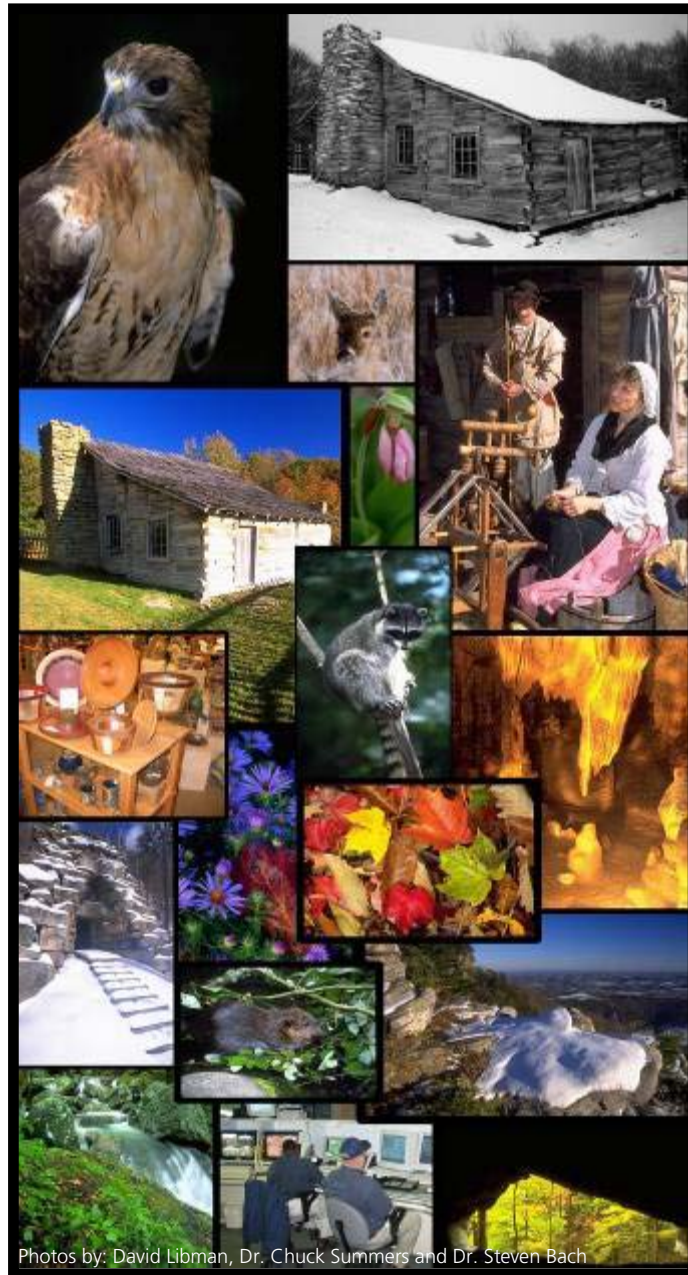


Chapter 1

PURPOSE AND NEED FOR A GENERAL MANAGEMENT PLAN



Photos by: David Libman, Dr. Chuck Summers and Dr. Steven Bach

Cumberland Gap National Historical Park
Final General Management Plan/
Environmental Impact Statement

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CHAPTER 1 PURPOSE AND NEED FOR A GENERAL MANAGEMENT PLAN

INTRODUCTION

This *General Management Plan / Environmental Impact Statement* presents and analyzes three alternative future directions for the management and use of Cumberland Gap National Historical Park. The plan also presents a discussion of potential commercial services and concessions with respect to providing visitors access to various resources and programs within the park, especially the campground, the Hensley settlement and the Fern Lake lands. It therefore serves as the park's commercial services plan as well as the General Management Plan. The potential environmental impacts of all alternatives (including impacts related to commercial services) are also identified and assessed.

General management plans are intended to be long-term documents that establish and articulate a management philosophy and framework for decision making and problem solving in the parks. General management plans usually provide guidance for a 15-20 year period. Actions directed by general management plans or in subsequent implementation plans are accomplished over time. Budget restrictions, requirements for additional data or regulatory compliance, and competing national park system priorities prevent immediate implementation of many actions. As a result, implementation of major or especially costly actions could be delayed into the future.

BRIEF DESCRIPTION OF THE PARK

Cumberland Gap National Historical Park is located on the tri-state boundaries of Kentucky, Virginia, and Tennessee and encompasses 24,531 acres (Figure 1). A map of the park is depicted in Figure 2, with detailed features of the Cumberland Gap Area shown in Figure 3. The term *park* is used to refer to all units of the national park system and will be used throughout this document to refer to Cumberland Gap National Historical Park. The park lies in four counties in the three states, ranges from one to four miles in width, and stretches for 20 miles astride the forested Cumberland and Brush Mountains. Over 14,000 acres in the park are managed as wilderness.

Cumberland Gap National Historical Park was authorized by Congress on June 11, 1940 to commemorate the story of the first doorway to the west (Appendix A includes the park legislation). Carved by wind and water, Cumberland Gap forms a major break in the formidable Appalachian Mountain chain. First used by large game animals in their migratory journeys and then followed by American Indians, the Cumberland Gap was the first and foremost avenue for the settlement of the interior of this nation. In the late 17th century, this route into the rich hunting lands of "Kaintucke" was known to several American Indian tribes, but only a few handfuls of Europeans. In 1750, Dr. Thomas Walker, surveyor of the Loyal Land Company, became the first to document the route to the Gap. Dr. Walker named the route in honor of William, Duke of Cumberland, brother of King George II. In 1775, a little known long-rifle hunter named Daniel Boone was commissioned to blaze a road through the Gap. Boone's Trace evolved into Wilderness Road, establishing his place in history as a frontiersman and pathfinder (Figure 4). Cumberland Gap was the primary route to the west until 1810.

During the Civil War, the Gap was thought to be strategically important to both the Confederate and Union armies. There was no military railroad near the Gap, so portions of Wilderness Road were used to transport supplies, troops, and ordnance.

