

CUMBERLAND ISLAND NATIONAL SEASHORE

ENVIRONMENTAL ASSESSMENT

NORTH END ACCESS AND TRANSPORTATION MANAGEMENT PLAN

ERRATA

As required by the National Park Service (NPS) Director's Order No. 12, the following errata sheets respond to all substantive comments submitted on the document entitled "North End Access and Transportation Management Plan/Environmental Assessment" (TMP/EA).

Substantive comments from various individuals and organizations have been consolidated and paraphrased for purposes of this document. The comments, with NPS' response, are set forth below. They follow a brief description of how the selected alternative (revised Alternative 3) differs from the preferred alternative (Alternative 3) in the draft TMP/EA.

Summary of Differences:

The original Alternative 3 called for incorporation of a shuttle service that would stop for day-hikers at the various intersections of wilderness trails and road corridors on the north end of the island. Under revised Alternative 3, the NPS will *not* implement such a shuttle service. Public comments and consultation with the U.S. Fish and Wildlife Service (USFWS) has prompted NPS to conclude that a north-end shuttle would degrade the wilderness character of the Cumberland Island Wilderness and increase the possibility of disturbance to special status species, especially shorebirds. To protect these resources and values, while providing additional visitor access to the Cumberland Island Wilderness, Revised Alternative 3 would still allow day-use hikers to leave tours, but only at two locations. Specifically, day-use hikers could leave tours at Plum Orchard and The Settlement. These stops are located at some distance from the beach and the wilderness boundary, but close enough to allow hikers to access trails.

1. Comment: The draft TMP/EA fails to address Section 145(b) of Public Law 108-447, which calls for tours of and to the Seashore. Section 145(b) effectively amended the park's enabling legislation to allow for tours to and of the island. The TMP/EA ignores this change. The TMP/EA only addresses Section 145(a) of the Act, which adjusts the wilderness boundary and calls for tours to the historic sites adjacent to the wilderness.

Section 145(b) does not mandate, or even suggest, where tours of the Seashore should go, but merely amends the Seashore's establishing legislation to authorize concession-led tours for visitors. Nothing in Section 145(b) provides that tours – whether led by NPS or a concessionaire – must cover every part of the island.

In deciding where tours should go, the NPS has been guided by the Seashore's establishing legislation, as amended. This legislation provides that the Seashore is generally to be preserved in its primitive state. Specifically, the establishing act states that,

[e]xcept 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 a 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 now prevailing....

(Public Law 92-536, Section 6(b)).

While Section 145(b) of Public Law 108-447 (2004) amended the foregoing provision, it did so in only a limited way. As amended, the act now provides that, notwithstanding (a) the general mandate (with exceptions) to preserve the island in its primitive state, and (b) the general prohibition against plans for the convenience of visitors, the Secretary of the Interior may enter into not more than three concession contracts, as the Secretary determines appropriate, for the provision of tours to visitors. In other words, concession-led tours for visitors are no longer prohibited by the terms of the legislation, but may be allowed as the Secretary deems appropriate, so long as they do not exceed three in number. The TMP/EA, as modified in revised Alternative 3, is consistent with this reading of Section 145(b). The final TMP/EA provides that as demand and economic conditions warrant, the NPS may enter into up to three concession contracts for the provision of tours to visitors.

Since tour locations are not prescribed by law, the NPS has established such locations by looking to the purpose of the Seashore, as set forth in the establishing Act, as well as prescriptions in the Seashore's General Management Plan and other approved management documents.

2. In rejecting motorized trips on the beach, the NPS has improperly relied on language in the Seashore's establishing act requiring that the Seashore generally be preserved in its primitive state. That mandate was specifically superseded by the terms of Public Law 108-447.

Please see response to Comment 1. Public Law 108-447 amended, but did not abolish, the requirement that the Seashore generally be preserved in its primitive state. The

modification passed by Congress provides that the NPS may authorize concession-led tours for visitors without running afoul of the overarching requirement that the island be permanently preserved in its primitive state. In implementing the Seashore's establishing legislation, as amended by Public Law 108-447, the NPS must balance access to Seashore resources via tours and appropriate facilities with permanent preservation of the island's primitive character. In this regard, it should be noted that Public Law 108-447 specifically provides that any concession-led tours authorized by the Secretary of the Interior are to be consistent with the Seashore's establishing act, the Wilderness Act (16 U.S.C. 1131 et seq.), and the Cumberland Island Wilderness legislation (Public Law 97-250).

