocean beach, including a prime example of a barrier island and dunes, a salt water marsh, the Indian River Lagoon with its myriad life systems, and some mainland areas. At least 265 bird species, including three endangered species—the southern bald eagle, dusky seaside sparrow, and the brown pelican—inhabit the area. In addition, evidence of human habitation dates back to prehistoric times, with two sites already discovered.

Fortunately, this outstanding resource is already being protected and preserved. All but a small portion is now in public ownership: of the 35,000 total acreage, which includes 15.4 miles of ocean beach, 24,500 acres with 10.8 miles of beach are owned by the National Aeronautics and Space Agency and 9,000 acres with 3.7 miles of beach are owned by the State of Florida. The remaining 1,450 acres with 0.9 miles of beach are in private ownership.

The NASA-owned portion of the proposed national seashore is being administered under agreement with the Bureau of Sport Fisheries and Wildlife of this Department as part of the Merritt Island National Wildlife Refuge. The Bureau allows hunting, fishing, and swimming.

Recreational use is also being made of the lands north of the refuge where the State has acquired over 20,000 feet of beach frontage at a cost of over \$5 million. In its acquisition program, the State was aided by grants from the Land and Water Conservation Fund totaling \$2,728,900. It is our understanding that the State intends to expand the park to include additional lands.

The purposes of H.R. 5773 are for the most part already being achieved. The area is available to the public for recreational use and it is being preserved and protected under State and Bureau of Sport Fisheries and Wildlife Management. We defer to NASA as to their continued need for the 24,500 acres they own in the boundaries of the national seashore that the bill would establish. We, therefore, do not recommend creating a national seashore in the area north of Cape Canaveral at this time. If in the future it appears, however, that conditions have changed and that a different form of Federal management may be preferable for this area, we will of course reassess the management situation.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL REED,  
*Assistant Secretary of the Interior.*

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,  
*Washington, D.C., May 15, 1974.*

HON. JAMES A. HALEY,  
*Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in further reply to your request for the comments of the National Aeronautics and Space Administration on the bill H.R. 5773, "To establish the Spessard L. Holland National Seashore in the State of Florida, and for other purposes."

H.R. 5773 would establish the Spessard L. Holland National Seashore on the Florida east coast under management of the Secretary of the Interior. The area proposed for the Seashore would include lands from the northern portion of the John F. Kennedy Space Center (KSC) (NASA) and from adjacent state and privately-owned properties. The bill would allow the Secretary from time to time to make minor adjustments to the boundaries but not to increase the original acreage total.

The greater part of the proposed Seashore, i.e., about 25,000 out of 35,000 acres, would be land within the perimeter of KSC. The KSC area involved lies generally north of the Haulover Canal and east of the Kennedy Parkway. The proposed legislation would authorize the Secretary of the Interior, within the boundaries of the Seashore, to acquire lands, waters, and interests therein by donation, purchase, exchange, or transfer from any other Federal agency. Further, the bill would provide that, notwithstanding any other provision of law, any Federal property located within the boundaries of the Seashore may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the Seashore.

NASA policy has been consistently to seek multiple Federal use of real estate under NASA jurisdiction whenever such additional use would prove compatible with our operations. In line with this policy, we have been particularly interested in having the buffer land at KSC made available for public recreational enjoyment under the aegis of the appropriate Federal agency. To this end, NASA has previously entered into an agreement with the Department of the Interior whereby the Bureau of Sport Fisheries and Wildlife manages the entire NASA Kennedy complex (except for the operational areas) as the Merritt Island National Wildlife Refuge. Over the years, the NASA/Interior Agreement has been quite satisfactory. While not interfering with the primary aerospace mission at KSC, the Agreement has made

this real estate resource available for enjoyment by many outdoor recreational enthusiasts, including, hunters, fishers, campers, and wildlife hobbyists.

We look forward to continued cooperation with the Department of the Interior. However, because of Interior's preeminent position regarding this matter, NASA defers to the Department of the Interior regarding the desirability of enacting H.R. 5773 at this time.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report to the Congress.

Sincerely,

GERALD D. GRIFFIN,  
*Assistant Administrator for Legislative Affairs.*

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# Calendar No. 1260

93D CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ No. 93-1333

## ESTABLISHING THE CANAVERAL NATIONAL SEASHORE IN THE STATE OF FLORIDA

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DECEMBER 11, 1974.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Interior and Insular Affairs,  
submitted the following

### REPORT

[To accompany H.R. 5773]

The Committee on Interior and Insular Affairs, to which was referred the bill (H.R. 5773) to establish the Canaveral National Seashore in the State of Florida, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

#### PURPOSE OF BILL

The purpose of H.R. 5773, as amended, is to establish the Canaveral National Seashore in the State of Florida.