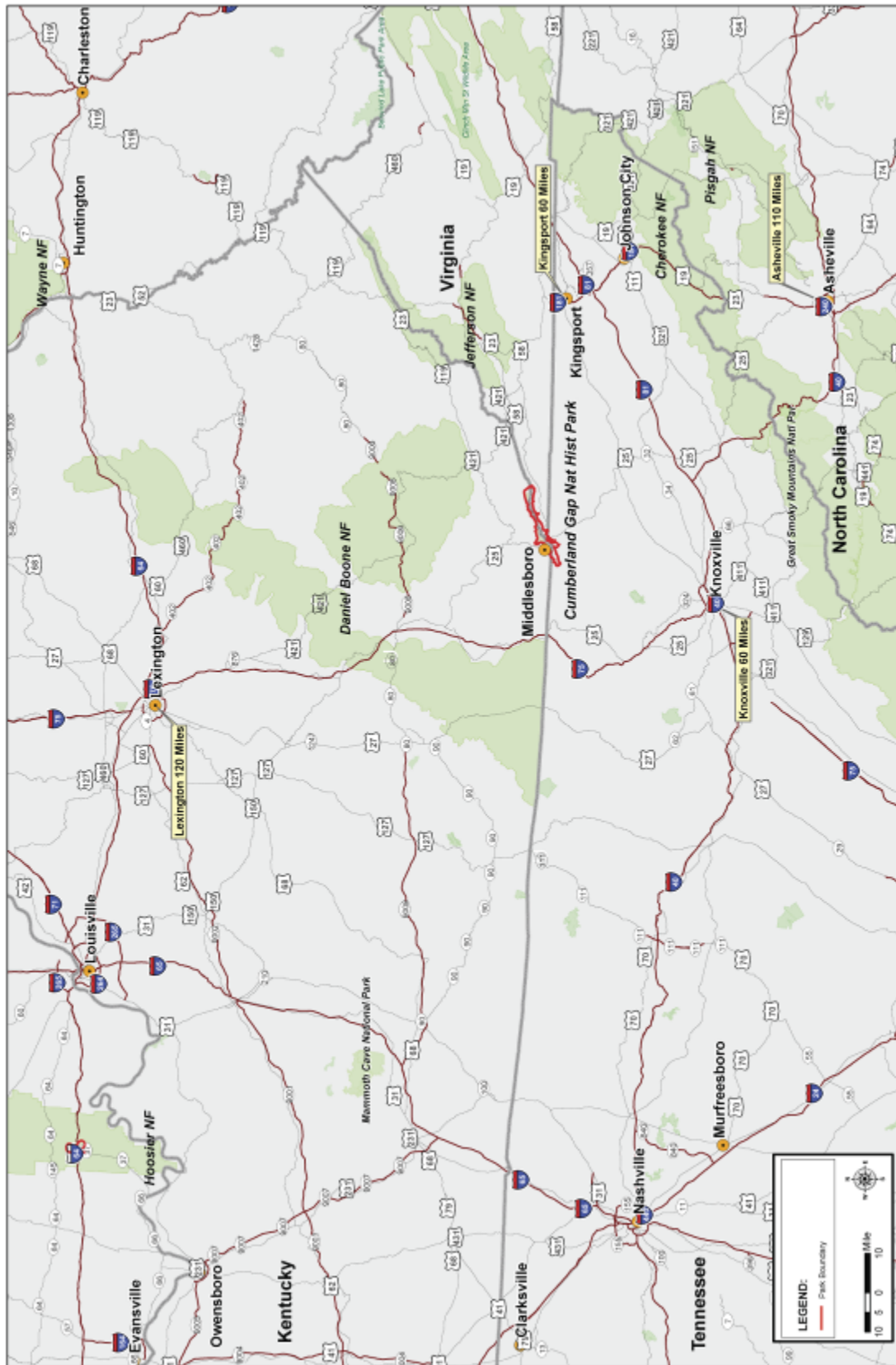


Figure 1

Location Map

Cumberland Gap National Historical Park

U.S. Department of the Interior - National Park Service

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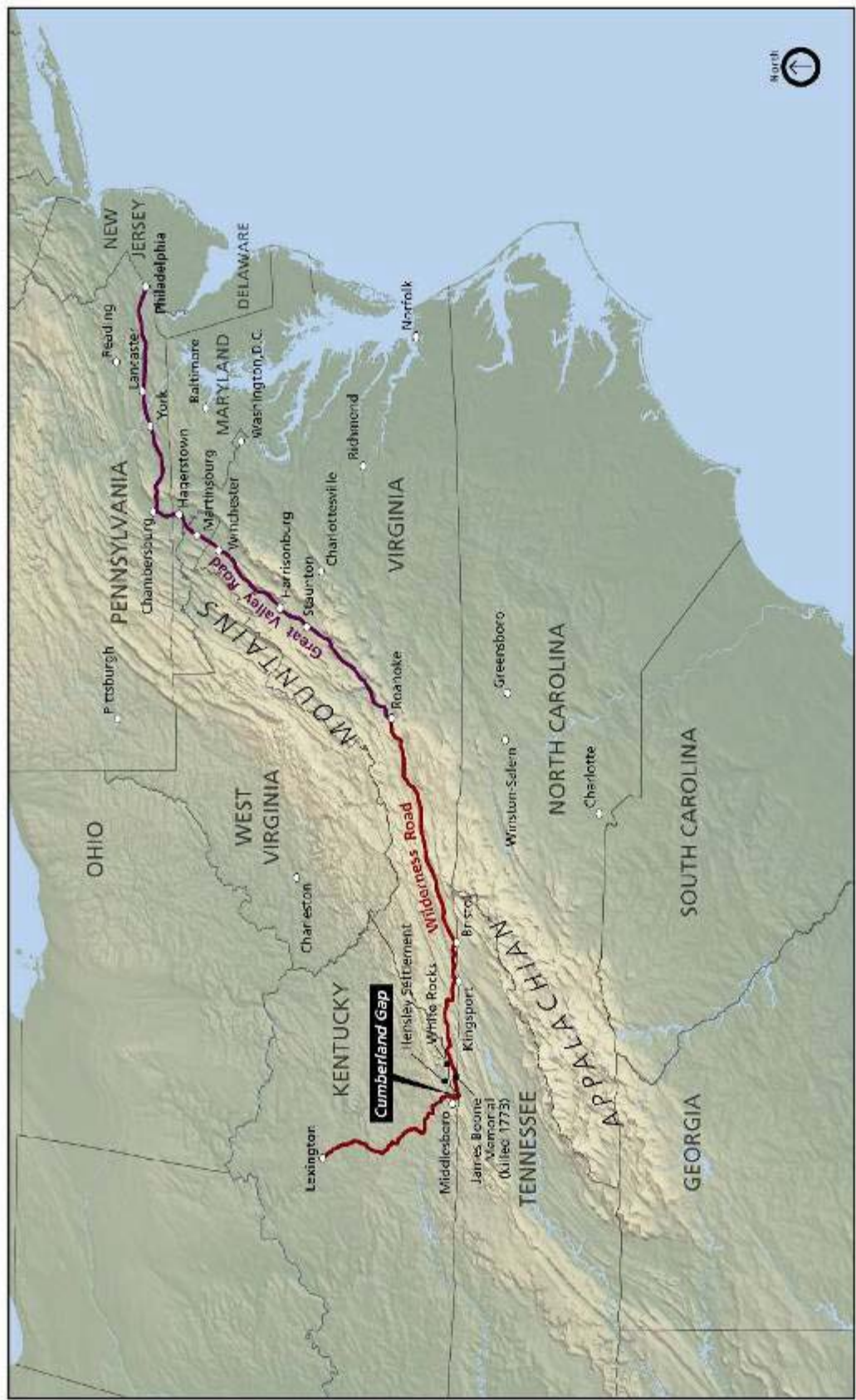


Figure 4

Location of Cumberland Gap National Historical Park
in Relation to the Wilderness Road and Region
Cumberland Gap National Historical Park
U.S. Department of the Interior - National Park Service

In 1908, the U.S. Bureau of Public Roads constructed the “Object Lesson Road” through Cumberland Gap, opening the area to increased traffic. In the 1920s, major segments of the old Wilderness Road became U.S. Highway 25E and U.S. Highway 58.

In 1973 Public Law 93-87 directed the National Park Service (NPS) to construct a tunnel through Cumberland Mountain to remove traffic from the historic corridor and improve traffic safety. By 1996, the park completed approximately 280 million dollars in construction projects involving construction of the twin-bore Cumberland Gap Tunnel system, relocation of U.S. Highway 25E and Highway 58, and rehabilitation of the Cumberland Gap and Wilderness Road, the park’s primary historic feature, to its natural and historic topography.

Another key historic resource in the park is Hensley Settlement, a community of 12 scattered farmsteads situated on an isolated plateau on Brush Mountain originally established by Sherman Hensley around 1904. The settlement consists of several log cabin homes, other farm structures, split rail fences, a one-room log cabin schoolhouse, pastures, and woodlands with scenic mountain viewsheds (Figure 5).

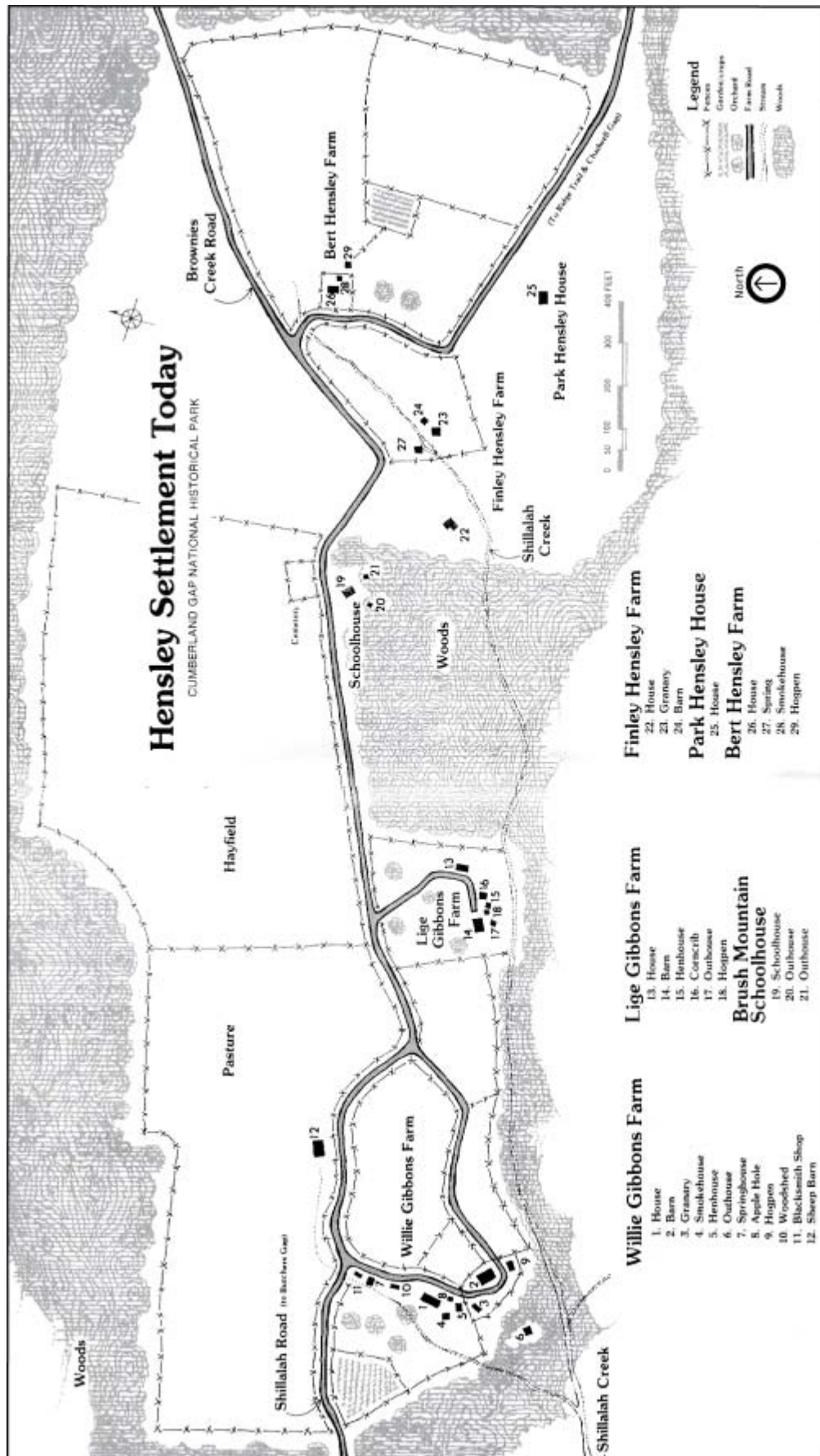
Among the varied resources in the park are 24 known cave features, including Gap Cave, a major cave system. Historically, Gap Cave was privately owned, and private tours were led through the cave. The NPS purchased the cave in 1992 and removed a lighting system and a set of walkways. The use of standard lighting was replaced by the use of hand held flashlights to enhance the visitor’s experience and protect resources. The park also runs a wild caving program in Gap Cave as well as some of the other caves in the park. Sand Cave, located on the extreme northeast end of the park, is an important historical and scenic resource.

