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VIRGINIA KEY BEACH PARK IN BISCAYNE BAY, FLORIDA

SEPTEMBER 11, 2002.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 2109]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 2109) to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach Park in Biscayne Bay, Florida, for possible inclusion in the National Park System, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

The purpose of H.R. 2109 is to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach Park in Biscayne Bay, Florida, to evaluate the site for possible inclusion in the National Park System.

BACKGROUND AND NEED

Virginia Key Beach Park consists of a 77-acre area on the southeastern flank of Virginia Key, a 1,000-acre island two miles east of Miami. Virginia Key is a relatively unspoiled by development, and is non-residential. Island attractions include many ponds, rivers and waterways, a tropical hardwood hammock, and a large wildlife conservation area.

Virginia Key Beach also played a role in the civil rights struggle. Until August 1, 1945, all beaches in the Miami area were closed to African Americans. As a result of a civil rights protest in May 1945, Dade County created a separate public beach at Virginia Key Beach for African-Americans on August 1, 1945. The beaches re-

mained segregated until civil rights laws opened all the beaches in the area to all races.

In 1982, the Virginia Key Beach property was granted to the city of Miami from the county. In 1999, with an eye toward acknowledgment and restoration of the historical aspects of the area, the city of Miami designated the Virginia Key Beach Park Civil Rights Task Force to examine the site and give advice concerning the future of the beach.

On the task force's recommendation, the Virginia Key Beach Park Trust was established in January 2001. The site was included on the National Register of Historical Places in July 2002. A National Park Service special resource study would gather the data collected through these efforts and help determine the best way to recognize and protect Virginia Key Beach.

LEGISLATIVE HISTORY

H.R. 2109 was introduced by Representative Carrie Meek on June 7, 2001. The bill passed the House of Representatives by a voice vote on April 30, 2002. Companion legislation, S. 1312, was introduced by Senators Nelson of Florida and Graham on August 2, 2001. The Subcommittee on National Parks held a hearing on H.R. 2109 and S. 1312 on June 12, 2002. At the business meeting on July 31, 2002 the Committee on Energy and Natural Resources ordered H.R. 2109 favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 31, 2002, by a voice vote of a quorum present, recommends that the Senate pass H.R. 2109.

SECTION-BY-SECTION ANALYSIS

Section 1 requires that the Secretary of the Interior examine the area of the Virginia Key Beach Park in Biscayne Bay, Florida and report to the designated congressional committees on the suitability and viability of establishing the site as a National Park System unit. In conducting the study the Secretary must use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91-383.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 9, 2002.

Hon. JEFF BINGAMAN,
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. 2109, an act to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach Park in Biscayne Bay, Florida, for possible inclusion in the National Park System.

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

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 2109—An act to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach Park in Biscayne Bay, Florida, for possible inclusion in the National Park System

H.R. 2109 would require the National Park Service (NPS) to evaluate the national significance of Virginia Key Beach Park and the suitability and feasibility of establishing it as a unit of the National Park System. The legislation would require the agency to report to the Congress on its findings upon conclusion of the study.

Based on information provided by the NPS, CBO estimates that completing the required study and report would cost the federal government \$50,000 over the next three to four years, assuming the availability of appropriated funds. H.R. 2109 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The legislation 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.

On March 26, 2002, CBO transmitted a cost estimate for H.R. 2109 as ordered reported by the House Committee on Resources on March 20, 2002. The two versions of the legislation are identical, as are the cost estimates.

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. 2109. 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. 2109, as ordered reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth Executive agency recommendations relating to H.R. 2109 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, July 25, 2002.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter sets forth the views of the Department of the Interior on S. 1312 and H.R. 2109. These bills would authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach in Biscayne Bay, Florida, where a recreational community for African Americans flourished at a time when non-whites were prohibited from using other beaches in the Miami area.

The Department supports both bills, but we prefer H.R. 2109 as passed by the House on April 30. However, we did not request additional funding for this study in Fiscal Year 2003. Altogether, there are 39 studies pending, of which we hope to transmit at least 4 to Congress by the end of 2002. We have concerns about adding new funding requirements for new park units, national trails, wild and scenic rivers or heritage areas at the same time that we are trying to eliminate the deferred maintenance backlog. The Department will identify in each study all of the acquisition, one-time, and operational costs of the proposed site. At this time the costs are unknown.

S. 1312 and H.R. 2109 authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach Park in Biscayne Bay, Florida. The study would evaluate the site's national significance and the suitability and feasibility of designating it as a unit of the National Park System. The bill calls for the study to be completed under the guidelines in Section 8 of P.L. 91-383, the National Park Service General Authorities Act of 1970, as amended, which contains the criteria for studying areas for potential inclusion in the National Park System. The guidelines specify that studies consider other alternatives for protection of the subject area besides direct management by the National Park Service.

Virginia Key Beach Park is a 77-acre site on the southeastern side of Virginia Key, an island of approximately 1,000 acres located two miles east of downtown Miami, Florida and about one mile southwest of the southern tip of Miami Beach. Although there has been some limited development, the island is non-residential and includes ponds and waterways, a tropical hardwood hammock, and a large wildlife conservation area.

In the summer of 1945, at the "whites-only" Baker's Haulover Beach in north Dade County, a group of black men led by Judge Lawson E. Thomas staged a protest of the segregation laws that prohibited black persons from using the public beaches of Miami and Dade County. In response to the protest, county officials created a public beach for the black community on Virginia Key, which opened on August 1, 1945.

The beach at Virginia Key had been used by African Americans for at least the two previous decades. During World War II, the Navy used Virginia Key Beach for training African Americans servicemen who were not permitted to train in the waters along the "whites-only" beaches. It was not until 1945, however, that the county began building recreational facilities there and making the

beach more accessible by providing ferry boat service until the completion of the Rickenbacker Causeway in 1949 allowed access by automobile.

Virginia Key Beach Park had bathhouses, picnic pavilions, a concession stand, and a carousel and other amenities. The beach remained segregated through the 1950's until civil rights laws opened all the public beaches in the area. Still, through the next two decades, Virginia Key Beach remained a popular destination for many in the black community. In 1982, the area was transferred from the county to the City of Miami with the stipulation that the area be kept open and maintained as a public park and recreation area. However, the city closed Virginia Key Beach Park shortly after the transfer, citing the high cost of maintenance and operations. After nearly 20 years of non-use, the bathhouse, concessions building and other facilities have fallen into disrepair.

At the present time, efforts are underway locally to promote recognition and restoration of Virginia Key Beach Park. In 1999, the City of Miami appointed the Virginia Key Park Civil Rights Task Force to study and make recommendations for the site, one of which was to establish a more permanent entity to carry on the work of the task force. The Virginia Key Beach Park Trust was established in January, 2001, to implement the task forces' recommendations. A nomination for the National Register of Historic Places is currently being prepared for the site. A special resource study conducted by the National Park Service would draw from the information compiled through these efforts and facilitate decisions about appropriate means to recognize and protect this site.

We recommend that the committee approve the language used in H.R. 2109 as passed by the House rather than that used in S. 1312. H.R. 2109 was amended by the House to change the name of the area to be studied from "Virginia Key Beach" to "Virginia Key Beach Park." Although the names have been used interchangeably, using the term "Virginia Key Beach Park" helps clarify that the study is focused on the 77-acre recreation site and does not include the entire beach of Virginia Key. It is also consistent with the name that is being used for the site in the nomination for the National Register of Historic Places.

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

Sincerely,

CRAIG MANSON,
*Assistant Secretary for Fish
and Wildlife and Parks.*

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 Act H.R. 2109, as ordered reported.