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Cumberland Island NS Visitor Use Management EA

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Project: Cumberland Island NS Visitor Use Management Plan
Document: Cumberland Island NS Visitor Use Management EA

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Dear Superintendent Ingram:

Enclosed are comments from Wilderness Watch on the Environmental Assessment (EA)for the Visitor Use Management Plan (VUMP). Wilderness Watch is a national nonprofit wilderness conservation organization dedicated to the protection and proper administration of the National Wilderness Preservation System. We refer you to our letter of October 23, 2015 and our scoping comments of May 10, 2019, which have largely been ignored. We also refer you to the excellent detailed comments from Wild Cumberland. We have serious concerns with the proposed plan because of the harm to Wilderness and wildlife. Further, it violates statute and policy.

Comments: Background/Introduction

A deeply troubling aspect of the proposal--and of the supposed current condition, EA page 29-- would allow illegal use of mechanized and motorized vehicles on routes within the Wilderness (see the map, EA page 35).* There are three longer routes—the South Cut Trail, the route accessing the north end of the Coaster Trail, and the route heading to Table Point from near the vicinity of (a bit south and east of) Plum Orchard--and one short spur indicated on the maps on pages 29 and 35, improperly shown as open for motorized and mechanized use. This is reminiscent of illegal use the Park Service promoted inside the Cumberland Island Wilderness, use which was struck down by the 11th Circuit Court of Appeals. The excuse that Park

Service policy allows or maybe even requires administrative routes to be open to bicycle and e-bike use is wrong (EA page 77). Policy does not trump statute, in this case the Wilderness Act. No routes can be legally open to motorized and mechanized use in the Wilderness, with the very narrow exceptions of retained rights or administrative use that meets the high bar of being the minimum necessary for the protection of the area as Wilderness.

Even public bike and e-bike use of the use of the routes excluded from the Wilderness in the 2004 legislation has controls and limits. As such, those routes, contrary to what the EA claims on page 38, can and should be closed to bicycle and e-bike use.

The VUMP would violate the legislation that established the National Seashore. It would also contravene the existing direction in the General Management Plan (GMP) by deceptively revising the GMP through this VUMP, which is backward as the VUMP should be consistent with and tiered to the GMP. All this would be done with the goal of increasing visitation and commodification of Cumberland Island.

Wilderness

The two alternatives would damage the Wilderness and its character. We have already discussed the problem of illegal bicycle (mechanized transport) and e-bike (motorized) in the Wilderness and introduced the problem of that use adjacent to Wilderness. We summarize this and other key wilderness issues in the bullet points below then comment in more detail on the wilderness issues and analysis presented in the EA.

- Immediately, the NPS must ban and enforce vehicle use in Wilderness as per section 4(c) of the Wilderness Act. The no-action alternative, as portrayed in the EA, is currently illegal on the four trails mentioned above. The no-action alternative must be altered to reflect what is legal and all other alternatives must comply with the Wilderness Act. Motorized and mechanized use destroys Wilderness so it is no longer "in contrast with those areas where man and his own works dominate the landscape" and is just another recreation area.

- Bicycle use should be banned north of the southern boundary of the Wilderness. This kind of mechanized transport is not in keeping with the primitive nature of the Wilderness or land immediately adjacent to the designated Wilderness. The advanced technology used in modern bikes almost assures the island's primitive roads and trails would be illegally swarming with bikes. And with the advent of motorized e-bikes any opportunity to experience Wilderness on Cumberland will vanish. While bike rather than automobile access to Plum Orchard might make sense, it would likely be impossible to control bike use in the nearby Wilderness. We have already documented this

problem in our 2015 letter. The statute that adjusted the wilderness boundary was directed exclusively at allowing very limited tour (vans, but horse-drawn carriages would be more keeping with the character of the island) along the excluded routes. Increasing use is contrary to the limited scope of the allowable use in the wilderness exclusion corridors mentioned in the statute.