3. Comment: The TMP/EA violates both National Environmental Policy Act (NEPA) and Public Law 108-447 because it does not include an alternative that allows motorized access to the island as a whole, including motorized access to the beach. Public Law 108-447 calls for tours of the Seashore, not just parts of the Seashore. The act removed North Cut Road from wilderness specifically to allow access to the north end of the island by way of the beach. It removed the beach from potential wilderness for the same reason.

Nothing in Public Law 108-447 or its legislative history expressly indicates that Congress intended for the NPS to provide driving tours of the beach or to provide access to the north end of the island via the beach. While it is true that Congress intended for visitors to have motorized access to the beach, the act does not mandate driving on the beach itself. Neither does the legislative history indicate that driving tours are to take place on the beach. House Report 108-738 merely states that removing North Cut Road from wilderness "would allow for controlled vehicular access to ... the beach at the north end of the Island." The final TMP/EA is consistent with this direction because it allows for controlled vehicular access to the beach via North Cut Road. Specifically, revised Alternative 3 (the selected alternative) provides that guided tours may access the beach on the north end at the North Cut Road Crossing (aka Candler Beach Road Crossing), where vehicles will stop west of the primary dune line and visitors may take a managed walk out to the beach.

4. Comment: The NPS has violated Section 145(a) of Public Law 108-447 by abandoning a 2500 foot section of North Cut Road that goes out to the beach, effectively eliminating any access to the beach on the north end of the island. The TMP/EA overstates the impact that reopening the road would have on wetlands in order to justify abandoning the road.

The TMP/EA does not eliminate access to the beach. As noted above, revised Alternative 3 (the selected alternative) provides that select guided tours may access the beach on the north end at the North Cut Road Crossing (aka Candler Beach Road Crossing), where vehicles will stop west of the primary dune line and visitors may take a managed walk out to the beach. This route, which is commonly referred to (and is

signed as) North Cut Road, will allow access to the beach with minimal environmental impact. In the absence of a specific definition of "North Cut Road" in the legislation, the NPS interprets all references to North Cut Road in the legislation and accompanying map to be references to the North Cut Road and North Cut Road Crossing (aka Candler Beach Crossing). This approach accomplishes the intent of the legislation as reflected in House Report 108-738 without generating the expense and adverse environmental impacts that would result from re-opening the 2500 foot section referred to in the comment. The latter section was abandoned many years ago and has since grown up in thick vegetation. Using the abandoned section would require the clearing of a substantial amount of vegetation and the potential disturbance of eight jurisdictional wetlands, thereby generating adverse environmental impacts. Given that an alternate route is available, it is questionable whether the necessary clearances could be obtained for re-opening the abandoned section to the beach.

5. Comment: The NPS improperly rejected Alternative 4 as infeasible. This alternative, which would have allowed tours on the beach, was identified as the original preferred alternative in a Choosing by Advantages (CBA) analysis held at the park in September 2007. The subsequent biological assessment drafted by the NPS was drafted after the fact in order to justify the elimination of beach tours. The biological assessment overstates the potential impacts from beach driving in an attempt to deceive the public.

The results of the original CBA workshop were invalid – and were recognized as invalid at the time – because the environmental impacts from motorized tours of the beach had not been adequately factored into the analysis. In particular, the workshop took place before consultation had been completed with the USFWS and the Georgia Department of Natural Resources. During subsequent consultation with these agencies, the USFWS expressed significant concerns about the potential impacts that Alternative 4 could have on threatened and endangered species, particularly threatened and endangered shorebirds. In response, the NPS prepared a biological assessment for the draft TMP, as required by the Federal Endangered Species Act, 16 U.S.C. 1531 et seq. The purpose of the biological assessment was to (a) identify the potential impacts that the action alternatives could have on threatened and endangered species, and (b) specify proposed mitigation measures to reduce or eliminate any such impacts.

Once the biological assessment was completed, the NPS initiated the "reconsideration" phase of the CBA process. During reconsideration, Alternative 4 was determined to be infeasible due to environmental impacts. Alternative 3, as modified by the mitigation actions set forth in the biological assessment, was identified as the preferred alternative.

