

JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL
AREA ACT OF 2008

MARCH 3, 2008.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 1922]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1922) to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2008”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) **COMMANDANT.**—The term “Commandant” means the Commandant of the Coast Guard.
- (2) **LIGHTHOUSE.**—The term “Lighthouse” means the Jupiter Inlet Lighthouse located in Palm Beach County, Florida.
- (3) **LOCAL PARTNERS.**—The term “Local Partners” includes—
 - (A) Palm Beach County, Florida;
 - (B) the Town of Jupiter, Florida;
 - (C) the Village of Tequesta, Florida; and
 - (D) the Loxahatchee River Historical Society.
- (4) **MANAGEMENT PLAN.**—The term “management plan” means the management plan developed under section 4(a).
- (5) **MAP.**—The term “map” means the map entitled “Jupiter Inlet Lighthouse: Outstanding Natural Area” and dated October 29, 2007.

(6) **OUTSTANDING NATURAL AREA.**—The term “Outstanding Natural Area” means the Jupiter Inlet Lighthouse Outstanding Natural Area established by section 3(a).

(7) **PUBLIC LAND.**—The term “public land” has the meaning given the term “public lands” in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(8) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(9) **STATE.**—The term “State” means the State of Florida.

SEC. 3. ESTABLISHMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.

(a) **ESTABLISHMENT.**—Subject to valid existing rights, there is established for the purposes described in subsection (b) the Jupiter Inlet Lighthouse Outstanding Natural Area, the boundaries of which are depicted on the map.

(b) **PURPOSES.**—The purposes of the Outstanding Natural Area are to protect, conserve, and enhance the unique and nationally important historic, natural, cultural, scientific, educational, scenic, and recreational values of the Federal land surrounding the Lighthouse for the benefit of present generations and future generations of people in the United States, while—

(1) allowing certain recreational and research activities to continue in the Outstanding Natural Area; and

(2) ensuring that Coast Guard operations and activities are unimpeded within the boundaries of the Outstanding Natural Area.

(c) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in—

(1) the Office of the Director of the Bureau of Land Management; and

(2) the Eastern States Office of the Bureau of Land Management in the State of Virginia.

(d) **WITHDRAWAL.**—

(1) **IN GENERAL.**—Subject to valid existing rights, section 6, and any existing withdrawals under the Executive orders and public land order described in paragraph (2), the Federal land and any interests in the Federal land included in the Outstanding Natural Area are withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the public land mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(2) **DESCRIPTION OF EXECUTIVE ORDERS.**—The Executive orders and public land order described in paragraph (1) are—

(A) the Executive Order dated October 22, 1854;

(B) Executive Order No. 4254 (June 12, 1925); and

(C) Public Land Order No. 7202 (61 Fed. Reg. 29758).

SEC. 4. MANAGEMENT PLAN.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Commandant, shall develop a comprehensive management plan in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to—

(1) provide long-term management guidance for the public land in the Outstanding Natural Area; and

(2) ensure that the Outstanding Natural Area fulfills the purposes for which the Outstanding Natural Area is established.

(b) **CONSULTATION; PUBLIC PARTICIPATION.**—The management plan shall be developed—

(1) in consultation with appropriate Federal, State, county, and local government agencies, the Commandant, the Local Partners, the Loxahatchee River Historical Society, and other partners; and

(2) in a manner that ensures full public participation.

(c) **EXISTING PLANS.**—The management plan shall, to the maximum extent practicable, be consistent with existing resource plans, policies, and programs.

(d) **INCLUSIONS.**—The management plan shall include—

(1) objectives and provisions to ensure—

(A) the protection and conservation of the resource values of the Outstanding Natural Area; and

(B) the restoration of native plant communities and estuaries in the Outstanding Natural Area, with an emphasis on the conservation and enhancement of healthy, functioning ecological systems in perpetuity;

(2) objectives and provisions to maintain or recreate historic structures;

(3) an implementation plan for a program of interpretation and public education about the natural and cultural resources of the Lighthouse, the public land surrounding the Lighthouse, and associated structures;

(4) a proposal for administrative and public facilities to be developed or improved that—

(A) are compatible with achieving the resource objectives for the Outstanding Natural Area described in section 5(a)(1)(B); and

(B) would accommodate visitors to the Outstanding Natural Area;

(5) natural and cultural resource management strategies for the Outstanding Natural Area, to be developed in consultation with appropriate departments of the State, the Local Partners, and the Commandant, with an emphasis on resource conservation in the Outstanding Natural Area and the interpretive, educational, and long-term scientific uses of the resources; and

(6) recreational use strategies for the Outstanding Natural Area, to be prepared in consultation with the Local Partners, appropriate departments of the State, and the Coast Guard, with an emphasis on passive recreation.

(e) INTERIM PLAN.—Until a management plan is adopted for the Outstanding Natural Area, the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) shall be in effect.

SEC. 5. MANAGEMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the Local Partners and the Commandant, shall manage the Outstanding Natural Area—

(A) as part of the National Landscape Conservation System; and

(B) in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of the Outstanding Natural Area, including an emphasis on the restoration of native ecological systems.

