



To: Nassau County Board of County Commissioners
Shanea Jones, County Manager
Michael Mullin, County Attorney
Taco Pope, AICP, Director, County Planning and Economic Opportunity Department

From: Adrienne Burke, Assistant Director, County Planning and Economic Opportunity Department

Date: 6/5/2018

Re: Nassau County Public Beach Access and Customary Use

Historic Customary Use

Nassau County is one of the oldest counties in Florida, dating to c.1824. Of course, the history in the county precedes that date extensively. Numerous archaeological sites in the county record evidence of prehistoric communities, and Nassau was the site of early European contact, dating to 1562, with the arrival of the French on present day Amelia Island. The County has seen occupation by the French, English, Spanish, and Americans, and action in all major wartime events since the Revolutionary War. Nassau County tells the story of industry, agriculture, seafaring, railroads, tourism, and life in early Florida in general.

Customary use rights to the beach arise where the public's use of the beach has been ancient, reasonable, without interruption, and free from dispute. Nassau's Native American, French, Spanish, and British history is inherently linked to the ocean and seashore, with Native American settlements along the bluffs and high ground of the island, and Europeans arriving by way of the Atlantic Ocean. More contemporary history relative to recreational use of the beach started in the late 19th century, when Fernandina and Amelia Island experienced a first wave of tourism.

Fernandina's first tourist hotel, the Egmont, opened at Beech and Seventh Streets in Fernandina in November 1878.¹ The hotel was designed specifically to accommodate visitors to the island, as opposed to prior hotels established in the community that were connected more to commerce and transit. Several years later, a sister hotel, the Strathmore, was built in 1881 at the beach (roughly between present day Atlantic Avenue and what was a continuation of Beech Street).² The road to the beach was constructed of shell and ferried visitors to the beach for day trips. In 1880, President Ulysses S. Grant stayed at the Egmont for three days and is documented as having spent time at the beach as part of that trip.³

During the early days of Fernandina's tourism, horse drawn trolleys would transport visitors to the beach from downtown. An electric trolley system running from downtown Fernandina to the Strathmore Hotel

¹ Jan H. Johannes, Sr., Yesterday's Reflections II: Nassau County, Florida A Pictorial History 40 (Lynne L. Johannes ed., Lexington Ventures, Inc.) (2000).

² Id.

³ Id. at 41.



at the beach ran from 1903 to 1916, and ferried visitors back and forth to enjoy time in town and at the shore.⁴ The railroad brought visitors to the beach from regional locations, such as Jacksonville; for example, the Jacksonville department store Furchgott's brought their employees to Fernandina for an annual picnic at Amelia Beach (today known as the Main Beach area at the eastern end of Atlantic Avenue).⁵ The Strathmore Hotel was destroyed in the 1898 hurricane, but the beach continued to be an entertainment destination. Several casinos and/or pavilions were constructed over time near the former Strathmore site.⁶ The pavilions and casinos offered a place for beachgoers to get food and drink, enjoy ocean views from the porches, and enjoy indoor entertainment such as a bowling alley.⁷

A series of events related to the railroad, port, yellow fever, war, and hurricanes combined to slow Fernandina's bustling tourism industry of the late 19th century. However, residents and visitors continued to enjoy the oceanfront and beach throughout the early and mid-20th centuries. American Beach, in particular, developed on the island during the 1930s and 1940s.

During the segregation era, African Americans were not permitted to visit every beach. The Afro-American Life Insurance Company, established in Jacksonville by Abraham Lincoln Lewis and six other African American community leaders, used to sponsor beach outings to Amelia Island near Franklin Town in the 1920s and 30s. In 1935, the company purchased land in the vicinity to establish a permanent beach destination for African Americans at the time. Subsequent acreage was purchased in 1937 and 1946.⁸ During the most active years of American Beach until desegregation, African American homeowners and visitors utilized the beach extensively for recreation, a use that continues in the area today.

Historic photos taken on the beaches of Nassau County in the 19th and 20th centuries demonstrate: walking, sitting, sunbathing, fishing, playing, picnicking, bicycling, driving, musical entertainment, having photos taken, horseback riding, and landing airplanes. Numerous historic photos illustrate customary uses specifically in the dry sand and dune areas of the beach.⁹

Contemporary Customary Use

Current customary uses in the 21st century include a majority of the uses demonstrated through historic use, and also camping, playing games (such as football, volleyball, soccer, bocce, frisbee), sea turtle patrols and sea turtle educational events, walking dogs, flying kites, birdwatching and hosting special events such as weddings. Swimmers, surfers, kayakers and paddleboarders utilize the beach to access the ocean.

Nassau County currently maintains six public beach parks and/or beach access points: American Beach (Lewis Street), Burney Park, Peters Point Park, Scott Road, Southend Walkover and the Summer Beach walkover.¹⁰ The City of Fernandina Beach has 41 public beach access points.¹¹ Amelia Island State Park and Fort Clinch State Park provide public beach access as well. Historically and today through the public

⁴ Id. at 44.