The biological assessment was included as an attachment to the draft TMP/EA released for public review and comment. The USFWS concurred with the findings of the biological assessment, but nevertheless had some remaining concerns about potential impacts to Threatened and endangered (T&E) species from the preferred alternative (Alternative 3) in the draft plan. Partly in response to these concerns, the NPS made

further changes to the TMP/EA to arrive at Revised Alternative 3. Revised Alternative 3 is the NPS' selected alternative.

6. Comment: The TMP/EA violates NEPA because it does not evaluate an alternative that involves non-motorized access to the north end of the island. The TMP/EA errs in its assertion that the legislation requires motorized tours.

Public Law 108-447 directs NPS to "complete a management plan to ensure that not more than 8, and not less than 5, round trips are made available daily on the Main Road north of the Plum Orchard Spur and the North Cut Road by the National Park Service or a concessionaire for the purpose of transporting visitors to and from the historic sites located adjacent to Wilderness." While it is true that this language does not expressly direct NPS to implement motorized trips to the north end, logistics on the island are such that the legislative requirement cannot be met without at least some use of motorized vehicles. Most visitors to Cumberland Island are day-use visitors who arrive by ferry at Dungeness dock at 9:45 a.m. and 12:30 p.m. In order for visitors to return to the ferry by 4:45 p.m. (the last ferry pick-up of the day), some form of conveyance is needed that can make the round trip in approximately 6 hours or less. Using motorized vehicles, the round-trip travel time from Dungeness dock to the north end, with stops, is between 3 and 5 hours.

Some commenters on the TMP/EA have suggested that horse-drawn conveyances be used for the trips, but travel times under this scenario would be much longer and difficult to coordinate with the ferry schedule from St. Marys. In any event, the NPS has determined that using horses for the trips is not feasible. One major consideration is visitor safety: the park recently dealt with an incident where a draft horse hooked to a wagon was challenged by some of the feral horses on the island. Ultimately, vehicles were required to screen the draft horse and escort it to safety. Other considerations are animal welfare and expense (costs for stabling, veterinary care, and weed-free feed). The NPS once stabled horses on the island for use in connection with ranger activities, but phased them out over time due to expense.

Other comments suggested that the round trips to the north end could be offered via bicycle rather than motorized vehicle. However, the language of the legislation explicitly directs NPS to develop a plan for "transporting visitors to and from the historic sites." This language indicates that it is NPS (or a concessionaire) that must transport visitors to the north end of the island. Bicycle rentals will continue to be offered, but such rentals do not meet the requirements of Public Law 108-447.

Modes of transportation were evaluated during an Alternatives and Consequences Workshop conducted after the close of the public scoping period in 2006. The alternatives analysis procedure used during this workshop consisted of an initial pre-screening, and a comparative evaluation process. The pre-screening phase provided an opportunity to review all modes of transportation suggested by the public including

several non-traditional modes; such as segways, golf carts, solar powered vehicles, horse drawn wagons and a variety of non-motorized methods of transport. The pre-screening phase served to advance only the alternatives that had a reasonable chance for implementation. During this phase, alternatives were assessed on overall feasibility and whether or not they met the Need and Purpose of the TMP/EA. For example, solar powered vehicles were eliminated because they have not been proven in this environment and could be unreliable due to heavy tree canopy on the Main Road or weather conditions on the island. The pre-screening was followed by a more detailed, comparative analysis of the remaining alternatives. The Final Alternatives and Consequences Report describing the workshop in more detail is on file with the NPS.

7. Comment: The NPS has exceeded its authority under Public Law 108-447 by including the option of a shuttle service to trailheads at the edge of the Cumberland Island Wilderness. The law only calls for transporting visitors “to and from the historic sites located adjacent to Wilderness.” Visitors should be required to remain with a tour for its entire duration, and return to the original point of departure.

As indicated in revised Alternative 3, the NPS has decided not to implement a shuttle service for the north end of Cumberland Island.

On the issue of NPS’ authority, it should be noted that the “North End Access and Transportation Management Plan” is intended to do two things: (a) arrange a mechanism for getting members of the public to the historic sites on the north end of the island, and (b) manage visitor transportation on the island as a whole. The legal authority for providing north end access is Public Law 108-447, which directs NPS to provide not more than eight and not less than five trips to the north end of the island per day. The legal authority for managing overall transportation on the island is the NPS Organic Act of 1916 (16 U.S.C. 1-1(a)), as amended by the General Authorities Act of 1970 (16 U.S.C. 1, 2-4). The latter statutes empower the NPS to “promote and regulate the use of federal areas” within the National Park System. Such “regulation” includes the preparation of GMPs for individual parks, as well as more detailed implementation plans, e.g., transportation plans.

