

BRIEFING DOCUMENT

SUBJECT: Opposition to Congressional action sought by the Harris Neck Land Trust, LLC to obtain lands within Harris Neck National Wildlife Refuge (McIntosh County, Georgia)

SUBMITTED BY: Friends of the Savannah Coastal Wildlife Refuges, Blue Goose Alliance, Coastal Georgia Audubon Society, Georgia Ornithological Society, and Ogeechee Audubon Society, [501 (c) (3) organizations]; Coastal Group of the Georgia Sierra Club [501 (c)(4)]

DATE: May 13, 2012

I. Summary of Harris Neck land ownership issue

The Harris Neck land controversy began in July, 1942 when the United States condemned 2,687 acres in McIntosh County, Georgia to build an airfield during World War II. Some of the landowners whose property was purchased at that time by the government were descendants of slaves who acquired tracts in the area known as Harris Neck after the Civil War. These African-American landowners and their descendants claim oral assurance was given that their land would be returned to them after the airfield was no longer needed by the federal government. They further contend that they were paid less than their white counterparts at Harris Neck for their land.

A General Accounting Office (GAO) study, initiated in July 1984 (at the behest of 1st District Representative Lindsay Thomas and Senators Sam Nunn and Mack Mattingly), investigated the government's role in obtaining the property and found no irregularities in the condemnation method used to acquire the 2,687 acres owned by 84 persons.

According to the GAO report, court records of the transaction show that the government paid an average of \$33.32 per acre for the land, and that of the 84 landowners involved, 59 were black, 19 were white, and six were racially unidentified. The 59 black owners held 89 tracts totaling 1,102 acres and received a total of \$29,653. The per-acre price ranged from \$2.44 to \$5,921, with an average price of \$26.90 per acre.

The GAO report also indicated that 19 white owners held 66 tracts totaling 1,532 acres and received a total of \$57,153. The per-acre price ranged from \$2.09 to \$1,260, with an average price of \$37.31 per acre. The six racially unidentified owners held 14 tracts totaling 53 acres and received a total of \$2,743; the per-acre price ranged from \$11.54 to \$325, with an average price of \$52.08 per acre.

The GAO investigation also reviewed, for comparative purposes, the purchase of nearly 280,400 acres by the government between 1941 and 1950 to establish the Fort Stewart Military Installation, located about 20 miles from Harris Neck. Of these purchases, 140,699 acres were acquired by condemnation at an average per-acre price of \$16.72, with another 139,707 acres acquired by direct purchase for an average per acre cost of \$16.86, about half of the amount paid for the Harris Neck property.

II. Actions to reclaim lands within Harris Neck National Wildlife Refuge

The first organized attempt by descendants of the pre-airfield era owners to reclaim Harris Neck land occurred on April 27, 1979 when Edgar Timmons, Jr., Hercules Anderson, Chris McIntosh, Ted Clark, and others of the group known as "People Organized for Equal Rights" entered Harris Neck National Wildlife Refuge with the intention of asserting Timmons' claim to the land. The group constructed camp sites without permits or authorization. By April 30, 1979, there were

approximately 40 individuals camped on the refuge. A court order was issued to remove the demonstrators; four that defied the order were arrested. A suit filed by group representative Edgar Timmons was heard by the 7th District Court in Savannah. Judge B. Avant Edenfield found no evidence to support the group's claim and ruled that the land belonged to the United States government. The case was appealed to the 11th Circuit Court of Appeals in Atlanta, and they upheld the lower court's ruling

On April 17, 1982, Mr. Timmons held a press conference and stated that if meaningful dialogue was not established with the Reagan administration, another occupation of the refuge would occur on July 27. In July, Mr. Timmons met with officials of the Interior Department and cancelled the proposed "seizure." Mr. Timmons later stated that progress was being made and he expected the return of 800-1,000 acres within seven months.

On December 30, 1982, U. S. Fish & Wildlife Service's Southeast Regional Director James Pulliam sent a response to Mr. Timmons in regard to his group's proposed action. Mr. Pulliam stated that the proposal was incompatible with the laws which govern refuge lands and would destroy wildlife values that the Service is mandated by law to protect and preserve. He further stated that the Service desired to assist the local citizens by providing a new crabbing dock and boat ramp on the refuge at Barbour River Landing. These facilities would support the livelihood of the former Harris Neck community's watermen. A new dock, to be used exclusively by permit holders, was constructed in 1985. The boat ramp was also opened in 1985. As of May, 2012, only two special use permits have been requested and issued for membership in Barbour River Watermen's Association authorizing use of the dock.

In 2006, the Harris Neck Land Trust, LLC was formed by a group of Harris Neck community descendants. Their mission is to reclaim 2,687 acres now included in Harris Neck National Wildlife Refuge. In response to repeated appeals for another Congressional review of their claims, U. S. Representative Jack Kingston facilitated a hearing by the U. S. House of Representatives Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs on December 15, 2011. (An earlier hearing was held by the House of Representatives Committee on Merchant Marine and Fisheries on September 27, 1979 at the request of U. S. Representative Bo Ginn) The 2011 hearing again focused on ownership rights concerning Harris Neck National Wildlife Refuge. One representative from the U. S. Fish & Wildlife Service was invited to testify; one from the Friends of the Savannah Coastal Wildlife Refuges; and five from the Harris Neck Land Trust. At the conclusion of the hearing, Representative Kingston requested that the Service provide all documents they possess relative to the acquisition of lands now managed as Harris Neck National Wildlife Refuge. No additional hearings were scheduled.