The area encompasses some twenty miles of spectacular Atlantic beaches backed by a marsh and dunes system, and including an extensive lagoon area which is rich in wildlife values. The bill further provides that the United States Fish and Wildlife Service will administer the lagoon area containing the prime wildlife values for refuge purposes, while the National Park Service will administer the remainder of the area as a National Seashore.

#### BACKGROUND AND NEED FOR LEGISLATION

The outstanding natural qualities of the coastal areas in the vicinity of Cape Canaveral, Florida, have been recognized for many years. The general area was identified decades ago as being worthy of study for potential National Park System status. Although there has been extensive development in the area for the John F. Kennedy Space Center, much of the northern portion of the area has been left untouched up to the present time.

The State of Florida has maintained a continuing interest in the proposal, encouraged by the interest of the Interior Department over the years. When it appeared that development in the north was encroaching upon the beach areas, the State acted to acquire four miles of oceanfront in 1969 at a cost of \$5.6 million, including matching grants from the Land and Water Conservation Fund. The State intended to develop this area as a state park because it appeared that the Interior Department would be unable to act on the more extensive National Seashore proposal for some time. However, with the introduction of legislation to establish the Seashore, the State has expressed an interest in donating its land to the Federal Government for inclusion in the Canaveral National Seashore.

The wildlife values of the area are a subject of particular interest. The extensive lagoon and marsh complex behind the barrier dunes provides a magnificent habitat for a rich assemblage of bird life. Over 265 species, including several classed as endangered, are known to inhabit the area. Although much of the lagoon area is under the ownership of the National Aeronautics and Space Administration, the recognition of these superlative wildlife values led the agency to enter into a cooperative agreement with the United States Fish and Wildlife Service. Under the terms of this agreement, the NASA owned lands surrounding most of the developed area of the Space Center are managed as a National Wildlife Refuge, subject to closure when necessary for space or defense purposes.

Recent changes affecting this area have been a stimulus to the current legislation. North of the proposed National Seashore, the shoreline areas have undergone intensive development, and this trend is continuing toward the proposed area. Recent construction has already occurred not far from Turtle Mound, a registered National Landmark located within the proposal. Although the State of Florida is to be commended for acting to acquire portions of the lands north of the NASA reservation for park purposes, the private lands remaining in this area are still subject to development. The intent of H.R. 5773 is to assure that the protection of this area will not be compromised by further construction.

In assessing the value of the Canaveral area for a National Seashore, the contrast with other areas of the Florida Atlantic coast is important. As the prime shoreline areas become ever more intensively developed for resort and recreational use, the opportunities to retain a superb beachfront area in a primitive condition will disappear. A National Seashore in the Canaveral area will not be intended to provide high-density recreation uses. Instead, the area can function both to ensure the continuing protection of the natural features and to afford opportunities for leisure activities in an undeveloped uncrowded setting.

#### PROVISIONS OF BILL

The language adopted by the Committee provides for an area of approximately 67,500 acres of land and water, including NASA lands which contain approximately five miles of beachfront, as well as an extension of the boundary to a point one-half mile offshore from the beach, giving additional protection to the area. These lands take in State Road 402 in its entirety along the southern boundary of the sea-

shore, thus providing a means of controlling the access to this approach to the seashore itself.

The bill prohibits public vehicular traffic on the beach and provides that the National Park Service will prepare a comprehensive plan for the preservation and use of the National Seashore. An area of land on the mainland side of the lagoon is included in order to give the National Park Service the ability to develop an initial visitor contact center and possible transportation staging area in this location. The mainland location is intended to serve as a focal point for the control and dispersal of visitation to the area, rather than compromising the integrity of the beachfront area with large numbers of automobiles. At the same time, the road access on the southern and northern ends of the seashore will allow continued local recreation use of existing facilities in the area.

There is also provision for additional protection of the land base involved. Although much of the area has been managed for wildlife purposes up until this time, there will now be statutory recognition of the unique natural values of these lands. As an expression of further recognition of the significant natural values of the resource, the bill directs that the entire seashore be studied for its wilderness potential under the Wilderness Act of 1964.