As a result of the Fern Lake Conservation and Recreation Act of 2001 (Appendix A), the park was authorized to complete one of its original goals: protection of the Fern Lake Watershed. The Fern Lake watershed is an approximately 4,500-acre area located at the southwestern end of the park (Figure 2). This area provides both a scenic view from the park's most visited point, Pinnacle Overlook, and also provides clean drinking water to the nearby city of Middlesboro, Kentucky. The protection of the watershed was a "win-win" for everyone in the Tri-State area. Legislation authorizing this purchase was passed as part of an appropriations bill, Public Law 108-199, and signed by the President in January 2004. As of May 27, 2009, the majority of land surrounding Fern Lake had been acquired. Fern Lake and approximately 600 acres surrounding the lake are the subject of future acquisition.

PURPOSE OF THE GENERAL MANAGEMENT PLAN

The approved general management plan will be the basic document for managing Cumberland Gap National Historical Park for the next 15-20 years. The purposes of this general management plan are as follows:

- Confirm the purpose, significance, and special mandates of Cumberland Gap National Historical Park.
- Clearly define resource conditions and visitor uses and experiences to be achieved in the park.
- Provide a framework for park managers to use when making decisions regarding the best methods to: (1) protect park resources, (2) provide quality visitor uses and experiences, (3) manage visitor use, and (4) determine the kinds of facilities to develop in or near the park.
- Ensure that this foundation for decision making has been developed in consultation with interested stakeholders and adopted by NPS leadership after an adequate analysis of the benefits, impacts, and economic costs of alternative courses of action.



Detailed Map of the Hensley Settlement

Cumberland Gap National Historical Park

U.S. Department of the Interior - National Park Service



Figure 5

Legislation establishing the NPS as an agency and governing its management provides fundamental direction for the administration of Cumberland Gap National Historical Park (and other units and programs of the national park system). This general management plan will build on these laws and the legislation that authorized Cumberland Gap National Historical Park to provide a vision for the park's future.

The general management plan does not provide specific details on the prioritization or implementation of particular programs or projects. Those decisions will be addressed in more detailed future planning efforts. All future plans will tier from the approved general management plan. Should projects be proposed with a potential for affecting park resources, an environmental assessment, tiered to the general management plan, would be required.

NEED FOR THE PLAN

This general management plan for Cumberland Gap National Historical Park is needed because the last comprehensive planning effort for the park was completed in 1979. Many changes have occurred since then — patterns and types of visitor use have changed and the park's landscape has also changed as a result of construction projects involving the twin-bore Cumberland Gap Tunnel system, highway relocations, and rehabilitation of the Cumberland Gap and Wilderness Road. In addition, acquisition of Fern Lake and surrounding area requires a defined management approach for resource use and protection. Because Fern Lake is the drinking water supply for the City of Middlesboro, however, a limited range of visitor activities (hiking, fishing, electric motor boating, and non-motorized boating) and only minor facilities would be appropriate for this area in the future. Acquisition of Fern Lake and surrounding area continues on a willing-seller basis as authorized by the Fern Lake Conservation and Recreation Act of 2001. This current *General Management Plan* provides management direction for these new park lands.

Each of these changes has major implications for visitor access to the park and characteristics important to visitors. The facilities needed to support the visitors, resource management, and park operations must be revisited to ensure the mission of the park is achieved.

A general management plan is also needed to meet requirements of the National Parks and Recreation Act of 1978 and NPS policy, which mandate development of a general management plan for each unit in the national park system.

THE NEXT STEPS

The Cumberland Gap National Historical Park *Final General Management Plan / Environmental Impact Statement* includes letters from governmental agencies, any substantive comments on the draft document, and NPS responses to those comments. Following distribution of the *Final General Management Plan / Environmental Impact Statement* and a 30-day no-action period, a record of decision approving a final plan will be signed by the NPS regional director. The record of decision will document the NPS selection of an alternative for implementation. With the signed record of decision, the plan can then be implemented, depending on funding and staffing. (A record of decision does not guarantee funds and staff for implementing the approved plan.) The park must compete with other units of the National Park system for limited implementation funding.

IMPLEMENTATION OF THE PLAN

Implementation of the approved plan will depend on future funding. Approval of a plan does not guarantee that the funding and staffing needed to implement the plan will be forthcoming. Full implementation of the approved plan could be many years in the future.

Implementation of the approved plan also could be affected by other factors. Once the general management plan has been approved, appropriate feasibility studies and more detailed planning and

environmental documentation would be completed as required before any proposed actions can be carried out. These activities could include the following:

- Environmental Assessments would be prepared for proposed projects on a site-specific basis. All proposed projects would be required to meet requirements of the National Environmental Policy Act, National Historic Preservation Act, and NPS policies, guidance, and regulations;
- Appropriate permits would be obtained before implementing actions that could affect resources;
- Appropriate federal and state agencies would be consulted concerning actions that could affect threatened and endangered species;
- American Indian tribes and the state historic preservation offices would be consulted regarding cultural resources that could be affected;
- The NPS would coordinate any activity that could affect tunnel operations with the Tunnel Authority; and
- Appropriate agencies and organizations would be consulted regarding future use of the Fern Lake area.

These more detailed plans and activities would tier from the approved general management plan, describing specific actions managers intend to take to achieve desired conditions and long-term goals.

FOUNDATION FOR PLANNING AND MANAGEMENT

Park Mission

The primary mission of Cumberland Gap National Historical Park is to preserve and protect in perpetuity the natural and cultural resources of Cumberland Gap National Historical Park to provide for the enjoyment, benefit, and inspiration of the public. This mission does not supersede the NPS Organic Act (see “Servicewide Laws and Policies” section of this chapter).

Purpose

Purpose statements convey the reason(s) for which the park was established and are based on the Cumberland Gap National Historical Park’s legislation (Appendix A) and legislative history and NPS policies. These statements provide the foundation for park management and use. The purpose of Cumberland Gap National Historical Park is:

- To preserve and protect the historic Cumberland Gap National Historical Park, including the Warrior’s Path of the American Indians and the pioneer Wilderness Road.
- To preserve and interpret its scenic, geological, cultural, natural and historical resources for the enjoyment, benefit, and inspiration of present and future generations.

Significance

Significance statements capture the essence of Cumberland Gap National Historical Park’s importance to our country’s natural and cultural heritage. Significance statements describe the park’s distinctiveness and help to place the park within its regional, national, and international contexts. Significance statements answer questions such as “Why are Cumberland Gap National Historical Park’s resources distinctive?” and “What do they contribute to our natural/cultural heritage?” Defining the park’s significance helps managers make decisions that preserve the resources and values necessary to accomplish the park’s purpose. The significance statements for Cumberland Gap National Historical Park are provided in Table 1.

Fundamental Resources and Values

Fundamental resources and values are systems, processes, features, visitor experiences, stories, and scenes that deserve primary consideration in planning and management because they are critical to maintaining the park's purpose and significance. Fundamental resources and values are subject to periodic review and update based upon new information or changing park conditions. The park's fundamental resources and values are identified in Table 1.

Table 1. Fundamental Resources and Values

SIGNIFICANCE STATEMENT	FUNDAMENTAL RESOURCES AND VALUES
The Warrior's Path through the Gap was a travel route from beyond the Great Lakes to the Carolina and Georgia coasts by American Indians for trade, hunting, and warfare.	<ul style="list-style-type: none"> • The gap itself. This natural geological feature provided an easier path and connectivity through the Appalachian Mountains from the Great Lakes region to a network of other trails. • Stories about Native Americans following wildlife such as bison and deer on their annual migrations through the Gap.
The Cumberland Gap represents a turning point in American history as the Gap witnessed 200,000 to 300,000 settlers pushing through the Appalachian barrier during the late 18th to early 19th century.	<ul style="list-style-type: none"> • The gap itself. This natural geological feature provided an easier path and connectivity from the northeast through the Appalachian Mountains to the western frontier. The Gap provided a route for eastbound travelers and commerce as well. • The White Rocks were a landmark that travelers used as a guide to finding their destination. • The story of the opening of the west to settlement. The Gap played an important role in the fulfillment of America's "Manifest Destiny," the historical belief that the United States was destined to expand across the North American continent, from the Atlantic coast to the Pacific Ocean. • Stories about historical figures and events such as Daniel Boone, Thomas Walker, and the return path of the Lewis & Clark expedition.
Situated at the junction of Kentucky, Tennessee, and Virginia, Cumberland Gap National Historical Park played a strategic role in the Civil War during which this narrow transportation corridor changed hands several times.	<ul style="list-style-type: none"> • The strategic military value of the Gap and the high ground on either side. • Earthworks, roads, batteries, and other elements of site have been preserved and protected and have educational and inspirational value to visitors. • Stories and physical evidence of use of the caves by soldiers during the war.

