

APPENDIX A: LIST OF RELEVANT LEGISLATION

1 Laws and executive orders that apply to the
2 management of Fort Pulaski National
3 Monument are provided below.

FORT PULASKI SPECIFIC LEGISLATION AND EXECUTIVE ORDERS

4 Presidential Proclamation No. 1713 (43 Stat.
5 1968), October 15, 1924 — Established Fort
6 Pulaski National Monument under the
7 authority of the Antiquities Act of 1906 (16
8 USC 431–433).

9 Executive Order No. 6166 issued pursuant to
10 the authority of Section 16 of the Act of
11 March 4, 1933 947 Stat. 1517). Transferred
12 Fort Pulaski National Monument from the
13 War Department to the National Park
14 Service.

15 Act of Congress (49 Stat. 1979), June 26, 1936
16 — Expanded the boundaries of the National
17 Monument.

18 Presidential Proclamation (72 Stat. 1), August
19 14, 1958 — Expanded the boundary of Fort
20 Pulaski to include the Cockspur Island
21 Lighthouse and Daymark Island.

22 Public Law 104-333 (110 Stat. 4188),
23 November 12, 1996 — Cancelled the
24 authority of the U.S. Army Corps of
25 Engineers to deposit dredge spoil on the
26 north shore of Cockspur Island.

NATIONAL PARK SERVICE ENABLING LEGISLATION

27 Act of August 25, 1916 (National Park Service
28 Organic Act); Public Law 64-235; 16 United
29 States Code Section 1 et seq. as amended
30 Reorganization Act of March 3, 1933; 47 Stat.
31 1517

32 General Authorities Act, October 7, 1976;
33 Public Law 94-458; 90 Stat. 1939; 16 United
34 States Code 1a-1 et seq.

35 Act amending the Act of October 2, 1968
36 (commonly called Redwoods Act), March 27,
37 1978; Public Law 95-250; 92 Stat. 163; 16
38 United States Code Subsection(s) 1a-1, 79a-q

39 National Parks and Recreation Act,
40 November 10, 1978; Public Law 95-625; 92
41 Stat. 3467; 16 United States Code 1 et seq.

OTHER LAWS AFFECTING NPS OPERATIONS

Accessibility

42 Architectural Barriers Act of 1968; Public
43 Law 90-480; 82 Stat. 718; 42 United States
44 Code 4151 et seq.

45 Rehabilitation Act of 1973; Public Law 93-
46 112; 87 Stat. 357; 29 United States Code 701
47 et seq. as amended by the Rehabilitation Act
48 Amendments of 1974; 88 Stat. 1617

Cultural Resources

49 American Indian Religious Freedom Act;
50 Public Law 95-341; 92 Stat. 469; 42 United
51 States Code 1996

52 Antiquities Act of 1906; Public Law 59-209;
53 34 Stat. 225; 16 United States Code 432; 43
54 Code of Federal Regulations 3

55 Archeological and Historic Preservation Act
56 of 1974; Public Law 93-291; 88 Stat. 174; 16
57 United States Code 469

58 Archeological Resources Protection Act of
59 1979; Public Law 96-95; 93 Stat. 712; 16
60 United States Code 470aa et seq.; 43 Code of
61 Federal Regulations 7, subparts A and B; 36
62 Code of Federal Regulations 79

63 Indian Sacred Sites. Executive Order 13007. 3
64 Code of Federal Regulations 196 (1997).

65 National Historic Preservation Act as
66 amended; Public Law 89-665; 80 Stat. 915; 16

1 United States Code 470 et seq.; 36 Code of
2 Federal Regulations 18, 60, 61, 63, 65, 79, 800

3 Protection of Historic and Cultural
4 Properties, Executive Order 11593; 36 Code
5 of Federal Regulations 60, 61, 63, 800; 44
6 Federal Register 6068

7 Public Buildings Cooperative Use Act of
8 1976; Public Law 94-541; 90 Stat. 2505; 42
9 United States Code 4151-4156

Natural Resources

10 Analysis of Impacts on Prime or Unique
11 Agricultural Lands in Implementing the
12 National Environmental Policy Act; E.S. 80-3,
13 08/11/80, 45 Federal Register 59109

14 Clean Air Act as amended; Public Law
15 Chapter 360; 69 Stat. 322; 42 United States
16 Code 7401 et seq.

17 Coastal Zone Management Act of 1972 as
18 amended; Public Law 92-583; 86 Stat. 1280;
19 16 United States Code 1451 et seq.