The northernmost portion of the NASA reservation is transferred to the Secretary of the Interior, with the provision that the area will be closed to public use when deemed necessary by NASA. The remaining NASA properties within the National Seashore will be covered by cooperative agreements for management purposes, and such lands may be transferred to the seashore at a later date, should NASA find them to be excess to the space and defense programs of the nation. For the immediate future, the lands will serve as a buffer zone for the current space programs, but they will be protected from any further development.

The status of the lands in the area is clarified in such a way that the interests of NASA in retaining the control of the lands as a buffer zone are met, while management of the area for its natural, recreational, and wildlife values under the Department of the Interior is made possible. In the division of management authority within the seashore, the details of the boundary between United States Fish and Wildlife Service and National Park Service administration of the area are left to be worked out between the two Interior Department agencies. The referenced map shows the general division, but the exact boundary of responsibility on the beachfront side of Mosquito Lagoon will be determined by the agencies. The Committee intends that the beach and dunes complex will be managed by the National Park Service, while the marshlands associated with the lagoon where wildlife values are predominant may be managed for refuge purposes by the Fish and Wildlife Service.

In sum, the Committee believes that the added protection and coordinated management specified by the bill as reported answers the reservations expressed by the Interior Department to the legislation as originally introduced. The passage of H.R. 5773 will insure the preservation of this remarkable natural area, allow for ongoing requirements of the area as a buffer zone for the national space and defense programs.

## COST

H.R. 5773, as reported, authorizes the appropriation of \$7,941,000 for acquisition. This amount would allow acquisition of all privately owned lands and developments within the area. There would be no acquisition costs for any lands transferred from NASA, and the lands owned by the State of Florida would be accepted upon donation.

The Committee also authorized the appropriation of \$500,000 for development within the area. This low figure reflects the determination of the Committee that the natural values of the area not be compromised, however, the Committee recognizes that further development may be necessary and the bill directs the National Park Service to prepare a master plan which will include any further development contemplated for this area. The plan is to be completed within three years and will be submitted to the Congress for further authorization before being implemented.

## SECTION-BY-SECTION ANALYSIS OF H.R. 5773 AS REPORTED

*Section 1.*—States the intent of the bill:

(1) to preserve and protect the natural, scenic, scientific, ecologic, and historic values, and

(2) to provide for recreational use and enjoyment, of an area in the State of Florida which would be established as the Canaveral National Seashore. A boundary map of the area is referenced, and a metes and bounds description of the proposed national seashore is included. The Secretary of the Interior is authorized to make minor boundary adjustments after advising the House and Senate Interior and Insular Affairs Committees.

*Section 2.*—Specifies that the Secretary may acquire the lands, waters, and related interests within the seashore boundaries by donation, purchase with donated or appropriated funds, exchange, or transfer. However, lands owned by the State of Florida or any of its political subdivisions may be acquired only by donation. The section further states that the bill intends that only the Secretary will have authority to develop the State owned lands to be donated in the area. Property owned by other Federal agencies in the area may, with their concurrence, be transferred to the administrative jurisdiction of the Secretary. In the case of any lands which may be transferred from the National Aeronautics and Space Administration, the two agencies shall enter into a cooperative agreement which will assure the use of such lands consistent with the needs of the national space and defense programs.

The Secretary and the NASA Administrator are to submit a report to the appropriate committees after enactment of this legislation which would detail all land transfers made under this Act.

*Section 3.*—Addresses the acquisition of private lands within the seashore area. Owners of private, noncommercial residences which were under construction by January 1, 1971, are allowed to elect a life tenancy or up to twenty-five year leaseback of their residence and a reasonable area of surrounding land for residential purposes only. This option would not apply in areas needed for visitor facilities or for access to, or administration of, the seashore. In cases were prop-

erty is acquired subject to a right of use and occupancy, the fair market value of the retained right shall be subtracted from the purchase price of the property. Should the Secretary later terminate such a right of use and occupancy, after a determination has been made that the retained right is being exercised in a manner inconsistent with the purposes of the Act, the fair market value of the unexpired portion of the right would be paid to the holder.

*Section 4.*—Permits hunting, fishing and trapping within the seashore area subject to State and Federal laws. While this refers to sport hunting and fishing, it was contemplated that existing oyster bed leases could be maintained, although the Secretary has authority to acquire them if necessary.

The Secretary may also designate zones or times within which such uses are prohibited for reasons of public safety, administration, fish and wildlife management, public use and enjoyment, resource protection, or competing public use. Except for emergencies, the appropriate state agency would be consulted before any such restrictions are made.