Table 1. Fundamental Resources and Values (Continued)

SIGNIFICANCE STATEMENT	FUNDAMENTAL RESOURCES AND VALUES
<p>Cumberland Gap National Historical Park preserves the Hensley Settlement Historic District—a family farmstead consisting of numerous farm cabins, fences, other farm structures and a one-room log school house that illustrates the hardships faced by families who chose to live a mid-nineteenth century lifestyle well into the 20th century.</p>	<ul style="list-style-type: none"> • The Hensley Settlement contains an impressive collection of restored cabins and other farm structures in a setting that retains substantially the same look and feel that the first inhabitants would have experienced at the turn of the 20th century. • The solitude visitors experience at the site, which is quite remote and removed from modern sounds and sights. • The historic landscape contains fruit trees, which were important to the families and continue to be important to visitors and add to the story and interpretive values. • The stories of building techniques and materials add to the interpretive values. Rare and in some cases unique adaptations to structures in order to use available materials. • The family cemetery, which, sadly, includes several graves of small children. • Stories about the hard life by modern standards but a good life according to the family patriarch.
<p>There are 24 caves and other geological features in the park. Gap Cave includes innumerable stalactites and stalagmites, columns, draperies, pools and terrace formations, all in very colorful and extravagant displays.</p>	<ul style="list-style-type: none"> • Cave ecosystems and habitats. Fragile and sensitive nature of the cave environments. • Threatened and endangered species. • Cultural features, including graffiti and other evidence of use of the caves by animals and humans over thousands of years. • Recreational experiences and values. • The Gap Cave is the source of drinking water for communities outside the park. • The caves provide opportunities for continuing scientific research. • The continuing mystery associated with unexplored and uncharted caves. • Sand cave, White Rocks, the doublings, Devil’s Garden, and other natural features that were specifically mentioned in the park’s enabling legislation.

The fundamental resources and values listed in Table 1 are only a portion of the park’s total resources and values. All resources and values were considered in this planning effort; other resources and values identified include:

- The watershed of Fern Lake provides a protected environment for water drainage into the Lake, which is the source of drinking water for Middlesboro, Kentucky.
- The views of the Fern Lake watershed are protected.
- The Iron Furnace is evidence of the story of attempts to develop an iron industry in the area.
- The Cumberland Gap tunnel, a remarkable engineering accomplishment, allowed the restoration of Wilderness Road, and is a marvel of operation and maintenance.
- The 12,191 acres of recommended wilderness and 1,900 acres of potential wilderness within the approximately 24,531-acre park that exists in three states and four counties provide habitat for numerous species of flora and fauna and opportunities for visitors to view and enjoy them.

- The continuing association with the park by the Hensley and Gibbons families is important.

Mission Goals

Each unit of the national park system develops mission goals based on those of the NPS. The mission goals of Cumberland Gap National Historical Park are summarized in the statements that follow:

- Natural and cultural resources and associated values at Cumberland Gap National Historical Park are protected, restored, and maintained in good condition and managed within their broader ecosystem and cultural context.
- The NPS at Cumberland Gap National Historical Park contributes to visitors' knowledge about natural and cultural resources; management decisions are based on scholarly and scientific information.
- Visitors to the park safely enjoy and are satisfied with the availability, accessibility, diversity, and quality of park facilities, services, and appropriate recreational opportunities.
- Park visitors and the general public understand and appreciate preservation of the park and its resources for present and future generations.
- The park fosters partnerships to extend the benefits of natural and cultural resource conservation, visitor safety, education, and outdoor recreation to present and future generations.

Primary Interpretive Themes

Primary interpretive themes are the most important ideas and concepts communicated about the park. They are the core of the interpretive programs and media presentations provided to park visitors. The following is a list of the park's primary interpretive themes:

- For centuries, Cumberland Gap has been part of a natural corridor through the Allegheny Mountains for bison, American Indians, long hunters, pioneers, soldiers, and since the advent of the automobile, motorists.
- Cumberland Gap was the intersection of two major American Indian trails, known as the "Warrior's Path." Although no American Indian tribes permanently occupied the lands in this region, tribes from throughout eastern North America hunted here, traveled the Warrior's Path, and fought each other for control of this area.
- The more than 300,000 European-Americans who traveled through Cumberland Gap between 1775 and 1810 moved west for a variety of reasons, but most simply came to improve their lives. The men, women, and children who crossed the Cumberland Gap came from all walks of life: from merchants and doctors, to servants and slaves. It is difficult for modern travelers to imagine the hardships experienced by early travelers: hunger, cold, injury, disease, loneliness, and uprooted families.
- Cumberland Gap's strategic location and abundant natural resources made this area desirable during the Civil War and Industrial Revolution periods.
- Cumberland Gap's role as a major transportation route continues today through the Cumberland Gap Tunnel and highway which, in turn, have garnered support to restore the historic Gap corridor to its 1790-1810 appearance.
- Cumberland Gap National Historical Park preserves a long mountain ridge that includes cliffs, streams, and forests where visitors can camp, picnic, and sightsee. The park includes more than 14,000 acres of wilderness where visitors can hike and experience solitude within a vestige of the vast forests that once covered most of eastern North America.

- Cumberland Gap and the Allegheny Plateau are examples of geologic and faulted mountain formations that reveal the uplifting of an ancient seabed.

SPECIAL MANDATES AND ADMINISTRATIVE COMMITMENTS

Special mandates and administrative commitments refer to specific requirements for Cumberland Gap National Historical Park. They are typically mandated by Congress or the courts. The legislation that created the park (see also Appendix A) mandated the following:

- No public funds would be appropriated to purchase any of the land for the originally designated park.
- Funds could be donated to purchase lands.
- The park would be larger than 6,000 acres and would not exceed 50,000 acres.
- The park would include no lands within the city limits of Middlesboro, Kentucky; Pineville, Kentucky; Cumberland Gap, Tennessee; or lands adjacent to these cities that the cities intended to annex at the time that the park was originally established.

There were several exceptions to the original mandate that stated that no public funds would be appropriated to purchase land for the park. These are described in the paragraphs that follow.

Public Law 93-87, the 1973 Federal Aid Highway Act, authorized the relocation of U.S. 25E to a new alignment, which involved a tunnel and new approaches. The law stated that funds available for parkways could be utilized to fund the reconstruction and relocation of U.S. 25E through the park. The law authorized the park to purchase sufficient right-of-way to relocate the road and construct the tunnel. After construction was completed, the relocated highway, the tunnel, and associated rights-of-way were transferred to the NPS and managed as part of the Cumberland Gap National Historical Park under a General Agreement between the park and the Kentucky Transportation Cabinet and a Memorandum of Understanding between the United States Department of Interior and the State of Tennessee and the Commonwealth of Kentucky (Appendix A).

The General Agreement between the NPS and the Kentucky Transportation Cabinet (signed December 5, 2003) provides continuation of emergency medical services by the Cumberland Gap Tunnel Authority; allows for termination of the Tennessee ambulance service license requirement; and provides federal jurisdiction for emergency medical response, to the Kentucky Transportation Cabinet-owned and State licensed ambulance service (Appendix A).

Scenic Easement

In May, 1992 the NPS entered into an agreement with adjoining landowner on Shillalah Creek Road for a scenic easement of an area that covers approximately 145 acres. The purpose of the easement is to protect the mountain views afforded from Hensley Settlement.

Fern Lake

Section 150 of Public Law 108-199, the Consolidated Appropriations Act, 2004, is entitled “Fern Lake Conservation and Recreation Act, 16 U.S. Code 268a” (Appendix A). This public law authorized acquisition of Fern Lake and approximately 4,500 acres of the Fern Lake watershed with appropriated funds. Fern Lake and the surrounding watershed are important to the residents of Middlesboro, Kentucky, as the lake is their primary source of drinking water. This act allows for protection of the vista of Fern Lake and its watershed from the Pinnacle Overlook, and also protects the water supply for Middlesboro, Kentucky and environs. The law requires conveyance of ownership of Fern Lake, the dam for the lake, and associated devices utilized to draw and deliver water from the lake to the City of Middlesboro. The park will retain a scenic and recreational easement to the lake to allow the

public to utilize the lake for appropriate recreational purposes. The Fern Lake acquisition includes a special use permit for fishing boats, paddle boats, and similar activities.

As a public water supply, Fern Lake falls under the State of Kentucky Administrative Regulation for public and semi-public water supplies (401 KAR 8:20). This regulation recommends that swimming, large motor driven water craft and other human contact be prohibited in public water supply reservoirs. The state regulations also recommend that certain uses, such as horse trails, septic tanks and drain fields are located at least 100 feet from the high water elevation point of the reservoir. Picnicking may be permitted around the lake if plans for the picnic area meet regulatory requirements of the Kentucky Cabinet.