20 Endangered Species Act of 1973, as amended;
21 Public Law 93-205; 87 Stat. 884; 16 United
22 States Code 1531 et seq.

23 Executive Order 11988: Floodplain
24 Management; 42 Federal Register 26951; 3
25 Code of Federal Regulations 121 (Supp 177)

26 Executive Order 11990: Protection of
27 Wetlands; 42 Federal Register 26961; 3 Code
28 of Federal Regulations 121 (Supp 177)

29 Executive Order 11991: Protection and
30 Enhancement of Environmental Quality

31 Executive Order 12898: Environmental
32 Justice

33 Federal Caves Resource Protection Act of
34 1988

35 Federal Insecticide, Fungicide, and
36 Rodenticide Act; Public Law 92-516; 86 Stat.
37 973; 7 United States Code 136 et seq.

38 Federal Water Pollution Control Act
39 (commonly referred to as Clean Water Act);
40 Public Law 92-500; 33 United States Code
41 1251 et seq. as amended by the Clean Water
42 Act; Public Law 95-217

43 Fish and Wildlife Coordination Act of 1958
44 as amended; Public Law 85-624; 72 Stat. 563;
45 16 United States Code 661 et seq.

46 Migratory Bird Conservation Act; Public Law
47 Chapter 257; 45 Stat. 1222; 16 United States
48 Code 715 et seq.

49 Migratory Bird Treaty Act of 1918; Public
50 Law 186; 40 Stat. 755
51
52 Magnuson-Stevens Fishery Conservation and
53 Management Act

54 National Environmental Policy Act of 1969;
55 Public Law 91-190; 83 Stat. 852; 42 United
56 States Code 4321 et seq.

57 National Park System Final Procedures for
58 Implementing Executive Orders 11988 and
59 11990 (45 Federal Register 35916 as revised
60 by 47 Federal Register 36718)

61 Protection and Enhancement of
62 Environmental Quality; Executive Order
63 11514 as amended, 1970; Executive Order
64 11991; 35 Federal Register 4247; 1977; 42
65 Federal Register 26967)

66 Resource Conservation and Recovery Act;
67 Public Law 94-580; 30 Stat. 1148; 42 United
68 States Code 6901 et seq.

69 Rivers and Harbors Act of 1899; 33 United
70 States Code Chapter 425, as amended by
71 Public Law 97-332, October 15, 1982 and
72 Public Law 97-449; 33 United States Code
73 401-403

74 Water Resources Planning Act of 1965
75 (Public Law 89-80; 42 United States Code
76 1962 et seq.) and Water Resource Council's
77 Principles and Standards; 44 Federal Register
78 723977

1 Watershed Protection and Flood Prevention
2 Act; Public Law 92-419; 68 Stat. 666; 16
3 United States Code 100186

Other

4 Administrative Procedures Act; 5 United
5 States Code 551-559, 701-706

6 Concessions Policy Act of 1965; Public Law
7 89-249; 79 Stat. 969; 16 United States Code 20
8 et seq.

9 Department of Transportation Act of 1966;
10 Public Law 89-670; 80 Stat. 931; 49 United
11 States Code 303

12 Energy Supply and Environmental
13 Coordination Act of 1974

14 Executive Order 12003: *Energy Policy and*
15 *Conservation*; 3 Code of Federal Regulations
16 134 (Supp 1977); 42 United States Code 2601

17 Executive Order 12088: Federal Compliance
18 with Pollution Control Standards

19 Executive Order 12372: *Intergovernmental*
20 *Review of Federal Programs*; 47 Federal
21 Register 30959

22 Farmland Protection Policy Act PL-97-98

23 Forest and Rangeland Renewable Resources
24 Planning Act; Public Law 95-307; 92 Stat. 353;
25 16 United States Code 1600 et seq.

26 Freedom of Information Act; Public Law 93-
27 502; 5 United States Code 552 et seq.

28 Intergovernmental Cooperation Act of 1968;
29 Public Law 90-577; 40 United States Code
30 531-535 and 31 United States Code 6501-
31 6508

32 Intergovernmental Coordination Act of 1969;
33 42 United States Code 4101, 4231, 4233
34 Noise Control Act of 1972 as amended;
35 Public Law 92-574; 42 United States Code
36 4901 et seq.