8. Comment: Shuttling visitors to trailheads in the wilderness and otherwise increasing access to the north end of the island is inconsistent with the Wilderness Act. Increased visitation will result in adverse impacts to wilderness character.

For the reasons discussed below, the NPS has determined that a shuttle service on the north end of Cumberland Island is not appropriate because it would degrade wilderness character. Therefore, a north end shuttle service will not be implemented.

The original impetus for considering a north-end shuttle was to provide day-use visitors with additional opportunities to experience the Cumberland Island Wilderness. In

recent years, the nationwide demand for day-use opportunities in wilderness has increased dramatically. At Cumberland Island, visitors have long sought opportunities to experience more of the island than is possible on foot during the typical day visit. In this regard, it should be noted that the Wilderness Act envisions public use of wilderness. Providing increased access to wilderness is therefore not in and of itself a violation of the Wilderness Act. In fact, providing public access is entirely consistent with the Act so long as the wilderness is left “unimpaired for future use as wilderness” and wilderness character is preserved. See *NPS Management Policies* (2006) Section 6.1.

In considering whether to implement a shuttle, NPS has had to weigh the benefits associated with increased public access against possible impacts to wilderness character. The essential characteristics of wilderness, as outlined in *NPS Management Policies* (2006) Section 6.2.1.1, are as follows:

- The earth and its community of life are untrammelled by humans, where humans are visitors and do not remain.
- The area is undeveloped and retains its primeval character and influence without permanent improvements or human habitation.
- The area generally appears to have been affected primarily by the forces of nature, with the imprint of humans’ work substantially unnoticeable.
- The area is protected and managed so as to preserve its natural conditions.
- The area offers outstanding opportunities for solitude or a primitive and unconfined type of recreation.

Of these characteristics, the two most relevant for present purposes are (a) “undeveloped ... primeval character and influence,” and (b) “outstanding opportunities for solitude.” A number of comments on the TMP/EA asserted that a north end shuttle would degrade the primeval character of the Cumberland Island Wilderness and diminish opportunities for solitude. The NPS believes that these comments have merit. In reaching this conclusion, NPS has looked to a protocol that it and other Federal land management agencies are developing for monitoring impacts to wilderness character. The current draft of the protocol would direct NPS to measure impacts such as the following:

- unauthorized (user-created) physical development in wilderness;
- amount of visitor use / number of trail contacts;
- area of wilderness affected by access or travel routes outside of, but adjacent to, the wilderness;
- extent and magnitude of intrusions on the natural soundscape from outside the wilderness;
- type and number of agency-provided recreation facilities; and
- type and extent of management restrictions on visitor behavior to protect resources.

For each of the foregoing impacts, the more instances detected by monitoring, the greater the degradation to wilderness character.

After review of public comments, consultation with other government agencies, and additional internal deliberations, the NPS has concluded that implementation of a north-end shuttle service would result in a noticeable increase in impacts of the type described above, with corresponding adverse impacts to wilderness character. To minimize these impacts, while still providing increased access to the Cumberland Island Wilderness, the NPS has decided to drop the north-end shuttle, but allow day-use visitors to access the wilderness from Plum Orchard and the Settlement. Dropping the north end shuttle will have positive impacts on wilderness character by minimizing the time that motorized vehicles travel on routes adjacent to wilderness. On the other hand, allowing day-use access to the wilderness from Plum Orchard and The Settlement will likely result in some adverse impacts to wilderness character and resources. These impacts are anticipated to be minor to moderate and long term. The most notable impacts would likely occur with respect to the "solitude and unconfined recreation quality" aspect of wilderness character. These impacts would be due to (a) the increased amount of wilderness use near Plum Orchard and the Settlement, and (b) the concentration of use near convenient wilderness access points. Additional impacts would likely occur to the "natural conditions" aspect of wilderness character. These would include the potential disturbance of wildlife, especially near wilderness access points. Granting that some adverse impacts will likely occur, the potential for adverse impacts will be offset somewhat by the fact that there will be a 240 person per day limit for the tours (8 trips maximum, at 30 persons per trip), and only a small portion of this number will likely use the wilderness on any given day. Moreover, the trips will not be used to transport overnight visitors or their equipment to wilderness, so the trips will not generate additional impacts from increased overnight use. Should day use of the wilderness be higher than expected and threaten to result in "unacceptable impacts" (as defined in *Management Policies* (2006) Section 1.4.7.1.), NPS has both the authority and the duty to regulate visitor use to protect the wilderness resource.