*Section 5.*—Makes a division of the management authority of the area between the National Park Service and the United States Fish and Wildlife Service. A metes and bounds description is also shown by the map referenced in Section 1. In addition, those portions of the area to be administered by each agency are to be managed in accordance with the existing Acts governing those agencies.

The mainland area of the seashore is intended to be used for the construction of the administrative facilities for the national seashore, as well as for establishment of the primary visitor center, which is to be named the "Spessard L. Holland Visitor Center" in memory of the late Senator from Florida.

The area north of the northern boundary of the H. M. Gomez Grant which is now a part of the Kennedy Space Center is transferred to the Secretary of the Interior. The area transferred from NASA would still be subject to closure at the request of that agency when deemed necessary by space operations.

The Secretary is also instructed to retain the shoreline and adjacent lands in the national seashore in their natural and primitive state, constructing only those facilities which are essential for the health and safety of visitors. Except for administrative purposes, all vehicular traffic on the beach is to be prohibited.

*Section 6.*—Establishes a five member advisory commission for the seashore. The commission, with a life span of ten years, is to advise the Secretary on matters of planning, development, and operation of the seashore. The Secretary is to select one commission member from each county in which the seashore will be located, with selections made from recommendations submitted by the county commissioners in each case. Two other members will be selected from recommendations made by the Governor of Florida, and one member is to be appointed from the general public. The commission is strictly advisory, and its members are to serve without pay, although documented relevant expenses of the members may be reimbursed by the Secretary.

*Section 7.*—Provides that the NASA lands described in Section 5 which are north of the northern boundary of the Gomez Grant are transferred on enactment of this bill to the Secretary. The remaining NASA lands within the boundaries are to be covered by a use agree-

ment to be completed within 90 days of enactment of this legislation. In this agreement, the Administrator of NASA shall grant to the Secretary such uses of these areas for the purposes of the seashore as the Administrator may determine will be consistent with public safety and the national space and defense programs. These lands within the seashore not actually transferred to the Secretary of the Interior remain under the control and jurisdiction of the NASA Administrator. If at any time the Administrator finds that any of the NASA lands included within the seashore are excess to the needs of NASA, such lands shall be transferred to the Secretary for administration under the purposes of this Act.

*Section 8.*—Directs the Secretary to conduct a study of the National Seashore to determine the suitability or unsuitability of any areas within the seashore for designation as wilderness by the Congress under the terms of the Wilderness Act. This study is to be completed and a report made to the President within three years from the date of enactment of H.R. 5773.

*Section 9.*—Authorizes to be appropriated not more than \$7,941,000 for acquisition of lands and interests in lands within the seashore. The Secretary is instructed to make every reasonable effort to promptly complete the acquisition of all private lands within the seashore. Until the acquisition program is completed, he is instructed to report on the progress of the program to the House and Senate Interior and Insular Affairs Committees at the close of each fiscal year.

The authorization for development in the seashore is limited to a maximum of \$500,000. The Secretary is further directed to develop and report to the Committees a comprehensive master plan for the full development of the seashore. This plan is to be submitted within three years from the date of enactment of this legislation, and is to detail, in line with the preservation intent of the Act, the planning for any further development needs for the seashore.

#### COMMITTEE AMENDMENTS

The committee amended the House-passed bill, H.R. 5773, by deleting on page 2, lines 11 and 12, and on page 8, lines 4 and 5, the following:

a point on the waterway approximately one mile north of.

The purpose of this amendment is to exclude the city of Oak Hill from the Seashore.

#### COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, meeting in open mark-up session on December 4, 1974, unanimously ordered H.R. 5773, as amended, reported favorably to the Senate.

#### DEPARTMENTAL REPORTS

The reports of the Department of the Interior and Office of Management and Budget on the Senate companion measures to H.R. 5773 are set forth in full below, together with a report from the National Aeronautics and Space Administration to the Chairman of the House Interior and Insular Affairs Committee:

#### U.S. DEPARTMENT OF THE INTERIOR, OFFICE OF THE SECRETARY, Washington, D.C., July 23, 1973.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,  
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Your Committee has requested reports from this Department on S. 333, a bill "To establish the Spessard L. Holland National Seashore in the State of Florida, and for other purposes", and on S. 1372, a similar bill.

We recommend against enactment of these bills at this time.

S. 333 and S. 1372 would establish a Spessard L. Holland National Seashore in the area along the Florida coast north of Cape Canaveral, to be administered by the Secretary of the Interior. S. 333 refers to a specific map which is to be on file and available for inspection in the office of the National Park Service, while S. 1372 contains a general description of the area included. Both bills include approximately the same lands and waters in the national seashore.