- The VUMP presents no data on carrying capacity or the studies used to determine the allocations on pages 25 and 26 of the EA. What is obvious, however, is that the PAOT (people at one time) figures on the charts on these two pages greatly exceed the 300 persons per day figure ceiling required by the General Management Plan (GMP, EA pages 1 and 2). While a PAOT figure is not exactly the same as 300 visitors per day, it gives a good approximate indication for the Wilderness. That is because the remote nature, relative size, and slower way to travel in Wilderness all suggest visitors to the Wilderness would likely spend most of the day there. As such, the figure of 210 PAOT in the Wilderness (page 25) seems excessive. The VUMP needs to document and summarize any site-specific studies concerning impacts of visitor use.

- Instead of building new campgrounds in the Wilderness (Toonahowie and Sweetwater Lakes), allow dispersed camping on a regulated basis in the Wilderness. This could be monitored and have restrictions put in place to prevent damage to wildlife, beaches, soils, vegetation, etc. For example, restrictions on campfires, party size, camping on the beach or areas frequented by T&E species, etc. However, the number of people allowed to camp should not be increased. In fact, it may need to be decreased.

- The VUMP does not address the potential and recommended wilderness in any meaningful way. In fact, these terms, though different, seem to be used interchangeably in the VUMP. ** NPS policy is to administer potential wilderness as Wilderness except for the specific non-conforming uses, which are to be eventually ended, and to administer recommended wilderness as Wilderness. The VUMP does not address in any site-specific manner the potential or recommended wilderness. Rather, the analysis conflates Wilderness and potential and recommended wilderness in such a way as the reader doesn't know what precisely is being discussed. The few examples in the EA (pages 70 to 73) all come from the Wilderness, but the analysis states it applies to recommended and/or potential wilderness too.

The existing condition for Wilderness, potential wilderness, and recommended wilderness is opaque, lacks necessary information, and not well presented. The EA does not explain why the potential wilderness boundary has changed from the map in the GMP to the map in the VUMP. The EA does not reveal, in map form, whether recommended wilderness exists, though it is mentioned in the EA on page 72 in a subheading which suggests only impacts to recommended are analyzed (though it appears only impacts to Wilderness are analyzed).

Nowhere in the VUMP's EA is the existing condition of the Wilderness, informed by monitoring data, presented. We are promised future monitoring, lacking in specific locations or methodology, "Implementation of monitoring indicators for encounter rates on trails in the wilderness area of the island to measure opportunities for solitude would allow NPS management to use adaptive management strategies if this opportunity were threatened." EA at 73. We don't know the current number of day users or PAOT in the Wilderness, the average number of camping permits in Wilderness and how that tracks with the maximum allowable use, the extent of visitor impacts to Wilderness on the vegetation or other resources, or how much illegal bicycle and e-bike use occurs in the Wilderness. This lack of information is even worse for the potential and/or recommended wilderness. Without baseline monitoring, impacts from the two alternatives can't be properly evaluated.

The analysis of impacts is also short on specifics. The longest analysis of impacts is found in the paragraph about the proposed Camden Spaceport, 3.5 miles away, and that is found in the existing condition section (EA pages 71 and 72). The EA states on page 72, without quantification, "During clearing of vegetation at Sweetwater Lakes campsites, the potential use of small, mechanized equipment would temporarily adversely impact the opportunities for visitors to experience the opportunities for solitude or primitive and unconfined recreation quality." This is not adequate.

Further, nowhere in the EA from a wilderness perspective is the use of prohibited means justified for building campsites in the Wilderness. It is not in the EA and there is no analysis examining whether the new campground is necessary nor whether the use of motorized equipment is the minimum required. Therefore, it is not the minimum necessary for preservation of the area as Wilderness. We have suggested a better option the NPS should further develop and analyze, dispersed camping on a regulated basis that would avoid the negative impacts of the proposed action and reduce impacts from the existing situation. In fact, the EA on page 72 "dispersing these [visitor] uses throughout the wilderness area would result in beneficial impacts" and is a tacit recognition Wilderness is better served by what we have proposed.