9. Comment: The use of motor vehicles on the Main Road, North Cut Road, and the Plum Orchard Spur is incompatible with wilderness values.

In removing the Main Road, North Cut Road, and the Plum Orchard Spur from the boundary of the Cumberland Island Wilderness, Congress determined that the operation of motor vehicles on these unpaved roadways is compatible with wilderness values in the adjacent wilderness area. This determination is not without precedent. A number of areas in the National Wilderness Preservation System contain "cherry-stemmed" roads, i.e., roads bounded on either side by designated wilderness. Still others have active roadways as their boundary. For example, Richard B. Russell Scenic Highway in North Georgia serves as the boundary of both the Raven Cliffs Wilderness and the Mark Trail Wilderness, which flank it on either side. (These two wilderness areas are managed by the U.S. Forest Service.)

Congress' removal of the Main Road, North Cut Road, and the Plum Orchard Spur from the boundary of the Cumberland Island Wilderness will no doubt affect the visitor experience of some persons using the wilderness. This fact is acknowledged in the EA.

However, the operation of motor vehicles on these roads is not in and of itself incompatible with wilderness values.

10. Comment: NPS has failed to perform a “minimum requirements” analysis for motorized vehicles traveling to the north end of the island. The NPS has failed to meet its obligation to protect wilderness values as set forth in *Wilderness Watch v. Mainella*, 375 F.3d 1085 (11th Cir. 2004).

Because the Main Road, North Cut Road, and the Plum Orchard Spur are no longer within the wilderness boundary, they are not subject to wilderness management. Thus, while the judicial directives in *Wilderness Watch v. Mainella* still apply within the boundary of the wilderness itself, they no longer apply to the road corridors that Congress specifically chose to remove from wilderness. Similarly, there is no need for NPS to make a minimum requirements determination for vehicles traveling on the Main Road, North Cut Road, and the Plum Orchard Spur. Congress has effectively determined that NPS must provide motorized access to the north end of the island (please see response to Comment 6 above), and has specified the number of trips that NPS must make. As noted in the TMP, the NPS will change the types of vehicles it uses over time to take advantage of the most environmentally friendly, but practical, models available.

11. Comment: NPS should simply apply the Wilderness Act and not implement trips to historic sites on the north end of the island. The noise and other impacts associated with these trips would have adverse impacts on the Cumberland Island Wilderness and would not be consistent with the level of stewardship mandated by the Wilderness Act.

The NPS has a legal obligation to implement the express directives of Public Law 108-447, which include the requirement that trips be provided to the north end of the island. At the same time, NPS has a parallel obligation to apply the Wilderness Act in its management of the Cumberland Island Wilderness. The TMP was developed in such a way as to carry out the requirements of both Public Law 108-447 and the Wilderness Act by providing trips to the north end of the island, while minimizing to the extent possible impacts to visitor experience in the adjacent wilderness.

12. Comment: Providing increased access to the Cumberland Island Wilderness via a shuttle runs counter to a specific recommendation in the biological assessment regarding protection of special status species.

The concern that the biological assessment does not agree with the draft TMP/EA is well-founded. To resolve this discrepancy, as well as address concerns about impacts to wilderness character, the TMP has been modified to eliminate the proposal for a north end shuttle. The findings in the biological assessment remain unchanged.

13. Comment: The EA's assessment of impacts to wilderness character is inadequate, especially with respect to cumulative impacts. There is no "hard look" at how wilderness and wilderness character would be affected by the proposed action. The tours would impair wilderness character and values.

A number of comments expressed the concern that the TMP/EA does not adequately assess the impacts that a north end shuttle service would have on the Cumberland Island Wilderness. Partly in response to these concerns, NPS has re-considered the shuttle option and decided not to include it in the final TMP/EA.