The purpose of the national seashore would be to provide for outdoor recreation use and for preservation of related scenic, scientific, and historic values. Hunting, fishing, and trapping would be permitted, subject to state and Federal law and to regulation by the Secretary. Rights of use and occupancy would be preserved for noncommercial residential purposes, for 25 years or, alternatively, for the life of the owner or the owner's spouse, whichever is longer. State lands could be acquired only by donation under S. 333, but could be either purchased from the state with its concurrence or obtained by donation under S. 1372.

The boundaries of the proposed national seashore would encompass 35,000 acres of lands, waters, and islands which are one of the most outstanding recreational and natural resources along the Atlantic and Gulf Coasts. The area consists of approximately 15.4 miles of ocean beach, including a prime example of a barrier island and dunes, a salt water marsh, the Indian River Lagoon with its myriad life systems, and some mainland areas. At least 265 bird species, including three endangered species—the southern bald eagle, dusky seaside sparrow, and the brown pelican—inhibit the area. In addition, evidence of human habitation dates back to prehistoric times, with two sites already discovered.

Fortunately, this outstanding resource is already being protected and preserved. All but a small portion is now in public ownership: of the 35,000 total acreage, which includes 15.4 miles of ocean beach, 24,500 acres with 10.8 miles of beach are owned by the National Aeronautics and Space Agency and 9,000 acres with 3.7 miles of beach are owned by the State of Florida. The remaining 1,450 acres with 0.9 miles of beach are in private ownership.

The NASA-owned portion of the proposed national seashore is being administered under agreement with the Bureau of Sport Fisheries and Wildlife of this Department as part of the Merritt Island National Wildlife Refuge. The Bureau allows hunting, fishing, and swimming.

Recreational use is also being made of the lands north of the refuge where the State has acquired over 20,000 feet of beach frontage at a



cost of over \$5 million. In its acquisition program, the State was aided by grants from the Land and Water Conservation Fund totaling \$2,728,900. It is our understanding that the State intends to expand the park to include additional lands.

The purposes of S. 333 and S. 1372 are for the most part already being achieved. The area is available to the public for recreational use and it is being preserved and protected under State and Bureau of Sport Fisheries and Wildlife management. We defer to NASA as to their continued need for the 24,500 acres they own in the boundaries of the national seashore that these bills would establish. We, therefore, do not recommend creating a national seashore in the area north of Cape Canaveral at this time. If in the future it appears, however, that conditions have changed and that a different form of Federal management may be preferable for this area, we will of course reassess the management situation.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL REED,  
*Secretary of the Interior,*

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT AND BUDGET,  
*Washington, D.C., July 24, 1973.*

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate,*  
*3106 New Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your requests of May 24, 1973 and May 25, 1973, for the views of the Office of Management and Budget on S. 333 and S. 1372, respectively, similar bills to establish the Spessard L. Holland National Seashore in the State of Florida, and for other purposes.

The Office of Management and Budget concurs in the views of the Department of the Interior in its report on S. 333 and S. 1372, and accordingly recommends against enactment of this legislation.

Sincerely,

WILFRED H. ROMMEL,  
*Assistant Director for Legislative Reference.*

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,  
*Washington, D.C., May 15, 1974.*

HON. JAMES A. HALEY,  
*Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in further reply to your request for the comments of the National Aeronautics and Space Administration on the bill H.R. 5773, "To establish the Spessard L. Holland National Seashore in the State of Florida, and for other purposes."

H.R. 5773 would establish the Spessard L. Holland National Seashore on the Florida east coast under management of the Secretary of the Interior. The area proposed for the Seashore would include lands from the northern portion of the John F. Kennedy Space Center (KSC) (NASA) and from adjacent state and privately-owned properties. The bill would allow the Secretary from time to time to make minor adjustments to the boundaries but not to increase the original acreage total.

The greater part of the proposed Seashore, i.e., about 25,000 out of 35,000 acres, would be land within the perimeter of KSC. The KSC area involved lies generally north of the Haulover Canal and east of the Kennedy Parkway. The proposed legislation would authorize the Secretary of the Interior, within the boundaries of the Seashore, to acquire lands, waters, and interests therein by donation, purchase, exchange, or transfer from any other Federal agency. Further, the bill would provide that, notwithstanding any other provision of law, any Federal property located within the boundaries of the Seashore may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the Seashore.