Section 5 of the legislation for the acquisition of Fern Lake (Public Law 108-199) specifies that “In order to better manage lands acquired under this section in a manner that will facilitate the provision of water for municipal needs, as well as the establishment and promotion of new recreational opportunities at the park, the Secretary shall consult with: appropriate officials in the States of Kentucky, Tennessee, and Virginia, and political subdivisions of these States; organizations involved in promoting tourism in these States; and other interested parties.”

At the time Middlesboro no longer utilizes Fern Lake for its public water supply, the ownership of the lake would revert to the NPS. In summary, acquisition of the property by the NPS would ensure that the land is not developed, the watershed and scenic views are preserved, and recreational opportunities are enhanced at Cumberland Gap National Historical Park.

Recommended Wilderness

The park includes 14,091 acres of wilderness. A Wilderness Recommendation Study was completed for Cumberland Gap National Historical Park as required by the Wilderness Act of 1964 (16 U.S. Code, 1131-1136). On September 21, 1972, the President recommended to Congress that areas within Cumberland Gap National Historical Park be designated as wilderness and potential wilderness. A revised wilderness recommendation increasing the acreage to 12,191 acres was submitted to Congress in May 11, 1978. The revised recommendation divided the wilderness area into two areas, recommended wilderness (12,191 acres) and potential wilderness (1,900 acres) for a total of 14,091 acres (NPS 1979a) (Appendix A). The area designated as potential wilderness is listed as such due to Lincoln Memorial University ownership of water rights that extend to both the underground and surface portions of the former university property that is now in park ownership (NPS 1973). The area is, therefore, listed as potential wilderness until the university gives up its reserved rights, in which case the area may be designated as “recommended wilderness.”

These 14,091 acres are managed as primitive land to protect the wilderness values in accordance with wilderness management policies (NPS 2006a). Management activities for these lands cannot diminish the wilderness eligibility of those lands. As such, the 14,091 acres are managed as wilderness, pursuant to Section 6 of NPS Management Policies 2006 (NPS 2006a). Both potential and recommended wilderness areas are included in this General Management Plan and referred to hereafter as “recommended wilderness.”

The Surface Mining Control and Reclamation Act of 1977

The Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. §§ 1234-1328; promulgated in 30 CFR Part 700 et seq) was the first Federal law to regulate the environmental effects of strip mining and to require reclamation of damaged land and water. The Act created two programs: one for regulating active coal mines and a second for reclaiming abandoned mine lands. SMCRA also created the Office of Surface Mining, an agency within the Department of the Interior, to promulgate regulations, to fund state regulatory and reclamation efforts, and to ensure consistency among state regulatory programs.

Section 522 (e)(3) states that after the enactment of the Act and subject to valid existing rights, no surface coal mining operations except those which exist on the date of enactment of the Act shall be permitted which will adversely affect any publicly owned park or places included in the National Register of Historic Sites unless approved jointly by the regulatory authority and the Federal, State, or local agency with jurisdiction over the park or the historic site.

Service-wide Laws and Policies

This section identifies what must be done at Cumberland Gap National Historical Park to comply with federal laws and policies of the NPS. Many park management directives are specified in laws and policies guiding the NPS and, therefore, are not subject to alternative approaches. For example, there are laws and policies regarding management of environmental quality, including the Clean Air Act, the Endangered Species Act, and Executive Order 11990 "Protection of Wetlands." There are also laws governing the preservation of cultural resources, including the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act; and laws regarding the provision of public services, such as the Americans with Disabilities Act. In other words, a general management plan is not needed to decide that it is appropriate to protect endangered species, control exotic species, protect archeological sites, conserve artifacts, or provide for access for handicapped persons. Laws and policies currently in effect have already decided those and many other similar issues for us. Although attaining some of these conditions set forth in these laws and policies may have been temporarily deferred in the park because of funding or staffing limitations, the NPS will continue to strive to implement these requirements with or without a new general management plan.

Some of these laws and executive orders are applicable solely or primarily to units of the national park system. These include the 1916 Organic Act that created the NPS, the General Authorities Act of 1970, the act of March 27, 1978 relating to the management of the national park system, and the National Parks Omnibus Management Act of 1998.

The NPS Organic Act (16 U.S. Code §1) provides the fundamental management direction for all units of the national park system, which is to:

"Promote and regulate the use of the Federal areas known as national parks, monuments, and reservations...by such means and measures as conform to the fundamental purpose of said parks, monuments and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

The National Park System General Authorities Act (16 U.S. Code § 1a-1, et seq.) affirms that while all national park system units remain "distinct in character," they are "...united through their interrelated purposes and resources into one national park system as cumulative expressions of a single national heritage." The act makes it clear that the NPS Organic Act and other protective mandates apply equally to all units of the system. Further, amendments state that NPS management of park units should not "...derogate...the purposes and values for which these various areas have been established."

The NPS also has established policies for all units under its stewardship. These are identified and explained in the guidance document entitled *NPS Management Policies 2006* (NPS 2006a). The alternatives considered in this plan incorporate and comply with the provisions of these mandates and policies.

To understand the implications of an alternative, it is important to combine the service-wide mandates and policies with the management actions described in an alternative. Table 2 describes

some of the most pertinent service-wide mandates and policy topics related to planning and managing Cumberland Gap National Historical Park. Appendix B expands on this information by citing the law or policy directing these actions. The alternatives in this general management plan address the desired conditions that are not mandated by law and policy and must be determined through a planning process.

Table 2. Service-Wide Mandates and Policies Pertaining to Cumberland Gap National Historical Park

Topic	Current Laws and Policies Require that the Following Conditions Be Achieved at Cumberland Gap National Historical Park
Natural Resources	
Ecosystem Management	The park is managed holistically, as part of a greater ecological, social, economic, and cultural system.
Exotic Species	Management of populations of exotic plant and animal species, up to and including eradication, are undertaken wherever such species threaten park resources or public health and when control is prudent and feasible.
Fire Management	Park fire management programs are designed to meet resource management objectives prescribed for the various areas to ensure that the safety of firefighters and the public are not compromised. All wildland fires are effectively managed, considering resource values to be protected and firefighter and public safety, using the full range of strategic and tactical operations as described in an approved fire management plan.
Floodplains	<p>Natural floodplain values are preserved or restored.</p> <p>Long-term and short-term environmental effects associated with the occupancy and modification of floodplains is avoided.</p> <p>When it is not practicable to locate or relocate development or inappropriate human activities to a site outside the floodplain or where the floodplain will be affected, the NPS:</p> <ul style="list-style-type: none"> • Prepares and approves a statement of findings in accordance with Directors Order 77-2. • Uses nonstructural measures as much as practicable to reduce hazards to human life and property while minimizing impacts on the natural resources of floodplains. • Ensures that structures and facilities are designed to be consistent with the intent of the standards and criteria of the National Flood Insurance Program (44 Code of Federal Regulations 60).
General Natural Resources / Restoration	<p>Native species populations that have been severely reduced in or extirpated from the park are restored where feasible and sustainable.</p> <p>Populations of native plant and animal species function in as natural a condition as possible except where special considerations are warranted.</p>
Geologic Resources/Caves/ Karst	The NPS manages caves and karst in accordance with approved cave management plans to perpetuate the natural systems associated with caves and karst. The park's geologic resources are preserved and protected as integral components of the park's natural systems.
Native Vegetation and Animals	The NPS will maintain as parts of the natural ecosystem, all native plants and animals in the park.

Table 2. Service-Wide Mandates and Policies Pertaining to Cumberland Gap National Historical Park (Continued)

Topic	Current Laws and Policies Require that the Following Conditions Be Achieved at Cumberland Gap National Historical Park
Soils	The NPS actively seeks to understand and preserve the soil resources of the park, and to prevent, to the extent possible, the unnatural erosion, physical removal, or contamination of soil or its contamination of other resources. Natural soil resources and processes function in as natural a condition as possible, except where special considerations are allowable under policy.
Soundscape	Park natural soundscape resources encompass all the natural sounds that occur in parks, including the physical capacity for transmitting those natural sounds and the interrelationships among park natural sounds of different frequencies and volumes. The NPS will preserve, to the greatest extent possible, the natural soundscape of the park.
Threatened and Endangered Species	Federal and state-listed threatened and endangered species and their habitats are protected and sustained. Native threatened and endangered species populations that have been severely reduced in or extirpated from the park are restored where feasible and sustainable.
Water Resources	Surface water and groundwater are protected, and water quality meets or exceeds all applicable water quality standards. NPS and NPS-permitted programs and facilities are maintained and operated to avoid pollution of surface water and groundwater.
Viewshed and Park Resources	If the Kentucky State Cabinet determines that there would be an adverse effect of any mining permit application within 5 miles of the park or any application where any person or entity asserts that the proposed mining operation will adversely affect the park, the state provision that mirrors section 522 (e)(3) of the Surface Mining Control and Reclamation Act of 1977 would apply. The federal statute states, in part, that no operations will be permitted which will adversely affect the park unless jointly approved by the regulatory authority and the Federal and State agency with jurisdiction over the park.
Wetlands	The natural and beneficial values of wetlands are preserved and enhanced. The NPS implements a “no net loss of wetlands” policy and strives to achieve a longer-term goal of net gain of wetlands across the national park system through the restoration of previously degraded wetlands. The NPS avoids to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and avoids direct or indirect support of new construction in wetlands wherever there is a practicable alternative. The NPS compensates for remaining unavoidable adverse impacts on wetlands by restoring wetlands that have been previously degraded.
Wilderness	The NPS ensures that wilderness characteristics and values are retained and protected; that visitors continue to find opportunities for solitude and primitive, unconfined recreation; and that signs of people remain substantially unnoticeable.