However, as required by statute, trips will be offered to historic sites on the north end of the island adjacent to wilderness. The analysis in the EA briefly, but comprehensively, surveys the impacts that these trips will have on the Cumberland Island Wilderness and on visitor experience in the wilderness. The analysis is sufficient to determine that the impacts are not "significant" within the meaning of NEPA, i.e., they are not so extensive as to require the preparation of an Environmental Impact Statement.

As noted above, patrons of the tour service will have the option of accessing the wilderness from Plum Orchard or The Settlement. In this regard, a number of comments expressed the view, directly or by implication, that any increase in visitation to the Cumberland Island Wilderness will constitute an unacceptable impact to wilderness character and values. See NPS *Management Policies* (2006) Section 1.4.7.1. However, given that public access and recreation is one of the purposes of wilderness, increased visitor use does not in itself constitute unacceptable impact. See NPS *Management Policies* (2006) Section 6.1. It is the judgment of NPS that the actions in the TMP would not result in unacceptable impacts to the Cumberland Island Wilderness. The wilderness area at present receives relatively little use. Increased use would result in more use of the trails by day visitors and potentially make the trails more distinct on the landscape, but trails are a common and accepted feature of designated wilderness. It is, of course, possible that unacceptable impacts could begin to occur beyond a certain point. However, as noted previously, NPS has the authority and the duty to regulate use when such impacts appear, in order to prevent the possibility of impairment.

14. Comment: The TMP/EA arbitrarily defines a trip as two to three vehicles carrying up to 30 people. This definition is not required by Public Law 108-447. Limiting trips to one vehicle would better protect island resources, including the Wilderness area.

Assuming that NPS offers the statutory maximum of eight round trips per day, with up to 30 persons per trip, the TMP would allow up to 240 people per day to travel to the north end of the island. This number is in line with one objective of the TMP/EA, which is to make tours available to a majority of visitors within the park's 300 person-per-day visitation ceiling, while still maintaining a manageable tour size. This definition of "trip" is also consistent with the spirit of Public Law 108-447, which Congress enacted to make

resources on the north end of the island more accessible to island visitors. While it is true that NPS could have defined "trip" to consist of a single vehicle, such a definition would be less congruent with the intent of the legislation. Defining "trip" to consist of a single vehicle is not required by the legislation, and could be viewed by some as an arbitrary deviation from congressional intent.

When determining the definition of a trip based on potential visitor use, it was necessary to plan for maximum availability during peak visitation (March to May). This would also allow an assessment of the upper limit of potential impacts. At five trips per day or thereabouts, allowing each "trip" to include up to 30 persons would make access to the north end available to a greater percentage of the island's total daily visitation ceiling. In the past decade, visitation to CUIS has averaged approximately 43,500 people per year. However, based on the daily 300 visitor limit, visitation to the Seashore could be up to 109,200 visitors annually. Similarly, the definition of a trip was established to accommodate/limit peaks rather than set a standard for usage.

A number of factors will determine the daily configuration of a trip. Low visitor interest in the tours could potentially result in a tour consisting of three visitors in a sport utility vehicle. In the same way, attempting to conduct eight tours per day may present logistical difficulties that are insurmountable. In that case, NPS may end up conducting closer to five trips per day. For these reasons, the definition was left flexible to adapt to visitor and CUIS needs.

15. Comment: The TMP/EA fails to address how the tours, which will create a constituency for additional improvements and services, will allow the island to return to its natural state, as envisioned by the park's establishing legislation.

Congress never intended that all of Cumberland Island be returned to its natural state. Although Section 6(b) of the park's establishing legislation provides that the Seashore is to be permanently preserved in its primitive state, it provides an exception for portions of the Seashore deemed to be especially adaptable for recreational uses. Thus, some recreational improvements are envisioned by the Seashore's establishing legislation. Furthermore, Public Law 108-447 specifically amended Section 6(b) to allow for tours to the north end of the island. The NPS must therefore generally preserve the island in a primitive state, while allowing tours to proceed to the north end. As for the possibility of additional improvements and services associated with the tours, none are anticipated beyond those described in the TMP/EA. No such improvements or services will be forthcoming unless they are (a) consistent with existing or newly-enacted law, or (b) consistent with applicable management documents (e.g., the park's GMP or a revised TMP).

16. Comment: The NPS violated NEPA by preparing visitor facilities at the Alberty House prior to the completion of the NEPA process, i.e., before signing a Finding of No Significant Impact (FONSI) on the TMP/EA.