37 Outdoor Recreation Coordination Act of
38 1963; Public Law 88-29; 77 Stat. 49
39 Payment in Lieu of Taxes Act; Public Law 94-
40 565; 90 Stat. 2662; 31 United States Code
41 6901 et seq.

42 Surface Transportation Assistance Act of
43 1982; 96 Stat. 2097; 23 United States Code
44 101; and many others

45 Wildfire Disaster Recovery Act; Public Law
46 101-286

Management Policies 2006

47 This is an update to the *2001 Management*
48 *Policies*. The policies are derived from the
49 laws that have been enacted to establish and
50 govern the National Park Service and the
51 National Park System. This document serves
52 as the basic, Servicewide policy manual used
53 by park superintendents and other NPS
54 managers to guide their decision-making.
55 The manual prescribes policies which enable
56 the National Park Service to preserve park
57 resources and values unimpaired for the
58 enjoyment of future generations, as required
59 by law. The policies have been updated to
60 keep pace with new laws that have been
61 enacted, changes in technology and
62 American demographics, and new
63 understandings of the kinds of actions that
64 are required to best protect the natural and
65 cultural resources of the parks. The policies
66 stress the importance of: using the parks for
67 educational purposes; demonstrating
68 environmental leadership in the parks;
69 managing park facilities and resources in
70 ways that will sustain them for future
71 generations of Americans to enjoy; and
72 working with partners to help accomplish the
73 NPS mission. The new *Management Policies* is
74 available on the NPS website at
75 <http://www.nps.gov/policy/MP2006.pdf>.

Director's Order #12

76 Director's Order #12 describes the policy and
77 procedures by which the National Park
78 Service will comply with the National

1 Environmental Policy Act. The Council on
2 Environmental Quality, part of the Executive
3 Office of the President, is the “caretaker” of
4 National Environmental Policy Act. The
5 National Park Service is required to abide by
6 all National Environmental Policy Act
7 regulations (40 Code of Federal Regulations
8 1500-1508) and any other procedures and
9 requirements imposed by other higher
10 authorities, such as the Department of the
11 Interior.

Director’s Order #24

12 Director’s Order #24: *Museum Collections*
13 *Management* lays the foundation by which
14 the National Park Service meets its
15 responsibilities toward museum collections.
16 This Director’s Order provides policy
17 guidance, standards, and requirements for
18 preserving, protecting, documenting, and
19 providing access to, and use of, National Park
20 Service museum collections.

Director’s Order #28 (NPS 1998e)

21 Director’s Order #28, issued pursuant to 16
22 United States Code (1 through 4), addresses
23 cultural resource management. The National
24 Park Service will protect and manage cultural
25 resources in its custody through effective
26 research, planning, and stewardship and in
27 accordance with the policies and principles in
28 *NPS Management Policies 2006*.

Director’s Order #28A

29 Director’s Order #28A: *Archeology* provides a
30 management framework for planning,
31 reviewing, and undertaking archeological
32 activities and other activities that may affect
33 archeological resources within the National
34 Park System.

Director’s Order # 47

35 Director’s Order #47: *Soundscape*
36 *Preservation and Noise Management*,

37 articulates National Park Service operational
38 policies that will require, to the fullest extent
39 practicable, the protection, maintenance, or
40 restoration of the natural soundscape
41 resource in a condition unimpaired by
42 inappropriate or excessive noise sources.

Director’s Order #75A

43 Director’s Order #75A: *Civic Engagement and*
44 *Public Involvement*, clarifies and strengthens
45 the commitment of the National Park Service
46 to legally required public involvement and
47 participation as it relates to accomplishing its
48 mission and management responsibilities
49 under the NPS Organic Act of 1916.
50 Directors Order #77-1
51 Directors Order #77-1: *Wetland Protection*,
52 establishes NPS policies, requirements, and
53 standards for implementing Executive Order
54 (E.O.) 11990: “Protection of Wetlands” (42
55 Fed. Reg. 26961). E.O. 11990 was issued by
56 President Carter in 1977, in order “. . .to avoid
57 to the extent possible the long- and short-
58 term adverse impacts associated with the
59 destruction or modification of wetlands and
60 to avoid direct or indirect support of new
61 construction in wetlands wherever there is a
62 practicable alternative....”