**Table 2. Service-Wide Mandates and Policies Pertaining to Cumberland Gap National Historical Park
(Continued)**

Topic	Current Laws and Policies Require that the Following Conditions Be Achieved at Cumberland Gap National Historical Park
Cultural Resources	
Archeological Resources	<p>Archeological sites are identified and inventoried and their National Register of Historic Places (National Register) significance is determined and documented. An archeological site is protected in an undisturbed condition unless it is determined through formal processes that disturbance or natural deterioration is unavoidable. When disturbance or deterioration is unavoidable, the site is professionally documented, and mitigating measures for register-eligible sites are developed in consultation with the state historic preservation officer, American Indian tribes, and the Advisory Council on Historic Preservation (as appropriate). Mitigation may include a variety of measures ranging from avoidance to data recovery, and is generally included in a memorandum of agreement. Artifacts, materials, and records resulting from data recovery are curated and conserved as provided for in 36 Code of Federal Regulations 79. Some archeological sites that can be adequately protected may be interpreted to visitors.</p> <p>These requirements are specified in Director's Order 28 (NPS 1998c), which directs the NPS to protect and manage cultural resources in its custody through effective research, planning, and stewardship and in accordance with the policies and principles contained in the NPS Management Policies (NPS 2006a).</p>
Historic Structures	<p>Historic structures are inventoried and their significance and integrity are evaluated under National Register criteria. The qualities that contribute to the listing or eligibility for listing of historic structures on the National Register are protected in accordance with the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties</i> (36 Code of Federal Regulations 68). However, if it is determined through a formal process that disturbance or natural deterioration is unavoidable, mitigation measures and consultation are initiated as described for archeological resources, above.</p>
Museum Collections	<p>Museum collections such as artifacts, specimens, field notes, and manuscripts are documented, inventoried, catalogued, preserved, and protected, and provision is made for access to them and for their use in exhibits, research, and interpretation. As appropriate, the NPS will consult with culturally affiliated or traditionally associated peoples before treating or reproducing items in NPS collections that are subject to the Native American Graves Protection and Repatriation Act. The qualities that contribute to the significance of collections are protected in accordance with established standards as defined in the NPS <i>Museum Handbook</i> and 36 Code of Federal Regulations 79.</p>

Table 2. Service-Wide Mandates and Policies Pertaining to Cumberland Gap National Historical Park (Continued)

Topic	Current Laws and Policies Require that the Following Conditions Be Achieved at Cumberland Gap National Historical Park
Cultural Landscapes	<p>Cultural landscape inventories are conducted to identify landscapes potentially eligible for listing in the National Register, and to assist in future management decisions for landscapes and associated resources, both cultural and natural. The management of cultural landscapes is guided by a Cultural Landscapes Report that focuses on preserving the landscape's physical attributes, biotic systems, and use when that use contributes to its historical significance. The preservation, rehabilitation, restoration, or reconstruction of cultural landscapes is undertaken in accordance with the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes</i>, and 2006 Management Policies 5.3.5.2.</p>
Ethnographic Resources	<p>Appropriate cultural anthropological research is conducted in cooperation with groups associated with the park</p> <p>The NPS accommodates access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoids adversely affecting the physical integrity of these sacred sites.</p> <p>NPS general regulations on access to and use of natural and cultural resources in the park are applied in an informed and balanced manner that is consistent with the park's purposes and does not unreasonably interfere with American Indian use of traditional areas or sacred resources and does not result in degradation of park resources.</p> <p>American Indians and other individuals and groups linked by ties of kinship or culture to ethnically identifiable human remains, sacred objects, objects of cultural patrimony, and associated funerary objects are consulted when such items may be disturbed or are encountered on Cumberland Gap National Historical Park lands.</p> <p>Access to sacred sites and park resources by American Indians continues to be provided when such use is consistent with park purposes and protection of resources.</p> <p>All ethnographic resources determined eligible for listing or listed on the National Register are protected. If disturbance of such resources is unavoidable, formal consultation with the state historic preservation officer(s), with the Advisory Council for Historic Preservation (as appropriate), and with American Indian tribes is conducted. This consultation is in accordance with the National Historic Preservation Act and the Advisory Council for Historic Preservation implementing regulations (36 Code of Federal Regulations 800) and the programmatic agreement among the NPS, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers.</p> <p>All agencies are required to consult with tribal governments before taking actions that affect federally recognized tribal governments. These consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals.</p> <p>The identities of community consultants and information about sacred and other culturally sensitive places and practices are kept confidential when research agreements or other circumstances warrant.</p>

**Table 2. Service-Wide Mandates and Policies Pertaining to Cumberland Gap National Historical Park
(Continued)**

Topic	Current Laws and Policies Require that the Following Conditions Be Achieved at Cumberland Gap National Historical Park
Visitor Use and Experience	
Visitor Use and Experience	<p>Park resources are conserved “unimpaired” for the enjoyment of future generations. Visitors have opportunities for forms of enjoyment that are uniquely suited and appropriate to the superlative natural and cultural resources found in the park. No activities occur that would cause derogation of the values and purposes for which the park has been established.</p> <p>For all zones, districts, or other logical management divisions within the park, the types and levels of visitor use are consistent with the desired resource and visitor experience conditions prescribed for those areas.</p> <p>Park visitors will have opportunities to understand and appreciate the significance of the park and its resources, and to develop a personal stewardship ethic.</p> <p>To the extent feasible, programs, services, and facilities in the park are accessible to and usable by all people, including those with disabilities.</p>
Public Health and Safety	<p>Management policies of the NPS require the agency to provide a safe and healthy environment within the park boundaries. The Council on Environmental Quality regulations require consideration of public health and safety as part of the National Environmental Policy Act process.</p>
Other Topics	
Transportation to and within the Cumberland Gap National Historical Park	<p>Visitors have reasonable access to the park, and there are connections from the park to regional transportation systems as appropriate. Transportation facilities provide access for the protection, use, and enjoyment of park resources. These facilities are required to preserve the integrity of the surroundings, respect ecological processes, protect park resources, and provide the highest visual quality and a rewarding visitor experience.</p> <p>The NPS participates in all transportation planning forums that may result in links to the park or impact park resources. Working with federal, tribal, state, and local agencies on transportation issues, the NPS seeks reasonable access to the park and connections to external transportation systems.</p>
Utilities and Communication Facilities	<p>Park resources or public enjoyment of the park are not denigrated by nonconforming uses. Telecommunication structures are permitted in the park to the extent that they do not jeopardize the park’s mission and resources. No new nonconforming use or rights-of-way are permitted through the park without specific statutory authority and approval by the director of the NPS or his/her representative, and are permitted only if there is no practicable alternative to such use of NPS lands. Requests to cite non-NPS telecommunication antennas and related facilities on NPS lands are required to be considered in accordance with the Telecommunications Act of 1996 (47 U.S. Code 332).</p>

Table 2. Service-Wide Mandates and Policies Pertaining to Cumberland Gap National Historical Park (Continued)

Topic	Current Laws and Policies Require that the Following Conditions Be Achieved at Cumberland Gap National Historical Park
Relations with Private and Public Organizations, Owners of Adjacent Land, and Governmental Agencies	<p>The park is managed as part of a greater ecological, social, economic, and cultural system.</p> <p>Good relations are maintained with adjacent landowners, surrounding communities, and private and public groups that affect, and are affected by, the park. The park is managed proactively to resolve external issues and concerns and ensure that park values are not compromised.</p> <p>The NPS works cooperatively with others in the region to anticipate, avoid, and resolve potential conflicts, protect park resources, and address mutual interests in the quality of life for community residents. Regional cooperation involves federal, state, and local agencies, neighboring landowners, and all other concerned parties.</p>
Government-to-Government Relations between American Indian Tribes and Cumberland Gap National Historical Park	<p>The NPS and tribes culturally affiliated with the park maintain positive, productive, government-to-government relationships. Park managers and staff respect the viewpoints and needs of the tribes, continue to promptly address conflicts that occur, and consider American Indian values in park management and operation. In accordance with the Presidential Memorandum of April 29, 1994, and Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), the Service will maintain a government-to-government relationship with federally recognized tribal governments. This means that NPS officials will work directly with appropriate tribal government officials whenever plans or activities may directly or indirectly affect tribal interests, practices, and/or traditional use areas such as sacred sites.</p>

BOUNDARY ADJUSTMENTS

As part of general management planning, the NPS is required to identify and evaluate boundary adjustments that may be necessary or desirable to carry out the purposes of the park. Boundary adjustments may be recommended to:

- Protect significant resources and values, or to enhance opportunities for public enjoyment related to park purposes,
- Address operational and management issues, such as the need for access or the need for boundaries to correspond to logical boundary delineations such as topographic or other natural features or roads, or
- Otherwise protect park resources that are critical to fulfilling park purposes.