The NEPA process for repair/rehab and adaptation of the Alberty House was completed in 2007. The CUIS Superintendent determined that the project was categorically excluded from further NEPA analysis on April 13, 2007 (categorical exclusion C.4). With respect to the National Historic Preservation Act, the project was reviewed twice by the Georgia State Historic Preservation Office (SHPO). Both times the park received concurrence that the project would have no adverse effect (SHPO letters June 14, 2001, and May 21, 2007).

17. Comment: The EA mischaracterizes as “moderate” the impacts that the tours will have on the reserved estate holder who lives near the Settlement.

The NPS has a duty to protect the rights of those persons having reserved estates on the island. Accordingly, NPS will manage tour groups in such a way as to minimize noise and prevent people from wandering away from the historic resources that the trips will be designed to reach. As a mitigation measure, the TMP/EA also includes the development in the Settlement area of a buffer (probably vegetation) between public areas and the reserved estate. For these reasons, NPS believes impacts to holders of reserved estates will be moderate and adverse. There is no question that impacts will be higher than what they have been in the past, and NPS will endeavor to minimize these impacts. On the other hand, persons holding reserved estates in a national park unit can reasonably expect to encounter members of the public.

18. Comment: The NPS has apparently violated NEPA by “segmenting” this project, i.e., deferring treatment of certain issues (support facilities, maintenance, monitoring of impacts) to a later date.

Segmenting occurs when one large project is broken up into several smaller projects in order to disguise possible cumulative impacts. An example would be breaking a single pipeline project into several smaller projects along the same route. Such is not the case in the TMP/EA. The entire scope of the transportation plan for Cumberland Island is set forth in the TMP/EA. Likewise, the overall impacts of the project as a whole are analyzed. While it is true that certain details are being left for future planning, this is no different than what occurs when the NPS engages in other types of management planning. As details of implementation are worked out, additional NEPA analysis must and will be undertaken if impacts of a particular action (e.g., siting a maintenance shed) have not yet been addressed in the existing TMP/EA.

19. Comment: Why are the tours using the north loop road instead of north cut road?

The tours will use both North Cut Road and the north loop road. North Cut Road will be used to provide visitors with guided access to the beach on the north end of the island. In contrast, the north loop road will be used to provide visitor access to the historic sites located at the north end of the island, which include High Point Cemetery, Half Moon Bluff Historic District, and the Settlement. These sites are located along the North Loop Road (aka Old Cumberland Island Clubb Road); therefore, the tours of the historic sites will use this road.

20. Comment: The island and its facilities are not currently compliant with the American's with Disabilities Act (ADA).

Cumberland Island presents many challenges regarding full compliance with ADA. However, NPS is committed to ensuring that all new features associated with the TMP/EA will meet the requirements of ADA. For example, the Alberty House was recently updated for adaptive reuse and was completed with specific improvements to make the facility ADA compliant. Other specific improvements being considered as part of the TMP/EA are modifications to the Plum Orchard dock to provide ADA access improvements. Improved accessibility for CUIS visitors is the intent of this legislation and NPS staff is continually working toward meeting those expectations.

21. Comment: Concessionaires may not protect retained rights holders. They would have an economic interest contrary to the NPS and specific CUIS mission.

As described in the TMP/EA, specific criteria will be established to define limits for tour vehicles regardless of the party responsible for implementation. Control of tour destinations will also include mitigation measures that will ensure the protection of the retained rights holders. If it is determined that a concessionaire will be utilized as part of the TMP/EA to implement the tours to the north end of the island, NPS will develop a contract that defines specific limitations for acceptable activities conducted by the tour operator. Should the concessionaire violate any part of the contract, NPS will have legal recourse to ensure that the violations causing adverse impacts to retained rights holders or which may be contrary to the CUIS mission are remedied.

22. Comment: The American alligator has not been discussed as part of the evaluation for protected species.

Although the American alligator was previously a protected species it has since recovered to a point where it is no longer considered to be endangered or threatened by the USFWS or the Georgia Department of Natural Resources. However, because of the similarities to the crocodile, which is an endangered species, the alligator is protected. Since there are

no crocodiles on Cumberland Island, the issue of confusing the alligator with the endangered crocodile does not exist and has therefore not been evaluated as part of this EA.