Directors Order #77-2

63 Directors Order #77-2: *Floodplain*
64 *Management*, applies to all NPS proposed
65 actions, including the direct and indirect
66 support of floodplain development that
67 could adversely affect the natural resources
68 and functions of floodplains, including
69 coastal floodplains, or increase flood risks.
70 This Director’s Order also applies to existing
71 actions when they are the subjects of
72 regularly occurring updates of NPS planning
73 documents.
74 This Director’s Order does not apply to
75 historic or archeological structures, sites, or
76 artifacts whose location is integral to their
77 significance or to certain actions as
78 specifically identified in Procedural Manual
79 77-2.

APPENDIX B: WILDERNESS ELIGIBILITY ASSESSMENT

INTRODUCTION

1 The Wilderness Act of 1964 (16 U.S.C. § 1131
2 *et seq.*) states that it is national policy to
3 “secure for the American people of present
4 and future generations the benefits of an
5 enduring resource of wilderness.” The
6 purpose of the Act is to preserve and protect
7 wilderness characteristics and values over the
8 long term, while at the same time providing
9 opportunities for solitude and unconfined
10 recreation.

11 The Wilderness Act defines wilderness as “an
12 area of undeveloped Federal land retaining
13 its primeval character and influence, without
14 permanent improvements or human
15 habitation which is protected and managed
16 so as to preserve its natural conditions. . . .” 16
17 U.S.C. § 1131I.

18 New wilderness areas can only be designated
19 by act of Congress. Such designations
20 typically take place after, and are based on,
21 the completion of a formal Wilderness Study.
22 The Wilderness Study is a detailed
23 assessment of Federally owned lands in a
24 particular area that have been deemed
25 “eligible” for possible wilderness designation.
26 In that regard, the Wilderness Act, together
27 with regulations at 43 CFR Part 19, National
28 Park Service *Management Policies 2006*, and
29 Director’s Order No. 41, require that the
30 National Park Service review all areas within
31 a park to identify those areas, if any, that are
32 eligible for possible wilderness designation
33 based on the criteria contained in the
34 Wilderness Act and NPS Policies. The criteria
35 for eligibility are as follows:

36 National Park Service lands will be
37 considered eligible for wilderness if they are
38 at least 5,000 acres or of sufficient size to
39 make practicable their preservation and use
40 in an unimpaired condition, and if they
41 possess the following characteristics (as
42 identified in the Wilderness Act):

- 43 • The earth and its community of life
44 are untrammelled by humans, where
45 humans are visitors and do not
46 remain.
- 47 • The area is undeveloped and retains
48 its primeval character and influence
49 without permanent improvements or
50 human habitation.
- 51 • The area generally appears to have
52 been affected primarily by the forces
53 of nature, with the imprint of
54 humans’ work substantially
55 unnoticeable.
- 56 • The area is protected and managed so
57 as to preserve its natural conditions.
- 58 • The area offers outstanding
59 opportunities for solitude or a
60 primitive and unconfined type of
61 recreation.

62 NPS Management Policies 2006 § 6.2.1.1
63 Primary Eligibility Criteria

RESULTS AND RATIONALE

64 The wilderness eligibility assessment for Fort
65 Pulaski National Monument was performed
66 by an interdisciplinary team comprising
67 specialists from the monument and the
68 Southeast Regional Office. The team
69 determined that approximately 4,500 acres of
70 salt marsh on McQueens Island meet the
71 criteria and therefore are eligible for
72 wilderness designation. These lands generally
73 appear to have been affected primarily by the
74 forces of nature with minimal evidence of
75 human activity. These areas of Fort Pulaski
76 National Monument offer outstanding
77 opportunities for solitude or for primitive
78 and unconfined recreation.

