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SENATE

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TIMUCUAN ECOLOGICAL AND HISTORIC PRESERVE BOUNDARY REVISION ACT OF 2004

AUGUST 25, 2004.—Ordered to be printed

Filed, under authority of the order of the Senate of July 22, 2004

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

R E P O R T

[To accompany H.R. 3768]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 3768) to expand the Timucuan Ecological and Historic Preserve, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 3768 is to expand the boundary of the Timucuan Ecological and Historic Preserve, to include 8.5 acres of land in Nassau County, Florida.

BACKGROUND AND NEED

The Timucuan Ecological and Historic Preserve (Preserve) is located in northeastern Florida within the city limits of Jacksonville. The preserve has within its boundaries Federal, State and city park lands, as well as over 300 private landowners. The National Park Service works cooperatively with these agencies and private citizens to preserve the natural and cultural history of the Preserve.

H.R. 3768 expands the Preserve's boundary to include an 8.5 acre parcel of land adjacent to American Beach, a significant historical site representing African-American achievement during the Jim Crow era. Abraham Lincoln Lewis, a prominent African-Amer-

ican businessman and president of the Afro-American Life Insurance Company, purchased American Beach in 1932. The only racially integrated beach in Florida, and one of the few in the Nation, American Beach flourished as an ocean-side resort for blacks from all parts of the country and became a symbol of African-American social and economic autonomy. Although most of the visitors to American Beach were ordinary working class citizens, anthropologist and folklorist Zora Neale Hurston, heavyweight champion Joe Louis, entertainer Cab Calloway and civil rights leader A. Phillip Randolph are known to have vacationed on American Beach. American Beach has been designated by the Florida Commission on African-American History as a site on the Florida Black Heritage Trail.

In 2004, the Amelia Island Plantation arranged to donate the land adjacent to American Beach to the National Park Service. The donated land is not currently within the congressionally authorized boundary of the Timucuan Ecological and Historic Preserve. H.R. 3768 expands the boundary of the Preserve to include these donated lands.

LEGISLATIVE HISTORY

H.R. 3768 was introduced by Representative Crenshaw on February 4, 2004. The House Resources Committee ordered H.R. 3768, as amended, favorably reported (H. Rpt. 108–393) on May 5, 2004 and the bill was passed by the House of Representatives by a voice vote on May 17, 2004.

A companion measure, S. 1672, was introduced by Senator Nelson on September 29, 2003. The Subcommittee on National Parks held a hearing on S. 1672 on May 20, 2004.

The Committee on Energy and Natural Resources ordered H.R. 3768 favorably reported on July 14, 2004.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in an open business session on July 14, 2004, by a unanimous voice vote of a quorum present, recommends that the Senate pass H.R. 3768, as described herein.

SECTION BY SECTION ANALYSIS

Section 1 entitles this bill the “Timucuan Ecological and Historic Preserve Boundary Revision Act of 2003.”

Section 2 amends section 201(a) of Public Law 100–249 (16 U.S.C. 698n) to add approximately 8.5 acres of land located in Nassau County, Florida. This section directs the Secretary of the Interior to raise the boundary of the Preserve accordingly and to make a map available for public inspection in appropriate offices of the National Park Service.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 16, 2004.

Hon. PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3768, the Timucuan Ecological and Historic Preserve Boundary Revision Act of 2004.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 3768—Timucuan Ecological and Historic Preserve Boundary Revision Act of 2004

H.R. 3768 would expand the boundary of the Timucuan Ecological and Historic Preserve in Florida to include an 8.5-acre parcel known as the American Beach. Based on information provided by the National Park Service and the property's current owners, CBO estimates that the Federal Government would not incur any significant cost to acquire and maintain the undeveloped beach site. We expect that the property would be donated to the NPS in fiscal year 2005 and would remain undeveloped. Annual costs to administer the extra acreage would be minimal. Enacting this legislation would not affect direct spending or revenues.

H.R. 3768 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

On May 17, 2004, CBO transmitted a cost estimate for H.R. 3768 as ordered reported by the House Committee on Resources on May 5, 2004. The two versions of the legislation are identical, as are the estimated costs.

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

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 3768.

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

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

Little, if any, additional paperwork would result from the enactment of H.R. 3768.

EXECUTIVE COMMUNICATIONS

On May 30, 2004, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 1672, the Senate companion measure to H.R. 3768. These reports had not been received when this report was filed. The testimony provided by the Department of the Interior at the Subcommittee hearing on S. 1672 follows:

STATEMENT OF PAUL HOFFMAN, DEPUTY ASSISTANT SECRETARY, FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the Department's views on S. 1672, a bill to expand the Timucuan Ecological and Historic Preserve in Florida.

The Department supports S. 1672. The bill would authorize the National Park Service (NPS) to expand the preserve boundary to include American Beach, a unique historic recreational area established in the 1920s for African-Americans during the segregated "Jim Crow" era. The 12.5 acre boundary expansion, including the existing structures and beachfront, will not result in additional operational costs to the NPS because the area would be managed with existing staff.

S. 1672 authorizes a boundary expansion for the Timucuan Preserve to encompass 12.5 acres of the remaining American Beach area. The 12.5-acre area is significant because it includes important remnants of the beach, natural dune, and remaining historic structures associated with the prominent era of American Beach resort use. Consistent with many other areas within the boundary of the Timucuan Preserve, the NPS would cooperate with other agencies and private landowners in managing land within its boundary.