The EA cites to Landres and others who dissected and fragmented the eloquent whole of Wilderness. It was an exercise in reductionism. From our communications with Landres, the main purpose behind this exercise was to be able to objectively monitor changes in wilderness character in the National Wilderness Preservation System. Hence, the protocol titled Keeping it Wild and Keeping it Wild 2. While this process to define wilderness character was undoubtedly a well-intended effort, as time has passed, it is clear it has serious negative unintended consequences for Wilderness. Other wilderness specialists and researchers recognize these failings in their pointed critique (see Cole et al. 2015). A prime example of a negative consequence is the erroneous idea that managers could trade off various components of wilderness character against

each other, thereby reducing the Wilderness Act into a procedural process via an EA and/or MRDG, rather than a substantive law. This management mindset, which effectively repeals and rewrites the Wilderness Act, is a recent development. It is doubtful even those wilderness specialists who defined wilderness character in a reductionist manner would concur with using it to make tradeoffs between various components of wilderness character or as a means to make decisions such as those proposed in the EA for motorized use to construct new facilities for new wilderness campsites.

Similarly, the EA errs by suggesting that Wilderness can be degraded in order to maximize visitor experience. One of the bullet points on page 10 of the EA is titled, "Balancing Wilderness Character and Visitor Experience." This flies in the face of the Wilderness Act and the 11th Circuit Court's ruling that the Wilderness Act is not about balancing, but protecting Wilderness.

Also, the VUMP EA (pages 72 and 73) does recognize that day use will increase due to increased development at Plum Orchard and that would have negative impacts on the adjacent Wilderness. However, it suggests since the use would likely not go far into Wilderness, it is of little consequence. At best, this is allowing degradation of the Wilderness and, at worst, it's effectively an administrative de-designation of that part of the Wilderness. In any case, it is not in conformance with the letter or spirit of the law.

Appendix F, the commercial needs assessment in Wilderness, has some serious flaws. It conflates the public purposes (plural) or uses in section 4(b) of the Wilderness Act with the overriding purpose (singular) in section 2(a) of wilderness preservation by stating, "the purpose of the wilderness is to protect the recreational, scenic, scientific, and historical values present within the wilderness boundary." EA page 155. Section 2(a) of the Wilderness Act is clear. The "purpose" is "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness." Or as Howard Zahniser, the author of the Wilderness Act, said in 1962, "The purpose of the Wilderness Act is to preserve the wilderness character of the areas to be included in the wilderness system, not to establish any particular use."

Commercial services, understood as outfitting and guiding are nonconforming uses that "may" occur in Wilderness to meet a special Wilderness need. They are not grandfathered in the Act and are an exception that may be allowed under narrow and appropriate circumstances, not one that must be allowed under any circumstances. The NPS has not made an adequate determination of need for commercial services. For example, the EA stretches the definition to include commercial filming. Rather than showing restraint, Appendix F of the EA lists many activities as proper in Wilderness, few if any of which occur now. For example, it is hard to understand how guided non-commercial photography is both necessary and proper. That could easily occur

outside of Wilderness. The same is true for fishing. We question the need for any more commercial services, given the fact the Wilderness is small by most standards and the carrying capacity is determined to be small.

NEPA, Planning, and Other Values

An EIS is needed. Reasons include:

- The scope of the proposal is too large for an EA. The interrelated issues in the VUMP, which calls for greater use, create cumulative impacts and connected actions that have not been adequately evaluated.
- The EA lacks monitoring information on almost every measurable component of visitor use and those impacts. The carrying capacity figures seem to be picked out of the air and don't appear to be based on any monitoring data. This baseline is absolutely essential.
- Significant impacts will occur to rare species. The EA even recognizes these concerns, especially as they relate to species listed under the Endangered Species Act, but fails to conduct the required analysis.
- An adequate range of alternatives does not exist. For example, not one corrects the failure of the NPS to keep motorized e-bikes and mechanical bicycles out of the Wilderness as the law requires. There is no alternative that would limit visitor use over current numbers even though there is an alternative, the preferred option, that increases visitor numbers and impacts.