NASA policy has been consistently to seek multiple Federal use of real estate under NASA jurisdiction whenever such additional use would prove compatible with our operations. In line with this policy, we have been particularly interested in having the buffer land at KSC made available for public recreational enjoyment under the aegis of the appropriate Federal agency. To this end, NASA has previously entered into an agreement with the Department of the Interior whereby the Bureau of Sport Fisheries and Wildlife manages the entire NASA Kennedy complex (except for the operational areas) as the Merritt Island National Wildlife Refuge. Over the years, the NASA/Interior Agreement has been quite satisfactory. While not interfering with the primary aerospace mission at KSC, the Agreement has made this real estate resource available for enjoyment by many outdoor recreational enthusiasts, including hunters, fishers, campers, and wildlife hobbyists.

We look forward to continued cooperation with the Department of the Interior. However, because of Interior's preeminent position regarding this matter, NASA defers to the Department of the Interior regarding the desirability of enacting H.R. 5773 at this time.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report to the Congress.

Sincerely,

GERALD D. GRIFFIN,  
*Assistant Administrator for Legislative Affairs.*

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H. R. 5773

# Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,  
one thousand nine hundred and seventy-four*

## An Act

To establish the Canaveral National Seashore in the State of Florida, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to preserve and protect the outstanding natural, scenic, scientific, ecologic, and historic values of certain lands, shoreline, and waters of the State of Florida, and to provide for public outdoor recreation use and enjoyment of the same, there is hereby established the Canaveral National Seashore (hereinafter referred to as the "seashore"), as generally depicted on the map entitled "Boundary Map, Canaveral National Seashore", dated August 1974 and numbered NS-CAN-40,000A. Such seashore shall comprise approximately sixty-seven thousand five hundred acres within the area more particularly described by a line beginning at the intersection of State Highway 3 and State Road 402, thence generally easterly following State Road 402 to a point one-half mile offshore in the Atlantic Ocean, thence northwesterly along a line which is at each point one-half mile distant from the high water mark to Bethune Beach, thence inland in a generally westerly direction through Turner Flats and Shipyard Canal, thence northwesterly to the Intracoastal Waterway, thence southerly along the Intracoastal Waterway to the boundary of the Kennedy Space Center, thence southwesterly to United States Highway 1, thence southerly along State Highway 3 to the point of beginning. The boundary map shall be on file and available for public inspection in the offices of the United States Fish and Wildlife Service and National Park Service, Department of the Interior, Washington, District of Columbia. After advising the Committees on Interior and Insular Affairs of the United States Congress, in writing, at least sixty days prior to making any boundary revisions, the Secretary may from time to time make minor revisions in the boundaries of the seashore by publication of a revised map or other boundary description in the Federal Register: *Provided,* That the total acreage included within the boundaries shall not exceed that enumerated in this section.

SEC. 2. Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer. Any property owned by the State of Florida or any political subdivision thereof may be acquired only by donation. It is the intent and purpose of this Act that the Secretary shall have sole authority to develop and improve those State owned lands donated now and in the future in accordance with the intent and purposes of this Act. Notwithstanding any other provision of law, any federally owned property within the boundaries of the seashore may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary of the Interior and he may develop and administer such lands in a manner consistent with the purposes of this Act. In accepting lands transferred by the National Aeronautics and Space Administration pursuant to this Act, the Secretary shall enter into a written cooperative agreement with the Administrator to assure the use of such lands in a manner which is deemed consistent with the public safety and with the needs of the space and defense programs of the Nation: *Provided,* That no new construction or development shall be permitted within the seashore, except for the construction of such facilities as the Secretary deems

necessary for the health and safety of the visiting public or for the proper administration of the seashore: *Provided further*, That after the date of the enactment of this Act the Secretary of the Interior, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall submit to the Committees on Interior and Insular Affairs of the Congress and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a report of all land transfers made by the National Aeronautics and Space Administration to the Department of the Interior under this Act.

SEC. 3. (a) Except for property deemed necessary by the Secretary for visitor facilities, or for access to or administration of the seashore, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is the later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated to the United States, the Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) The Secretary may terminate a right of use and occupancy retained pursuant to this section upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this Act, and upon tender to the holder of the right of an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(c) The term "improved property", as used in this section shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1971 (hereafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures, necessary to the dwelling which are situated on the land so designated.