(2) LIMITATION.—In managing the Outstanding Natural Area, the Secretary shall not take any action that precludes, prohibits, or otherwise affects the conduct of ongoing or future Coast Guard operations or activities on lots 16 and 18, as depicted on the map.

(b) USES.—Subject to valid existing rights and section 6, the Secretary shall only allow uses of the Outstanding Natural Area that the Secretary, in consultation with the Commandant and Local Partners, determines would likely further—

(1) the purposes for which the Outstanding Natural Area is established;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) other applicable laws.

(c) COOPERATIVE AGREEMENTS.—To facilitate implementation of the management plan and to continue the successful partnerships with local communities and other partners, the Secretary shall, in accordance with section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)), enter into cooperative agreements with the appropriate Federal, State, county, other local government agencies, and other partners (including the Loxahatchee River Historical Society) for the long-term management of the Outstanding Natural Area

(d) RESEARCH ACTIVITIES.—To continue successful research partnerships, pursue future research partnerships, and assist in the development and implementation of the management plan, the Secretary may, in accordance with section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)), authorize the conduct of appropriate research activities in the Outstanding Natural Area for the purposes described in section 3(b).

(e) ACQUISITION OF LAND.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire for inclusion in the Outstanding Natural Area any State or private land or any interest in State or private land that is—

(A) adjacent to the Outstanding Natural Area; and

(B) identified in the management plan as appropriate for acquisition.

(2) MEANS OF ACQUISITION.—Land or an interest in land may be acquired under paragraph (1) only by—

(A) donation;

(B) exchange with a willing party; or

(C) purchase from a willing seller.

(3) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any land or interest in land adjacent to the Outstanding Natural Area acquired by the United States after the date of enactment of this Act under paragraph (1) shall be added to, and administered as part of, the Outstanding Natural Area.

(f) **LAW ENFORCEMENT ACTIVITIES.**—Nothing in this Act, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects—

(1) any maritime security, maritime safety, or environmental protection mission or activity of the Coast Guard;

(2) any border security operation or law enforcement activity by the Department of Homeland Security or the Department of Justice; or

(3) any law enforcement activity of any Federal, State, or local law enforcement agency in the Outstanding Natural Area.

(g) **FUTURE DISPOSITION OF COAST GUARD FACILITIES.**—If the Commandant determines, after the date of enactment of this Act, that Coast Guard facilities within the Outstanding Natural Area exceed the needs of the Coast Guard, the Commandant may relinquish the facilities to the Secretary without removal, subject only to any environmental remediation that may be required by law.

SEC. 6. EFFECT ON ONGOING AND FUTURE COAST GUARD OPERATIONS.

Nothing in this Act, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects ongoing or future Coast Guard operations or activities in the Outstanding Natural Area, including—

(1) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the Coast Guard High Frequency antenna site on lot 16;

(2) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the military family housing area on lot 18;

(3) the continued and future use of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the pier on lot 18;

(4) the existing lease of the Jupiter Inlet Lighthouse on lot 18 from the Coast Guard to the Loxahatchee River Historical Society; or

(5) any easements or other less-than-fee interests in property appurtenant to existing Coast Guard facilities on lots 16 and 18.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Amend the title so as to read:

A bill to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape Conservation System, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 1922 is to designate the Jupiter Inlet Lighthouse and the surrounding federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape Conservation System.

BACKGROUND AND NEED FOR LEGISLATION

Florida's Jupiter Inlet, at the confluence of the Indian and Loxahatchee Rivers, frames a point of land that has played a significant role in Florida coastal history for centuries. The area was a meeting place of ancient Indian tribes for more than 3,500 years before Europeans reached the area in the 17th century.

Federal interest in the area stretches back to the middle of the 19th century, when the U.S. Army surveyors recommended the area as a suitable place for military defenses. In 1854, President Franklin Pierce signed an order withdrawing 61 acres for the Navy and establishing the Fort Jupiter Reservation. The design for a lighthouse on the site was begun by Lt. George Gordon Meade, bet-

ter known as the general who defeated Robert E. Lee at Gettysburg.

The lighthouse, built atop a prehistoric Indian mound, was first lit on July 10, 1860. The 156-foot structure is the oldest existing building in Palm Beach County; the red brick tower is topped with an iron latticework frame for the lantern windows.

At various times, the reservation has also hosted a weather bureau and signal station, a Naval wireless telegraph station, a radio compass station, a Naval Intelligence Listening Post, and a radio detection station designed to intercept messages from German U-boats during World War II.

The lighthouse was transferred from the Navy to the U.S. Coast Guard in 1939, by which time a total of nearly 127 acres had been set aside for the reservation.

The lighthouse was added to the National Register of Historic Places on November 15, 1973. In 1986, much of the reservation around the lighthouse was returned to public land status under the Bureau of Land Management, which coordinates management activities by six separate entities under the Jupiter Inlet Coordinated Resource Management Plan. The BLM working group that implements that plan also includes the Coast Guard, the county of Palm Beach, the town of Jupiter, the village of Tequesta, and the Loxahatchee River Historical Society.