All recommendations for boundary changes must meet the following two criteria:

- The added lands will be feasible to administer considering their size, configuration, and ownership; costs; the views of and impacts on local communities and surrounding jurisdictions; and other factors such as the presence of hazardous substances or exotic species;
- Other alternatives for management and resource protection are not adequate.

The park is authorized to include up to 50,000 acres, with exceptions as identified in the park's legislation (see *Special Mandates and Administrative Commitments* section). The existing boundary includes some 24,531 acres. Therefore, additional acquisitions from willing sellers or donations are

possible. The acquisition of Fern Lake and surrounding acreage (approximately 600 acres) is on-going, and would complete the park's goal of protecting the remaining portions of Fern Lake Watershed. This acquisition is in compliance with the Fern Lake Conservation and Recreation Act of 2001 (Appendix A).

RELATIONSHIP OF OTHER PLANNING EFFORTS TO THIS GENERAL MANAGEMENT PLAN

The park values its relationships with the communities and state lands in the vicinity of the park as well as the region in which it is located. Several plans have influenced or would be influenced by the approval of the General Management Plan. These relevant park and other plans and studies are listed below.

National Park Service Plans

Cave Management Plan: A *Cave Management Plan* for Gap Cave was completed in 1998 (NPS 1998b) to address long-range planning issues relating to the management of this resource in the park. The plan included a summary of the significance of Gap Cave in the park, recommended cave management approaches, an assessment of interpretation, visitor use and visitor services relative to the cave, a description of cave facilities operations, and other aspects of cave management in the park. This General Management Plan is consistent with the *Cave Management Plan*.

Commercial Services Plan: Commercial visitor services planning is required under Management Policies 2006 to identify the appropriate role of commercial operators in helping parks to provide opportunities for visitor use and enjoyment. A park commercial services strategy is required to ensure that concession facilities and services are necessary and appropriate, financially viable, and addressed in an approved plan. A commercial Services Plan was prepared in 2001 for the park (NPS 2001a) and is in the process of being updated as part of this General Management Plan.

Farm Management and Interpretive Plan, Hensley Settlement: This original plan was prepared in 1972 (NPS 1972) and was updated in 1982 (NPS 1982). No substantial changes were made in management policy, interpretation, or farm management practices. The plan contains a description of the settlement and summaries of management practices and exhibits. The revised plan created a new objective of making the settlement as productive as possible to help defray operating costs. The majority of these costs are related to maintaining the historic landscape and structures. This General Management Plan identifies the desire to continue to provide commercial services for Hensley Settlement, and the desire for interpretive activities to be maintained or increased, which is consistent with the *Farm Management and Interpretive Plan*.

Fire Management Plan: Fire management plans are fundamental strategic documents that guide the full range of fire management related activities permitted by policy. They are required by the NPS Director's Order 18 (NPS 1998b) which says: "Every park area with burnable vegetation must have a fire management plan approved by the Superintendent," and the 2001 Federal Wildland Fire Management Policy (2001 Federal Fire Policy), which states: "Complete, or update, Fire Management Plans for all areas with burnable vegetation." According to Director's Order 12, each NPS unit is required to review and update their Fire Management Plan annually with major review and revisions every five years. The park completed a plan in 2003 (NPS 2003c) that included the following elements: a description of the park, fire background information, fire pre-suppression, emergency fire pre-suppression, fire suppression mobilization, public relations, and legal responsibilities.

The objectives of the plan were to:

- Establish a fire organizations and assign responsibility to park personnel;
- Outline procedures in the event of a wildfire;

- Provide for dissemination of information to the public on fire management actions at the park;
- Identify legal responsibilities and develop actions for compliance.

The park is required to update the 2003 Fire Management Plan, which will be completed during the next planning period. Since the original plan, the park has been working as part of the NPS Fire Use Module to manage fires in the park. The Fire Use Module is a team of experienced and trained fire personnel committed to fire use operations and planning at the national level. Fire use is a combination of prescribed fires and wildland fire applications used to meet resources management objectives. Prescribed fires in parks manage landscapes, and reduce hazardous fuel loads near developed areas, and restore fire as a natural process in the ecosystem. The park successfully initiated its prescribed fire program in 2005 by completing two burns. The actions proposed under this General Management Plan are consistent with the *Fire Management Plan*.

Other Plans

Kentucky Wildlife Management Areas and State Natural Areas: This General Management Plan does not conflict with the management objectives of neighboring wildlife management and natural areas. The Shillalah Creek Wildlife Management Area and Martins Fork Wildlife Management Area and State Natural Area border the park and their management objectives are described below. The park continues to coordinate regarding trail connectivity and use as well as other concerns.

Shillalah Creek Wildlife Management Area: The Shillalah Creek Wildlife Management Area consists of two tracts (2,140-acre Brush Mountain tract, and 500-acre Shillalah Creek tract) that share the northeastern border of the park (KYDFWR 2005). The management objectives of Shillalah Creek Wildlife Management Area are (KYDFWR 2005):

- To manage wildlife areas toward the creation, enhancement, and sustainability of permanent wildlife habitats and populations
- To manage areas for the preservation and enhancement of public outdoor recreational opportunities
- Restore wildlife species to their natural habitats
- To provide opportunities for fish and wildlife education
- To provide demonstrations of sound wildlife management practices

Martins Fork Wildlife Management Area and State Natural Area: Martin's Fork Wildlife Management Area and State Natural Area protects the Martin's Fork of the Cumberland River, a scenic high-quality mountain stream that originates in Cumberland Gap National Historical Park (KSNPC 2008). The river was added to the preserve system on March 8, 2006, and protected under the Kentucky Wild Rivers Act of 1972 (KSNPC 2008). The Wild Rivers System recognizes rivers that retain many of their natural attributes and protects them from unwise use and development (KYDEP Division of Water 2009). The area consists of a 1,601-acre site located on Cumberland and Brush mountains in Harlan County. Management of this site is shared between the Kentucky Division of Water Wild Rivers Program, the Kentucky Department of Fish and Wildlife Resources and the Kentucky State Nature Preserves Commission (KSNPC 2008). The area will be open for hiking, nature study, and wildlife-related recreation, including hunting in accordance with regulations established by Kentucky Department of Fish and Wildlife Resources; however, access will be limited to foot traffic only (KSNPC 2008).

County and Regional Plans

Not all counties in the vicinity of the park have comprehensive or land use management plans. Lee County, Virginia has a comprehensive plan, as well as land use zoning throughout the county. Approximately 95 percent of the county is zoned as agricultural. Most of the property adjacent to the park is zoned as agricultural, but some of the land along U.S. 58 is zoned for residential, commercial, and manufacturing. Lee County officials indicate that the improvement of U.S. 58 could encourage additional development along the corridor near the park (Lee County 2004). Bell (Kentucky), Harlan (Kentucky), and Claiborne (Tennessee) Counties have no zoning and no comprehensive plans. However, the State of Tennessee has prepared growth studies for Claiborne County. Middlesboro (Kentucky), Harrogate (Tennessee), and the Town of Cumberland Gap (Tennessee) have land use zoning but no comprehensive plan. Zoning in these communities is mainly residential and commercial, with limited industrial areas. The management zones and actions proposed in this *General Management Plan* include continued outreach, interpretive activities, special events and other actions that do not conflict with local and regional plans identified.

PLANNING ISSUES AND CONCERNS

Introduction

During the scoping process, or early information gathering phase of work for this general management plan, the general public, NPS staff (with their knowledge about past planning efforts), representatives from other county, state, and federal agencies, and representatives from various organizations, identified various issues and concerns. An issue is defined as an opportunity, conflict, or problem regarding the use or management of public lands. Comments were solicited at internal park meetings, public meetings, through planning newsletters, and on the Cumberland Gap National Historical Park's website (refer to Chapter 5 "Consultation and Coordination").

Comments received during scoping demonstrated that the public generally approves of the management, use, and facilities at the Cumberland Gap National Historical Park. While many of the comments were positive regarding park facilities and management practices, there were also several suggestions for improvement. The most prevalent issues identified by all involved entities during scoping were used in developing alternatives for the general management plan. These issues fell into five broad categories, summarized below.