(d) Except as otherwise provided, the Secretary shall have the authority to use condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

SEC. 4. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the seashore in accordance with the appropriate laws of the State of Florida and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish and wildlife management, public use and enjoyment, protection of the resource, or competing public use. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

SEC. 5 (a) The seashore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented, except that any other statutory authority available to the Secretary for the conservation management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

(b) Notwithstanding any other provisions of this Act, lands and waters in the Merritt Island National Wildlife Refuge as described in subsection (c) (2) of this section which are part of the seashore shall be administered for refuge purposes through the United States Fish and Wildlife Service pursuant to the National Wildlife Refuge System Administration Act, as amended (80 Stat. 926; 16 U.S.C. 668dd-668ee), except that the Secretary may utilize such additional authority as may be available to him for the conservation and management of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretive education as he deems appropriate, consistent with the preservation of natural and wildlife values.

(c) The Secretary shall cause to be issued a well defined division of management authority between the National Park Service and the United States Fish and Wildlife Service. It is the intent and purpose of this Act that such management authority, generally, shall be as follows:

(1) The National Park Service shall administer those lands and waters described as follows: beginning at the intersection of State Highway 3 and State Road 402; thence easterly along State Road 402 and continuing easterly in a straight line to a point one-half mile offshore in the Atlantic Ocean, following the southern boundary of the seashore created in section 1; thence northwesterly along the boundary of the seashore created in section 1, which line is at each point one-half mile distance from the high water mark, to Bethune Beach; thence inland in a generally westerly direction through Turner Flats and Shipyard Canal; thence northwesterly to the Intracoastal Waterway; thence southerly along the Intracoastal Waterway to the boundary of the Kennedy Space Center; then southwesterly to United States Highway 1; thence southerly along State Highway 3 to the northern boundary of H. M. Gomez Grant; thence easterly along the northern boundary of H. M. Gomez Grant and continuing easterly in a straight line to a point of intersection with the line between the marsh and the dunes; thence southerly along the line between the marsh and the dunes to a point approximately one-half mile north of the southern boundary of the seashore created in section 1; thence westerly in a straight line to connect with and to follow the Government Railroad to its intersection with State Highway 3; thence southerly along State Highway 3 to the point of beginning. The portion of land bounded by the northern boundary of the H. M. Gomez Grant is hereby transferred to the Secretary of the Interior and may be used for the purpose of establishing such facilities as are needed for the administration of the seashore, for the construction of the principal visitor center which shall be designated as the "Spessard L. Holland Visitor Center", and for a central access to the seashore: *Provided, however,* That the Secretary of the Interior, upon the request of the Administrator of the National Aeronautics and Space Administration, shall close this area or any part thereof to the public when necessary for space operations. In administering the shoreline and adjacent lands the Secretary shall retain such lands in their natural and primitive condition, shall prohibit vehicular traffic on the beach except for administrative purposes, and shall develop only those facilities which he deems essential for public health and safety.

(2) The United States Fish and Wildlife Service shall administer the remaining lands described in section 1 of the Act.

SEC. 6. (a) There is hereby established the Canaveral National Seashore Advisory Commission which shall consult and advise with the Secretary on all matters of planning, development, and operation of

the seashore and shall provide such other advice and assistance as may be useful in carrying out the purposes of this Act. The Commission shall terminate ten years after the date the seashore is established pursuant to this Act, unless extended by the Congress. The Commission shall be composed of five members who shall serve for terms of two years. Members shall be appointed by the Secretary, one of whom he shall designate as Chairman, in the following manner:

(1) one member from each county in which the seashore is located, to be selected from recommendations made by the county commission in each county;

(2) two members representing the State of Florida who shall be selected from recommendations made by the Governor of Florida; and

(3) one member representing the general public.

(b) After the Secretary designates the member to be Chairman, the Commission may meet as often as necessary at the call of the Chairman or of the Secretary, or upon petition of a majority of the members of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(c) Members of the Commission shall serve without compensation, as such, but the Secretary may pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this section.

SEC. 7. Upon enactment of this Act, those lands to be used for the administrative and visitor facilities described in section 5(c)(1) shall be transferred by this Act to the Secretary of the Interior and those portions of the John F. Kennedy Space Center falling within the boundaries of the seashore as defined in section 1 of this Act shall become a part of the seashore, and within ninety days thereafter, the Administrator, National Aeronautics and Space Administration, shall grant to the Secretary for carrying out the intent and purpose of this Act such use of said portions as the Administrator determines is not inconsistent with public safety and the needs of the space and defense programs of the Nation. ~~Notwithstanding any other provision of law,~~ any lands within the seashore which the Administrator determines to be excess to the needs of such agency shall be transferred to the Secretary of the Interior for administration in accordance with the provisions of this Act: *Provided*, That any portions of the John F. Kennedy Space Center within the seashore not transferred to the Secretary shall remain under the control and jurisdiction of the Administrator.

