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SENATE

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### JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA ACT OF 2008

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APRIL 10, 2008.—Ordered to be printed

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

### R E P O R T

[To accompany S. 1143]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1143) 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 an amendment and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Strike out all after the enacting clause and insert in lieu thereof 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 appropriate offices of the Bureau of Land Management.

(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 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, 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 may, 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 donation, exchange, or purchase from a willing seller with donated or appropriated funds.

(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.

2. 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**

The purpose of S. 1143 is to designate the Jupiter Inlet Lighthouse Outstanding Natural Area in Florida, to be administered by the Bureau of Land Management.

**BACKGROUND AND NEED**

The Jupiter Inlet Lighthouse, located in southern Florida, was completed and first lit in 1860. It is the oldest existing structure in Palm Beach County. The Lighthouse stands on an ancient Indian shell mound, dated around 700 AD, and is 156 feet tall with 105 steps from the base to the top. The lighthouse was designed by George Meade, at the time a Lieutenant at the Bureau of Topographical Engineers, who during the Civil War was a General in the Union Army, best known for his role in the Battle of Gettysburg.

The lighthouse is still used today as an active aid to navigation, administered by the U.S. Coast Guard. The Loxahatchee River Historical Society manages portions of the site and conducts tours of the lighthouse, and the town of Jupiter, Florida, manages an adjacent 18-acre public park.

S. 1143 would designate the lighthouse and 126 acres of land as an Outstanding Natural Area, part of the Bureau of Land Management’s National Landscape Conservation System. The BLM cur-

rently manages 62 acres at the site and will acquire an additional 23 acres from the Coast Guard, although the lighthouse itself is not on BLM-administered lands.

#### LEGISLATIVE HISTORY

S. 1143 was introduced by Senator Nelson on April 18, 2007. Senator Martinez is a cosponsor. The Subcommittee on Public Lands and Forests held a hearing on S. 1143 on September 20, 2007. (S. Hrg. 110–216.) At its business meeting on January 30, 2008, the Committee on Energy and Natural Resources ordered S. 1143 favorably reported with an amendment in the nature of a substitute.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on January 30, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 1143, if amended as described herein.

#### COMMITTEE AMENDMENT

During its consideration of S. 1143, the Committee adopted an amendment in the nature of a substitute. The amendment deleted the findings, updated the map reference, and made other clarifying and conforming changes. The amendment is described in detail in the section-by-section analysis, below.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* contains the short title, the “Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2008.

*Section 2* defines key terms used in the bill.

*Section 3(a)* establishes the Jupiter Inlet Lighthouse Outstanding Natural Area, subject to valid existing rights, as depicted on the referenced map.

Subsection (b) states that 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 and future generations, while allowing certain recreational and research activities to continue, and while ensuring that Coast Guard operations and activities remain unimpeded within the boundaries of the Outstanding Natural Area.

Subsection (c) requires the map to be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

Subsection (d) withdraws the Federal lands and interests therein within the boundary of the Outstanding Natural Area from the public land laws, the mining laws, and the mineral leasing, geothermal leasing, and mineral materials laws.

*Section 4(a)* requires 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 in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1712).

Subsection (b) requires that the management plan be developed in a manner that ensures full public participation, and in consultation with appropriate Federal, State, and local governmental agencies, including the Coast Guard.

Subsection (c) provides that the management plan shall, to the maximum extent practicable, shall be consistent with existing resource plans, policies, and programs.

Subsection (d) lists specific provisions that are to be included in the management plan.

Subsection (e) states that the Outstanding Natural Area shall be managed in accordance with the existing Jupiter Inlet Coordinated Resource Management Plan (including updates or amendments) until the new management plan is adopted.

*Section 5(a)* directs the Secretary of the Interior, in consultation with the local partners and the Commandant of the Coast Guard, to manage the Outstanding Natural Area as part of the National Landscape Conservation System and in a manner that conserves, protects, and enhances the unique and nationally important values of the area, including an emphasis on the restoration of native ecological systems.

Subsection (b) states that the Secretary shall only allow uses of the Outstanding Natural Area that the Secretary (in consultation with the Coast Guard and local partners) determines would likely further the purposes for which the Outstanding Area is established, and in accordance with FLPMA and other applicable laws.

Subsection (c) authorizes the Secretary to enter into cooperative agreements with appropriate Federal, State, and local governmental entities and other local partners to facilitate implementation of the management plan and to continue successful partnerships with local communities.

Subsection (d) provides that the Secretary may authorize appropriate research activities in the Outstanding Natural Area in accordance with section 307(a) of FLPMA (43 U.S.C. 1737(a)).

Subsection (e) authorizes the Secretary to acquire land from willing sellers within the boundary of the Outstanding Natural Area.

Subsection (f) contains savings language clarifying that nothing in this Act or the management plan precludes, prohibits, or otherwise affects Coast Guard security and safety activities, Department of Justice and Department of Homeland Security border security operations, or any other law enforcement activities within the boundaries of the Outstanding Natural Area.