23. Comment: The evaluation of impacts from dust is not adequate.

Dust related to vehicle passage will be a negligible to minor impact and confined to the road corridors and its immediate environs. Moisture, grain size, and low speeds help keep dust levels down, but it does occur during the summer and dry periods. Under those conditions vehicle traffic will cause fine particles to become airborne. Particles may rise 8-10 feet above the roadway and disperse outward to within approximately 10 feet on either side. The dust may linger in the air for a minute before settling back to the ground. The majority of the particles will settle back into the roadway with some settling onto vegetation along the right of way.

The material will have negligible to minor impacts on the roadside vegetation because, unlike clay or similar soils, the fine grain sands readily wash or fall off. The effect on island soils is negligible as the material used to maintain and repair the island's primary roads is taken from dredge spoil piles. Road material that has migrated to the edge of the tread is graded back into the bed. With respect to hikers and bicyclists along the roads, they will at times encounter dust from passing vehicles but, the effects will be minor due to the low speed passes along the single-lane roads, the relatively low number of vehicles, and the short airborne duration of the material.

24. Comment: The TMP/EA does not indicate how NPS staff will be able to take on additional duties when they are already understaffed.

The NPS will have to phase the implementation of tours based on the current availability of start-up resources including staff, vehicles, and funding. The mandates established in Public Law 108-447 will provide the NPS with strong justification for additional staff during the annual budgetary process.

25. Comment: The TMP/EA does not include daily NPS maintenance trips in the impact evaluation.

It is anticipated that the majority of routine maintenance/cleaning associated with the proposed tours to the north end of the island would be completed concurrently with the trips to the north end or combined with normal NPS activities on the island; therefore, maintenance trips are not anticipated to cause a noticeable impact.

26. Comment: The TMP/EA could lead to overall visitation increasing and even going beyond the 300 person limit.

The TMP/EA will not increase the 300 visitor a day limit, which was established in the park's GMP. As described in the TMP/EA, the addition of a visitor transportation system and services, particularly to the north end, is anticipated to give the visiting public more options during a visit to Cumberland Island. Such opportunities may motivate first-time visitors and encourage repeat visits for those already familiar with the island. The proposed new services may also bring visitors who had previously discounted a visit to Cumberland Island because of health, accessibility, or mobility issues. Therefore, the TMP/EA may lead to the park reaching the 300 person limit on a more frequent basis (resulting in increased annual visitation) but, it does not permit surpassing that daily limit.

27. Comment: Brickhill Bluff should not be a tour stop since it would adversely impact back country campers.

Table 2 in "Section 2.2 Alternative Development Process" identifies several points of interest on the island. Some of these points are likely to be potential stops on a tour to the North End. Other points are provided for reference only to demonstrate approximate times required for completing tours to the north end. For example, the table identifies "Edge of Wilderness" which is not intended to be a stop, but is identified as a geographic reference. It is not likely that each of the areas listed in the table would be a stop on each trip and, likewise, other points could be added. At a minimum, all trips would likely go to the Settlement, since it is one of the main historic sites located on the north end. If it is determined that Brickhill Bluff is a valuable location for interpretation, the tour stop would be located away from the back country camping area to avoid disturbing campers.

28. Comment: The Main Road has a conflict with a temporary wetland that serves as breeding habitat for spade foot toads.

The NPS is familiar with the area in question, which in the past has collected water only temporarily and on a very infrequent basis. The area does not meet the criteria to be defined as a wetland; therefore, maintenance of the existing road bed is not regulated. Currently, CUIS does not plan to conduct maintenance and repairs on this segment of the Main Road. Potential future work may involve spanning the low area or elevating the road bed and inserting culverts for connection between the depressions on either side. Either method would improve potential habitat during the brief and infrequent periods the area contains water.

29. Comment: The preferred alternative would provide increased human activity on the beaches (north and south), which would adversely impact the piping plover over wintering populations.

The selected alternative (Revised Alternative 3) includes changes specifically designed to reduce impacts to piping plovers and other threatened and endangered species. See response to Comment 5, above.

30. Comment: Current policies require back country campers to get a permit and this plan does not?

Under the final TMP/EA, back country campers will still be required to obtain a permit. The TMP/EA does not change any rules or requirements regarding back country camping. Also, the trips to the north end will not transport campers or their equipment. See "Summary of Differences" above.