⁵ Id. at 54.

⁶ Id. at 74.

⁷ Rob Hicks & Amelia Island Museum of History, Images of America: Amelia Island 47 (Arcadia Publishing) (2007).

⁸ Johannes at 111.

⁹ See *infra* Exhibit A: Photo Series from Nassau County/Amelia Island Beaches.

¹⁰ Nassau County, <https://www.nassaucountyfl.com/472/Beach-Front-Parks> (last visited May 23, 2018).

¹¹ City of Fernandina Beach, <https://www.fbfl.us/785/Beach-Accesses-Accessibility> (last visited May 23, 2018).



beach access points, beachgoers have accessed the oceanfront through the dry sand area landward of the mean high water line and utilized the dry sand portion of the beach for recreational purposes.

The City of Fernandina Beach began lifeguard and ocean rescue services on the beach as early as the 1940s.¹² The City of Fernandina Beach provides ocean rescue and lifeguard services to the public during the high season from Memorial Day to Labor Day, for both City and County beaches. There are sixteen lifeguard towers located from North Beach Park at the north end of the island to Burney Park at the south end.¹³ The towers are located in the dry sand portion of the beach, generally landward of the mean high water line.

Nassau County Comprehensive Plan Policies

Nassau County's 2030 Comprehensive Plan¹⁴ includes policies relative to public access to beaches and waterways in the Recreation and Open Space Elements and the Coastal Management Element. Intention behind the policies is to ensure continued public access to these natural resources within the County. The policies are as follows:

Recreation and Open Space

Objective ROS.02: The County shall assure appropriate multi-modal access to all public recreation areas maintained by the County, including beach and waterfront facilities. Recreational facilities required for new development shall be constructed to maximize appropriate multi-modal access.

Policy ROS.02.04: The County shall require as a condition of site plan approval, that easements for public beach access be provided by a developer of beachfront property, at an average of one-half mile intervals.

Policy ROS.02.05: As a condition of development approval, all developers constructing recreational facilities shall be required to provide adequate access of all kinds to recreational facilities and public water bodies to meet Objective 7.02.

Policy ROS 02.06: The County shall provide in the Land Development Code a requirement that any access to public beaches and shorelines or other recreational sites required as a condition of concurrency or development approval, shall be of sufficient size to accommodate adequate vehicular parking and bicycle racks within the access easement.

Coastal Management: Water-Dependent Uses

Objective WDU.01: The County will maintain, improve, and increase public beach access through acquisition and other land use controls.

Policy WDU.01.01: The County shall maintain inventory and analyze existing public beach access and demand to establish future beach access requirements based upon projected populations.

¹² *Looking Back*, Fernandina Beach News-Leader, July 30, 2004.

¹³ City of Fernandina Beach, <https://www.fbfl.us/517/Ocean-Rescue> (last visited May 23, 2018).

¹⁴ Nassau County 2030 Comprehensive Plan, <http://www.nassaucountyfl.com/769/2030-Comprehensive-Plan> (last visited May 23, 2018).



Policy WDU.01.02: The County will require the dedication of public access to beaches or waterfront areas as a condition of development for Planned Unit Development (PUDs) and Developments of Regional Impact (DRIs) located along the Atlantic Coast beaches or the Intracoastal Waterway.

Policy WDU.01.03: The County will not vacate existing easements, rights-of-way, walkways and other properties necessary for public access to beaches and shores.

Policy WDU.01.04: The County will seek grant funds to acquire and develop beach access points that are convenient to the public and suitable based on the surrounding public roads, topography, and ecology.

Policy WDU.01.05: Private land owners adjacent to public beach access points, including easements, will not be allowed to restrict public access to the beaches through those access points.

Policy WDU.01.06: The County shall maintain and preserve current facilities which provide for vehicular accesses to the beach; including, but not limited to, driving to, driving on, and parking on and adjacent to the beach at locations which the County and the Florida Department of Environmental Protection (DEP) determine that such activities do not adversely impact upon the ecology of the beach or dune system.

Exhibits:

A: Photo Series from Nassau County/Amelia Island Beaches

This photo series illustrates historic use of the Nassau County/Amelia Island Beaches from the 1890s through present day.

B: Historic Aerials of Nassau County/Amelia Island Beaches

This map series utilizes historic aerial photographs of Nassau County/Amelia Island and overlays the Erosion Control Line (ECL) data onto the imagery.

C: Map Series of Nassau County/Amelia Island Beaches

This map series illustrates the Nassau County/Amelia Island beaches and includes information on the Erosion Control Line (ECL).

D: Map of Nassau County/Amelia Island Beaches with Historic Imagery

This map combines imagery of the Nassau County/Amelia Island beaches with historic images that are able to be roughly geolocated to specific points along the shore.