Subsection (g) provides that if the Commandant of the Coast Guard determines that Coast Guard facilities within the Outstanding Natural Area are excess to the needs of the Coast Guard, the Commandant may relinquish the facilities to the Secretary, subject only to any environmental remediation that may be required by law.

*Section 6* makes clear that nothing in this Act or the management plan precludes, prohibits, or otherwise affects ongoing or future Coast Guard operations within the Outstanding Natural Area.

*Section 7* authorizes the appropriation of such sums as are necessary to carry out this Act.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

*S. 1143—Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2008*

S. 1143 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 S. 1143 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.

S. 1143 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 S. 1143 would have no significant impact on the federal budget.

On February 26, 2008, CBO transmitted a cost estimate for H.R. 1922 as ordered reported by the House Committee on Natural Resources on February 13, 2008. The two versions of the legislation are similar, and the cost estimates are the same.

The CBO staff contact for this estimate is Sarah Puro. This estimate was approved by Theresa Gullo, 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 S. 1143. 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 S. 1143, as ordered reported.

## CONGRESSIONALLY DIRECTED SPENDING

S. 1143, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

## EXECUTIVE COMMUNICATIONS

The testimony provided by the Bureau of Land Management at the September 20, 2007 hearing on S. 1143 follows:

STATEMENT OF MICHAEL NEDD, ASSISTANT DIRECTOR, MINERAL, REALTY & RESOURCE PROTECTION, BUREAU OF LAND MANAGEMENT

Thank you for inviting me to testify on S. 1143, the Jupiter Inlet Lighthouse Outstanding Natural Area Act. The Act would designate the 126 acres, including Jupiter Inlet Lighthouse and the surrounding area, as an Outstanding Natural Area (ONA) within the Bureau of Land Management's (BLM) National Landscape Conservation System (NLCS). The Department supports S. 1143.

BACKGROUND

The 126-acre site proposed for designation as the Jupiter Inlet Lighthouse Outstanding Natural Area is an oasis of green in highly urbanized Palm Beach County, Florida and straddles the borders of the Village of Tequesta and the Town of Jupiter. The lighthouse, which stands 156 feet above the surrounding coastline, is the oldest existing structure in Palm Beach County, dating from 1860. The lighthouse continues as an active United States Coast Guard aid to maritime navigation. The Loxahatchee River Historical Society manages portions of the site through a license and conducts popular tours of the lighthouse. On the remaining southern portion of the tract, the Town of Jupiter manages intensive recreation on an 18-acre public park.

Aside from the natural significance of this site, the dynamic partnerships of the Jupiter Working Group and collaborative relationships make this site quite unique. The management of the 126 acres rests with six separate entities, BLM, U.S. Coast Guard, Palm Beach County, Town of Jupiter, Village of Tequesta, and Loxahatchee River Historical Society. These entities currently work cooperatively through BLM's Jupiter Inlet Coordinated Resource Management Plan (CRMP) and the Jupiter Inlet Working Group (working group) to manage the area as a harmonized unit. For example, Palm Beach County's Department of Environmental Resources Management has partnered directly with BLM on habitat improvements, providing matching funds and labor for virtually all habitat-related projects. One activity was the restoration of significant scrub and wetland communities within the area. Emphasis was placed on habitat improvements for the 18 special status species found within the area, including the removal of thousands of exotic trees and shrubs along with replanting of native vegetation. This work has significantly improved the habitat for scrub jays, gopher tortoises and federally endangered plant species. The working group combined resources to build an award-winning tidal lagoon and wetland connected to the Indian River Lagoon, which is one of the most diverse estuaries in the country. Among the many tools used to improve the habitat are successful prescribed burns, which reduced fuel loads on this urban tract.

The community involvement at Jupiter Inlet Lighthouse goes beyond the governmental agencies. For example, the Loxahatchee River Historical Society actively manages the Jupiter Inlet Lighthouse and grounds, and provides interpretive tours to tens of thousands of visitors each year. They have procured grants and worked with the Town of Jupiter to complete nearly one million dollars in restoration of the Jupiter Inlet Lighthouse, as well as complete the renovation of a WWII vintage building that now houses the museum. Additionally, the Jupiter High School Environmental Resources and Field Studies Academy has donated thousands of hours of hands-on restoration work within the proposed ONA.

S. 1143

S. 1143 seeks to build on the many successful partnerships already in place by designating the 126-acre site as the Jupiter Inlet Lighthouse Outstanding Natural Area within the BLM's NLCS. The bill follows in the footsteps of the Yaquina Head Outstanding Natural Area along the Oregon coast established by Congress in 1980. In order to safeguard the buildings and public lands surrounding the Jupiter Inlet Lighthouse, the bill provides protections for the area while encouraging and enabling active community support and involvement.

The Department would like the opportunity to work with Senator Nelson and the committee on some technical amendments including a correct map reference and other minor issues.

Thank you for the opportunity to testify in support of S. 1143. I will be happy to answer any questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1143, as ordered reported.