The proposed VUMP is inconsistent with the enabling legislation and the current GMP. The law directs in Section 6(b):

“Except for certain portions of the seashore deemed to be especially adaptable for recreational uses, particularly swimming, boating, fishing, hiking, horseback riding, and other recreational activities of similar nature, which shall be developed for such uses as needed, the seashore shall be permanently preserved in its primitive state, and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions not prevailing, nor shall any road or causeway connecting Cumberland Island to the mainland be constructed.”

This proposal violates that direction by creating more facilities. That and some of the proposed rezoning is also in violation of the existing GMP. This VUMP should tier to the GMP, not the other way around. If the NPS feels a need to revise the GMP that should be done before this VUMP is undertaken.

The part of the analysis in the EA that is most revealing deals with wildlife and fish, especially rare species. If the EA is to be believed, the impacts to one or more listed species should cause a jeopardy opinion. Given the precarious situation of these species, including the impact of global warming (i.e. manatees moving north), any increases in human use would be significant.

In our scoping comments we prefaced a list of suggestions, some of which we have restated and expanded upon in this comment. In order to meet the intent of the legislation we stated:

In keeping with the direction of the statute establishing the national seashore and the CI Wilderness, all decisions affecting the lands north of the south boundary of the Wilderness should be designed to allow the island to return to a more wild and primitive condition. South of the wilderness boundary development should be limited to only which is necessary to administer the Island and protect the natural and cultural values from harm.

We that in mind, we reiterate some of the points made in previous comments that apply to the entire Seashore:

- Don't create new campsites accessible by canoe, kayak or small boats.
- Forego development at Settlement and Long Point. Consider moving the church to the south end of the island where it can be more easily accessible and will obviate much of the motorized use through or adjacent to the Wilderness.
- Keep the 300 person per day limit in place.
- With the exceptions of retained rights and any statutory motorized access via the NPS, ban vehicle (motorized and mechanized) access to the beach. While the State of Georgia controls the beach itself below the high tide line, the Park Service controls road access to the beach. This will enhance the solitude of the Wilderness and other portion of the Seashore.
- Do not have paid guided tours between Sea Camp, Dungeness, and Plum Orchard and do not offer kayak rental at those locations. Commercialization needs to be kept to a minimum. The plan should consider ending the Lands and Legacies Tours, or, if not possible, recommend that the statute be changed to allow ending those tours. In the interim, if those Lands and Legacies Tours, (and any other commercial services in the Seashore at the south end) were conducted via horse-drawn carriages rather than motor vehicles, that would be more keeping with the character of the island.
- Ferry access to Plum Orchard should only be considered if the statutes would allow the NPS to close or regulate the road access to the area. In any case, visitor numbers at Plum Orchard should not increase if a ferry system is

allowed.

In sum, the proposed VUMP violates the Wilderness and the Wilderness Act, the enabling legislation, and the GMP. It should go back to the drawing board. Please keep Wilderness Watch updated on this proposal.

Sincerely,

Kevin Proescholdt
Conservation Director

* The map on page 2 of the 2014 Foundation Document more closely reflects what is legally the current condition. It clearly shows the wilderness boundary and clearly marks the South Cut Trail and the north end of the Coaster Trail as trails, presumably closed to motorized and mechanized transport. However, that map is not clear whether motorized and mechanized use is prohibited on three routes in the Wilderness, marked with a solid line, that go from near Plum Orchard to Table Point, to Duck House Trail, and to the junction of Main Road and Plum Orchard Road. Further, the map on page 55 of the Foundation Document erroneously labels routes in the Wilderness as Park Roads, repeating the kind of errors that forced citizens to successfully sue the agency.

** It is clear from the various pieces of legislation, the VUMP EA, and the Foundation Document that there is a potential wilderness category and where it may be located, though there are discrepancies between various maps. However, the VUMP EA does not explain the background of a recommended wilderness category on Cumberland Island, which would have come through an agency planning process, or map where that category may be located.

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