SEC. 8. Within three years from the date of enactment of this Act, the Secretary shall review the area within the seashore and shall report to the President, in accordance with section 3(c) and (d) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or nonsuitability of any area within the seashore for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 9. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than \$7,941,000 for the acquisition of lands and interests in lands. In order to avoid excessive costs resulting from delays in the acquisition program, the Secretary shall make every reasonable effort to promptly acquire the privately owned lands within the seashore. Until all such lands are acquired, he shall report, in writing on June 30 of each year to the Committees on Interior and Insular Affairs of the United States Congress, the following information:

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(1) the amount of land acquired during the current fiscal year and the amount expended therefor;

(2) the amount of land remaining to be acquired; and

(3) the amount of land programed for acquisition in the ensuing fiscal year and the estimated cost thereof.

(b) For the development of essential public facilities there are authorized to be appropriated not more than \$500,000. Within three years from the date of the enactment of this Act, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the full development of the seashore consistent with the preservation objectives of this Act, indicating:

(1) the facilities needed to accommodate the health, safety, and recreation needs of the visiting public;

(2) the location and estimated cost of all facilities; and

(3) the projected need for any additional facilities within the seashore.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*

December 24, 1974

Dear Mr. Director:

The following bills were received at the White House on December 24th:

S.J. Res. 40 ✓	B. 3481 ✓	H.R. 8958 ✓	H.R. 14600 ✓
S.J. Res. 133 ✓	B. 3548 ✓	H.R. 8981 ✓	H.R. 14689 ✓
S.J. Res. 262 ✓	B. 3934 ✓	H.R. 9182 ✓	H.R. 14718 ✓
✓S. 251 ✓	✓S. 3943 ✓	H.R. 9199 ✓	✓H.R. 15173 ✓
S. 356 ✓	S. 3976 ✓	H.R. 9588 ✓	✓H.R. 15223 ✓
S. 521 ✓	S. 4073 ✓	H.R. 9654 ✓	✓H.R. 15229 ✓
S. 544 ✓	✓S. 4206 ✓	H.R. 10212 ✓	✓H.R. 15322 ✓
S. 663 ✓	H.J. Res. 1178 ✓	✓H.R. 10701 ✓	H.R. 15977 ✓
✓S. 754 ✓	✓H.J. Res. 1180 ✓	✓H.R. 10710 ✓	✓H.R. 16045 ✓
S. 1017 ✓	✓H.R. 421 ✓	H.R. 10827 ✓	✓H.R. 16215 ✓
S. 1083 ✓	H.R. 1715 ✓	✓H.R. 11144 ✓	✓H.R. 16596 ✓
✓S. 1296 ✓	H.R. 1820 ✓	✓H.R. 11273 ✓	✓H.R. 16925 ✓
S. 1418 ✓	H.R. 2208 ✓	✓H.R. 11796 ✓	✓H.R. 17010 ✓
S. 2149 ✓	✓H.R. 2933 ✓	✓H.R. 11802 ✓	H.R. 17045 ✓
S. 2446 ✓	H.R. 3203 ✓	✓H.R. 11847 ✓	✓H.R. 17085 ✓
S. 2807 ✓	H.R. 3339 ✓	✓H.R. 11897 ✓	✓H.R. 17468 ✓
S. 2854 ✓	H.R. 5264 ✓	✓H.R. 12044 ✓	✓H.R. 17558 ✓
S. 2888 ✓	H.R. 5463 ✓	✓H.R. 12113 ✓	H.R. 17597 ✓
S. 2994 ✓	✓H.R. 5773 ✓	✓H.R. 12427 ✓	✓H.R. 17628 ✓
✓S. 3022 ✓	H.R. 7599 ✓	✓H.R. 12884 ✓	✓H.R. 17655 ✓
S. 3289 ✓	H.R. 7684 ✓	✓H.R. 13022 ✓	
S. 3358 ✓	H.R. 7767 ✓	✓H.R. 13296 ✓	
S. 3359 ✓	H.R. 8214 ✓	✓H.R. 13869 ✓	
S. 3394 ✓	H.R. 8322 ✓	H.R. 14449 ✓	
✓S. 3433 ✓	H.R. 8591 ✓	✓H.R. 14461 ✓	

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder  
Chief Executive Clerk

The Honorable Roy L. Ash  
Director  
Office of Management and Budget  
Washington, D. C.