All six entities are actively involved in management of the area. Since 1994, the Loxahatchee River Historical Society has held a lease to operate the lighthouse and conduct public tours. The town of Jupiter manages 18 acres of the reservation as a public recreation park. Palm Beach County works with BLM on habitat improvements.

In addition to its many historic resources, the area provides habitat for 18 special status species, including gopher tortoises (a state species of concern), the threatened Florida scrub jay and federally protected plant species. The area also includes examples of imperiled South Florida ecosystems.

COMMITTEE ACTION

H.R. 1922 was introduced April 18, 2007, by Representative Tim Mahoney (D-FL). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands.

At a hearing on October 23, 2007, a representative of the BLM told the Subcommittee that the Interior Department supports the bill.

On February 13, the full Natural Resources Committee met to consider the bill. Subcommittee Chairman Raul Grijalva (D-AZ) offered an amendment in the nature of a substitute making technical changes to the bill, including updating the map reference. The amendment was adopted by unanimous consent and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

Section 1 provides that the Act may be cited as the “Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2008.”

Section 2. Definitions

Section 2 defines several terms used throughout the bill, including defining “map” as the map entitled “Jupiter Inlet Lighthouse: Outstanding Natural Area” and dated October 29, 2007.

Section 3. Establishment of the Jupiter Inlet Lighthouse Outstanding Natural Area

Section 3 provides for the establishment of the Jupiter Inlet Lighthouse Outstanding Natural Area to protect, conserve, and enhance the unique and nationally important historic, natural, cultural, scientific, educational, scenic, and recreational values of the federal land surrounding the lighthouse while allowing certain recreational and research activities to continue, and ensuring that U.S. Coast Guard operations and activities are unimpeded within the Outstanding Natural Area.

Section 3 also requires that the map be available for public inspection; withdraws all federal land within the Outstanding Natural Area from mining, geothermal and mineral leasing and patenting; and identifies the original Executive Orders relating to the lighthouse reservation.

Section 4. Management Plan

Section 4 directs the Secretary of the Interior, in consultation with the Commandant of the Coast Guard, to develop a comprehensive management plan for the Outstanding Natural Area. The Secretary is directed to consult with the appropriate federal, state, county, and local government agencies, as well as local partners including the Loxahatchee River Historical Society, in a manner that ensures full public participation.

Section 4 further directs that the plan include measures to protect and conserve resource values, restore native plant communities and estuaries, maintain or recreate historic structures and implement a program of interpretation and public education.

Section 4 also directs that, until the management plan is adopted, the Jupiter Inlet Coordinated Resources Management Plan shall be in effect.

Section 5. Management of the Jupiter Inlet Lighthouse Outstanding Natural Area

Section 5 directs that the Secretary, in consultation with local partners and the Commandant, shall manage the Outstanding Natural Area as a part of the National Landscape Conservation System.

Section 5 also allows the Secretary to enter into cooperative agreements with the appropriate federal, state, county, or local government agencies as well as other partners, and permits the Secretary to authorize appropriate research.

Section 5 further authorizes the Secretary to acquire land for inclusion in the Outstanding Natural Area that is adjacent to the

Area and identified in the management plan as appropriate for acquisition. Such land may be acquired by donation, exchange with a willing party, or purchase from a willing seller and upon acquisition shall be added to, and administered as part of, the Outstanding Natural Area.

Section 5 provides that nothing in the legislation precludes law enforcement activities by the Coast Guard, the Department of Homeland Security, the Department of Justice, or any other federal, state, or local law enforcement agency in the Outstanding Natural Area.

If the Commandant decides that any Coast Guard facilities within the Outstanding Natural Area exceed the need of the Coast Guard, Section 5 permits the Commandant to relinquish those facilities to the Secretary, subject only to any environmental remediation that may be required by law.

Section 6. Effect on Ongoing and Future Coast Guard Activities

Section 6 provides that nothing in the Act, the management plan, or the current Resources Management Plan precludes, prohibits or otherwise affects ongoing or future Coast Guard Activities in the Outstanding Natural Area.

Section 7. Authorization of Appropriations

Section 7 authorizes the appropriation of such sums as may be necessary to carry out the Act.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Flor-

ida as an Outstanding Natural Area and as a unit of the National Landscape Conservation System, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 1922—Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2008

H.R. 1922 would designate 126 acres in Florida as an Outstanding Natural Area and would require the Bureau of Land Management (BLM) to develop a plan to manage the area. CBO estimates that implementing H.R. 1922 would have no significant impact on the federal budget and would not affect direct spending or revenues.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

H.R. 1922 would designate the lighthouse at the inlet in Jupiter, Florida, and the 126 acres of land surrounding that lighthouse as an Outstanding Natural Area, reserving the area for conservation, public education, and habitat restoration. The land is already under federal management and the bill would require BLM, in conjunction with the Coast Guard, to update a management plan within three years. According to BLM, the bill would not require the agency to acquire any land or to hire any additional staff; thus, CBO estimates that implementing H.R. 1922 would have no significant impact on the federal budget.

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

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 1922 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.