III. Management of Harris Neck National Wildlife Refuge

Since its establishment in 1962, wildlife management and public use programs were developed for Harris Neck National Wildlife Refuge (NWR). Freshwater impoundments were created to provide habitat for waterfowl and wading birds; grasslands were maintained for rare species of sparrows; nest structures and trees were added to support a rookery for the endangered wood stork; long leaf pine forest habitat was established; and prescribed burning has been employed to enhance existing habitat for a variety of native wildlife. Opportunities for wildlife-dependent recreation draw increasing numbers of visitors, with annual visitation (2011) exceeding 90,000. Facilities specifically developed for the public include two fishing piers; an all-tide boat ramp providing free public access to the Barbour River and the Intracoastal Waterway; a four-mile interpretive auto tour

route; eight designated bicycling/hiking trails; and a combination office/visitor contact station accommodating refuge visitors. Adjacent to the latter facility, a field office was constructed for the Ecological Services Division of the U. S. Fish & Wildlife Service.

IV. Opposition to Land Trust claims to refuge land

Friends of the Savannah Coastal Wildlife Refuges, the Blue Goose Alliance, Coastal Georgia Audubon Society, Georgia Ornithological Society, Ogeechee Audubon Society, and the Coastal Group of the Georgia Sierra Club oppose the Harris Neck Land Trust's claim to refuge land based upon the following considerations:

- The comprehensive GAO 1984 Report, "The Federal Government's 1943 Acquisition of Land at Harris Neck, Georgia," addressed the land payment issues and, as stated in the report, "...found nothing in the government's existing Harris Neck land acquisition records indicating that any irregularity in land acquisition occurred, or that any repurchase commitments were made to the former landowners."
- Claimants cite ownership of 2,687 acres within Harris Neck NWR; African Americans owned only 41% of this acreage, yet they propose plans for all refuge lands which now number 2,824 acres (additional acreage was acquired through The Nature Conservancy)
- Claimants cite a disparity in payments made to African American landowners compared to whites. GAO figures indicate that one white woman, Lily Livingston, owned the most valuable property: 55.89 acres at Thomas Landing—including a mansion, complete with an indoor swimming pool, formal gardens, and a deepwater dock on the South Newport River to accommodate yachts. It is logical to conclude that this tract was worth more than any others. In addition, the War Department's real estate map of Harris Neck Army Airfield (May 31, 1945) clearly illustrates that some tracts owned by African Americans were mostly marshland, for which they were also paid (one tract owned by William Timmons was 312 acres of salt marsh).
- Approximately 43% of the total payments to white landowners went to Lily Livingston (\$24,764) for her 55.89 acre tract (#143) with the aforementioned assets. If this payment is removed from the equation, the average price per-acre paid to the white owners (\$21.93) is less than what was paid to black owners (\$26.90). [$\$57,153 \text{ minus } \$24,764 = \$32,389$; $1,532 \text{ acres minus } 55.89 = 1,476.11$; $\$32,389 \text{ divided by } 1,476.11 \text{ acres} = \21.93 per acre]
- The highest per acre price was paid for tract #125 (0.38 acres), on which the First African Baptist Church was located; a \$5,921 per acre price was paid for this small tract. This price reflects payment for assessed improvements (i.e. church structure) in addition to land value. Similarly, \$2,350 was paid for tract #148 on which a school was constructed (payment included the assessed value of the school building which was retained by the Army for administrative offices).
- Many of the tracts included in the Harris Neck community remain overlaid with concrete or asphalt used in the creation of runways and associated roads; claimants do not propose the return of each tract to the original owner's descendants. They propose use of tracts never included in the African American community.

- Proposed “in-holdings” within the refuge are not an option if the integrity of the refuge is to be maintained. The refuge already will face carrying capacity decisions as coastal development continues. Building lodges and a community center would be totally incompatible with wildlife management goals. Visitation now is limited to daylight use except at the Barbour River Landing where the boat ramp can be accessed from 4:01 AM to 11:59 PM. For five or six months every year, extensive areas are closed to prevent disturbance to the endangered wood storks in their roosting and nesting sites. When prescribed burns are required, the refuge is closed. During managed hunts, only hunters are allowed on the refuge. A viable wildlife program would not be possible on this small refuge (less than 1,000 acres of high ground), if residential and commercial development occupied even a fraction of the land. The Trust (not a non-profit organization) proposes that every former land owner claim four acres. Using the GAO figure of 84 former owners (African American and white), 336 acres would be slated for residential use. Add to this the acreage for the proposed community/commercial enterprise, and less than 500 acres of high ground might be left for wildlife purposes.
- The contention that the Harris Neck community has been deprived of their fishery resource-based livelihood is invalid. The Barbour River dock was constructed expressly to benefit the community’s shell-fishing enterprise. Original construction costs combined with maintenance for this facility have now consumed over \$2 million taxpayer dollars. None of the African American land owners possessed deep water tracts.
- Claimants refute evidence provided by archeological surveys conducted on the refuge identifying numerous sites of cultural significance to Native Americans. Any development impacting these sites would require tribal review. Protection of such sites by the U. S. Fish & Wildlife Service is mandated by law.

Briefing document signatories:

Friends of the Savannah Coastal Wildlife Refuges
 Patricia E. Metz, Harris Neck NWR Liaison
 patmetz@darientel.net

Blue Goose Alliance
 Ron Fowler, President
 rfowler64@verizon.net

Coastal Georgia Audubon Society
 Marge Inness, President
 minness@att.net

Ogeechee Audubon Society
 Dorothy Bambach, President
 dotbam@bellsouth.net

Georgia Ornithological Society
 Jim Ferrari, President
 president@gos.org

Coastal Group of the Georgia Sierra Club
 Steve Willis, Chair
 snwillis@yahoo.com