Inclusion of American Beach will facilitate preservation and understanding of this important site. Within the 12.5-acre expansion area, the NPS anticipates receiving 8.5 acres by donation from the Amelia Island Plantation. The remaining four acres are in private ownership and are currently for sale. Although within the boundary expansion area, NPS has no plans to purchase these four acres. Like other areas of the Timucuan Preserve that are outside of NPS ownership, the NPS would work cooperatively with appropriate agencies and interested private landowners to help to manage and interpret American Beach resources. Nassau County officials and private citizens support expansion of the park boundary and donation of American Beach land to the NPS.

Abraham Lincoln Lewis, co-founder and president of the Afro-American Life Insurance Company, founded American Beach in 1920 as a place where executives and employees of the company could enjoy ocean beach recreational activi-

ties in the “Jim Crow” era when such opportunities were severely limited. However, word soon spread and African-Americans from Atlanta, Tuskegee, and other parts of the south came to the beach town to buy property and spend their summers free from reminders of segregation and discrimination. The resort also had low rates that allowed the less affluent accessibility for day gatherings. The African-American working class came to the resort from farming towns across South Georgia, North Florida, and Alabama.

In the 1940s and 1950s American Beach became the place where African-Americans went for recreation and relaxation without seeing a “White Only” sign, the rule for beaches in the southeast at that time. Many writers, artists, and entertainment and sports celebrities enjoyed the town’s special vacation land atmosphere. At American Beach, entertainers like Ray Charles and Duke Ellington played in the local clubs.

The Amelia Island Plantation, a private corporation on Amelia Island, intends to donate 8.5 acres of the 12.5-acre expansion area to the NPS. The proposed donation would ensure that the legacy of conservation on behalf of Abraham Lincoln Lewis and the Afro-American Life Insurance Company is preserved. The 8.5-acre donation consists of a natural sand dune that is currently open to visitor use through a conservation easement, and associated scrub and maritime hammock habitat. The dune and surrounding habitat were protected from development in the original designs for American Beach. The Amelia Island Plantation Corporation later preserved the site intact when it purchased the property. Natural habitat values of the site include high species diversity with relatively little disturbance and few exotic species, and habitat for the threatened loggerhead turtle.

The proposed expansion area also includes important remaining structures from the “Jim Crow” era, including the cotillion area where people gathered to be entertained by celebrities. One home (Ervin’s Rest) was listed on the National Register of Historic Places in 1998. In 2002 the American Beach Historic District was listed on the National Register in recognition of its African-American cultural heritage. The NPS, other agencies, and private landowners will cooperatively manage structures that remain within the boundary expansion area.

Created by segregation and abandoned after integration, American Beach has struggled against a powerful tide. Development of large condominium and resort complexes on Amelia Island has encroached on the remnants of this African-American resort community. As a result, American Beach has decreased in acreage from its most prosperous size of 200+ acres to only 60 acres that remain today. Inclusion of the proposed 12.5 acres within the Timucuan Preserve will help preserve critical components of American Beach and its unique association with African-American heritage.

The General Management Plan for the Timucuan Preserve outlines a partnership approach to management. Should the preserve boundary be expanded, management of American Beach would follow this partnership model. In particular, the NPS would work closely with County, State, Federal, and private interests on lands owned by the NPS and in other sites outside of NPS ownership but within the preserve boundary. Through these partnerships, the NPS would work cooperatively to pursue restoration and protection of remaining historic and natural resources at American Beach.

The proposed boundary expansion enjoys support from private landowners and local officials. Throughout Nassau and Duval Counties, Florida individuals and groups have demonstrated support for the protection and conservation of American Beach. American Beach has also been the subject of documentaries on the History Channel. As a result, high public interest in saving this resource has been generated.

Mr. Chairman, this completes my testimony. I will be happy to answer any questions that you or any members of the Subcommittee may have now.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by H.R. 3768, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 100-249

AN ACT Authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, Florida, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

TITLE II—PRESERVATION OF ST. JOHNS RIVER VALLEY ECOLOGICAL AREA AND PROTECTION OF SIGNIFICANT HISTORIC ASSETS

SEC. 201. TIMUCUAN ECOLOGICAL AND HISTORIC PRESERVE.

[(a) ESTABLISHMENT.—There is hereby]

(a) *ESTABLISHMENT.*—

(1) *IN GENERAL.*—*There is established in the St. Johns River Valley, Florida, where the Timucuan Indians lived in prehistoric and historic times, the Timucuan Ecological and Historic Preserve (hereafter in this Act referred to as the “Preserve”). The Preserve shall comprise the lands, waters, and interests therein within the boundaries generally depicted on a map of Duval County, Florida, entitled “Timucuan Ecological*

and Historic Preserve” numbered NA-TEHP 80,003-A and dated July 1987. the map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary of the Interior may make minor revisions in the boundary of the Preserve in accordance with section 7(c) of the Land and Water Conservation Fund Act of 1965. The Preserve shall also include within its boundaries all that land consisting of approximately 500 acres adjacent to Fort Caroline National Memorial and known as the Theodore Roosevelt Preserve, being land formerly owned by one Willie Brown and donated by him to The Nature Conservancy.

(2) *MODIFICATION OF BOUNDARY.*—

(A) *IN GENERAL.*—*In addition to the land described in paragraph (1), the Preserve shall include approximately 8.5 acres of land located in Nassau County, Florida, as generally depicted on the map entitled “Timucuan Ecological and Historic Preserve American Beach Adjustment”, numbered 006/80012 and dated June 2003.*

(B) *DUTIES OF THE SECRETARY.*—*The Secretary of the Interior shall—*

(i) reserve the boundaries of the Preserve so as to encompass the land described in subparagraph (A); and

(ii) maintain the map described in subparagraph (A) on file and available for public inspection in the appropriate offices of the National Park Service.