79 The eligible lands comprise two areas of salt
80 marsh within NPS Tract 01-102 on
81 McQueens Island. Specifically, the eligible
82 areas may be described as follows:

- 1 a) All that portion of NPS Tract 01-102
2 bounded west and north by a line
3 lying 100 feet south of, and
4 paralleling, the centerline of U.S.
5 Highway 80 to a point east of the Fort
6 Pulaski National Monument entrance
7 road; on the east by a line extending
8 south from the foregoing point to
9 Lazaretto Creek, and from there by
10 the mean high tide line of Lazaretto
11 Creek; and on the south by the mean
12 high tide lines of Lazaretto Creek,
13 Tybee River, and Bull Creek.
- 14 b) All that portion of NPS Tract 01-102
15 bounded West by the mean high tide
16 line of the Intracoastal Waterway;
17 South by the mean high tide lines of
18 St. Augustine and Bull creeks; East by
19 a line lying 100 feet west of the
20 centerline of U.S. Highway 80, which
21 line parallels said centerline until
22 extending north to a point 50 feet
23 south of the edge of the right-of-way
24 of the old Savannah-Tybee Island
25 railroad grade; and North by a line 50
26 feet south of, and paralleling, the
27 right-of-way of the old Savannah-
28 Tybee Island railroad grade.
- 29 c) All as shown on figure 2-1. The
30 foregoing eligible areas total
31 approximately 4,500 acres on
32 McQueens Island. In the event of a
33 conflict between this acreage figure
34 and the map, the map is intended to
35 be controlling.

36 The areas described previously consist
37 entirely of undeveloped salt marsh. As such,
38 they meet the criteria established by law for
39 designation as wilderness. Specifically, in
40 both areas the natural processes of the salt
41 marsh are essentially intact, indicating that
42 these areas have been affected primarily by
43 the forces of nature. Although development
44 is visible when looking out into the
45 surrounding uplands, inside the marsh itself
46 there are no structures or other permanent
47 improvements, i.e. the imprint of humans'
48 work is substantially unnoticeable.
49 Furthermore, the National Park Service has,
50 and will continue to, protect and manage
51 these areas so as to preserve their natural
52 conditions. Finally, some limited
53 opportunities for solitude or a primitive and
54 unconfined type of recreation exist inside
55 these areas (opportunities are limited not by a
56 lack of primitive conditions, but by the nature
57 of the salt marsh itself).

58 For these reasons, the previously described
59 areas on McQueens Island are eligible for
60 designation as wilderness by Congress.
61 Accordingly, the National Park Service will
62 manage these areas in such a way as to
63 preserve their wilderness character, as
64 required by NPS *Management Policies 2006* §
65 6.3.1, until such time as the legislative process
66 of wilderness designation has been
67 completed.

APPENDIX C: THREATENED AND ENDANGERED SPECIES

Species	Scientific Name	Federal Status	State Status
Mammal			
Humpback whale	<i>Megaptera novaeangliae</i>	E	E
Right whale	<i>Eubalaena glacialis</i>	E	E
West Indian manatee	<i>Trichechus manatus</i>	E	E
Bird			
Bachman's warbler	<i>Vermivora bachmanii</i>	E	E
Bald eagle	<i>Haliaeetus leucocephalus</i>	T	E
Gull-billed tern	<i>Sterna nilotica</i>	No Federal Status	T
Piping plover	<i>Charadrius melodus</i>	T	T
Red-cockaded woodpecker	<i>Picoides borealis</i>	E	E
Wood stork	<i>Mycteria americana</i>	E	E
Reptile			
Eastern indigo snake	<i>Drymarchon corais couperi</i>	T	T
Gopher tortoise	<i>Gopherus polyphemus</i>	No Federal Status	T
Green sea turtle	<i>Chelonia mydas</i>	T	T
Hawksbill sea turtle	<i>Eretmochelys imbricata</i>	E	E
Kemp's ridley sea turtle	<i>Lepidochelys kempii</i>	E	E
Leatherback sea turtle	<i>Dermochelys coriacea</i>	E	E
Loggerhead sea turtle	<i>Caretta caretta</i>	T	T
Amphibian			
Flatwoods salamander	<i>Ambystoma cingulatum</i>	T	T
Fish			
Shortnose sturgeon ¹	<i>Acipenser brevirostrum</i>	E	E
Plant			
Climbing buckthorn	<i>Sageretia minutiflora</i>	No Federal Status	T
Narrowleaf obedient plant	<i>Physostegia leptophylla</i>	No Federal Status	T
Pondberry	<i>Lindera melissifolia</i>	E	E