- **Education, Communication, Outreach:** A number of commenters expressed a desire for more and different types of education, communication, and outreach activities. Several comments focused on more outreach and activities at the Hensley Settlement as well as more frequent organized events. In addition, there is an expressed desire to include educational and interpretive activities at Fern Lake, as well as an overall increase in interpretive activities such as covered wagon rides, guided tours, programs, demonstrations, and special events in the park. Information could also be shared through improved signage.
- **Partnering:** Working with partners is beneficial to maximize services as well as assist in areas of over-extended funding and staffing constraints. A number of ways in which the park could partner with other entities include working with the Town of Cumberland Gap, Tennessee and other local communities; maintaining existing partnerships with state and local parks, caving organizations, trail organizations as well as identifying other new partners..
- **Increased Access:** Many commenters identified a need for increased access to important resources within the park and to nearby resources outside the park, while simultaneously protecting resources. Areas identified for varying types of access include Hensley Settlement, mountain top areas (for example, for activities such as rock climbing and rappelling), trails (including increased connectivity between trails inside the park and external connectivity with

trails outside the park boundaries), and Fern Lake. Access in the park could be expanded through construction of additional facilities, including roads, horse trails and accommodations at the campground, bicycle and hiking trails, and satellite/trailhead parking areas, and visitor contact stations. Signage for roads and trails could be improved. The use of concessioners and commercial services is also a means of providing additional access and guided tours. The opportunity for participating in guided tours also addresses trail safety concerns by providing visitors the additional choice of guided trail use.

- **Protection of Resources:** The public expressed the desire to provide increased access to the park while at the same time protecting natural and cultural resources. In general, specific mention of the following resources was identified: protection of Fern Lake watershed, public water supply, and scenic qualities; protection of the viewshed; the Hensley Settlement; and continued protection of wilderness.
- **Socioeconomics:** There was interest expressed in using the park as a catalyst for bringing more people and business into the tri-state area. Getting visitors to stay longer in the area was also identified as an overall economic goal for the region. Some aspects of these concerns are considered outside the influence of the park, as the economic activity of the local area is not inherent to the park's mission or purpose. The park, however, recognizes the importance of the role it plays in the local economy. The socioeconomic issues tied to management actions proposed in this plan include those related to partnering, and increasing the levels of partnering and outreach to raise awareness of the park, and conducting additional outreach and educational activities.

DECISION POINTS

As with any decision-making process, there are key decisions that, once made, will dictate the direction of subsequent decisions. Based on public comments and issues and NPS concerns, three decision points were identified. This general management plan focuses on alternative ways of addressing these decision points.

- How much can the park increase visitor access through improved facilities (including hiking and horseback trails, roads, parking areas, visitor contact stations, campground) and still allow for protection of natural and cultural resources? This decision point relates to each of the impact topics identified under the natural resources and cultural resources sections; and visitor use and experience; transportation and; park operations.
- Should education and outreach programs be expanded or kept at current levels? This decision point relates to the following impact topics: natural and cultural resources; park operations; visitor use and experience; concessions and commercial services.
- Should partnering programs be expanded or kept at current levels? This decision point relates to the following impact topics: visitor use and experience; socioeconomics; park operations.

ISSUES AND CONCERNS NOT ADDRESSED IN THE GENERAL MANAGEMENT PLAN

Not all issues or concerns raised by the public are included in this general management plan. Some issues raised by the public were not considered because they:

- Are already prescribed by law, regulation, or policy;
- Would be in violation of laws, regulations, or policies;
- Were at a level that was too detailed for a general management plan and are more appropriately addressed in subsequent planning documents.

This section briefly describes these issues and the basis for excluding them from this general management plan. The following concerns were identified during public scoping. The rationale for not addressing each issue or comment is italicized for each topic identified:

- The park should provide more information on the connection of the general management plan process to the environmental impact statement / National Environmental Policy Act process. (*This Draft General Management Plan/Environmental Impact Statement documents the National Environmental Policy Act process.*)
- The park should provide a means for the public to view other people's comments. (*A summary of the comments are available from the park.*)
- Controlled burns should be continued in the park to reduce the likelihood of wildfire. (*Controlled burns as part of the park's Wildlands/Urban Interface program. These fires are directed toward reducing the fuel loading in the park. Fire management practices are addressed through another plan – Fire Management Plan/Environmental Assessment.*)
- Invasive plants are a problem in the park. Even if the park eradicated all invasive plants, they would still continue to invade from the surrounding areas. For instance, privet and honeysuckle could have a major effect on the park even if they are controlled. (*The park addresses the control of exotic species via its existing resource management plan. The park is also part of the NPS Biological Resources Management Division Southeast Exotic Plant Management Team, which is responsible for assessing and managing invasive species.*)
- Cumberland Gap National Historical Park is oriented along the crest of the Cumberland Mountain; it is obvious that the park should be oriented south-to-north, following its original design. (*The boundaries of the park were established by Congress in 1940. The orientation of the park will not change.*)
- Would a chair lift to the top of the mountain be possible or a train ride through the park, including a railroad tunnel under the Gap? (*These types of facilities would not be considered appropriate within the national park as it is not relevant to its mission or purpose and would interfere with the scenic viewshed.*)
- A bicycle/pedestrian path should be provided through the Gap tunnel. (*This type of activity would not be consistent with State and or Federal highway regulations. The safety concerns involved with bicycle/pedestrian access through the tunnel prohibit such use.*)
- The public would like to see a European style time-trial car rally up to the Pinnacle. (*This would be considered a commercial venture; the NPS cannot allow charging for such an activity within the National Park.*)
- There are no Wildlife Management Areas in Lee County. People hunt right up to the park boundary. (*No hunting is allowed within the park boundaries. This is regulated under 36 Code of Federal Regulations 2.2. The NPS cannot regulate hunting outside the park boundaries.*)
- The park should provide financial assistance to neighboring communities and their citizens. (*This is not within the purview of the NPS. The park is committed to partner with local communities for opportunities to advance economic gain in the form of commercial services where appropriate in the park.*)
- The topic of dam safety was raised during public meetings. (*The integrity and monitoring of the dam at Fern Lake will be addressed during and after acquisition. The NPS will provide safe operating conditions within the park; this is considered a "must."*)
- The park should provide brochures to inform visitors regarding activities and features of the park. (*The park will address this through its operating procedures at the visitor center and points of contact.*)

- The park needs various cosmetic changes to improve its appearance. (*Several improvements projects have been completed recently including the Skyline Road improvement, the Civic Park improvements, Hensley Settlement restoration, and the Daniel Boone Wilderness Road facility.*)
- The wilderness area in the park should be formally designated as a Wilderness area. (*A Wilderness Recommendation Study was completed for Cumberland Gap as required by the Wilderness Act of 1964 (16 United States Code, 1131-1136). On September 21, 1972, the President recommended to Congress that areas within Cumberland Gap National Historical Park be designated as wilderness and potential wilderness. A revised wilderness recommendation was submitted to Congress in January, 1978. NPS policy requires that a wilderness study area be managed to ensure the wilderness suitability of the area is not impaired until congress has completed its decision-making on whether to designate wilderness. As such, the area is currently managed pursuant to Section 6 of NPS Management Policies 2006. The Recommended Wilderness and Potential Wilderness areas of the park are addressed in this plan as Recommended Wilderness.*)
- The park requires more frequent maintenance than is currently administered. (*The park addresses this through its staffing, planning, and normal operating procedures.*)
- The park should provide playgrounds for children. (*Playgrounds are considered to be an appropriate potential future facility, pending an assessment of effects on safety, natural and cultural resources, and visitor experience.*)

IMPACT TOPICS – RESOURCES AND VALUES AT STAKE IN THE PLANNING PROCESS

The Council on Environmental Quality guidelines for implementing the National Environmental Policy Act require that the description of the affected environment must focus on describing the resources and people that might be affected by implementation of the alternatives. Preliminary impact topics were developed to provide a focus for the environmental analysis and to ensure that relevant topics were addressed for each alternative. Impact topics were identified based on federal laws and other legal requirements, the Council on Environmental Quality guidelines, NPS *Management Policies 2006*, NPS subject-matter expertise and knowledge of limited or easily impacted resources, and issues/concerns expressed by other agencies or the public during initial project scoping.

The complete list of preliminary impact topics are summarized in Table 3. Some of the impact topics in Table 3 were dismissed after careful consideration of their potential environmental effects, and others were retained for further analysis in the impact section of the general management plan. A brief rationale for retaining or dismissing each impact topic is provided in the text that follows.

Table 3. Impact Topics Considered and Relevant Regulations or Policies

Impact Topic	Retained or Dismissed	Relevant Regulations or Policies
Geological – Cliffs, Caves and Karst	Retained	NPS <i>Management Policies 2006</i> , Sections 4.8.1, 4.8.2, 2006; Federal Caves Resource Protection Act of 1988; National Historic Preservation Act of 1966 (PL 89-665); Archeological Resources Protection Act of 1974 (PL 93-291); 1906 Antiquities Act (PL 59-209); Wilderness Act (PL 88-577); NPS -14, Cave Radiation Safety and Occupational Health Guideline.
Soils	Retained	NPS <i>Management Policies 2006</i> , Section 4.8.2.4; 1981 Farmland Protection Policy Act PL 97-98.
Water Quality	Retained	Executive Order 12088; Executive Order 11990; NPS <i>Management Policies 2006</i> , Sections 4.6.3, 2001; Federal Water Pollution Control Act [The Clean Water Act of 1972 (as amended in 1977)];
Fisheries/ Aquatic Resources	Retained	NPS <i>Management Policies 2006</i> , Section 4.4; Federal Water Pollution Control Act [The Clean Water Act of 1972 (as amended in 1977)]; Magnuson-Stevens Fishery Conservation and Management Act
Wetlands	Retained	Executive Order 11988; Floodplain Management; NPS Director's Order 77-2; NPS <i>Management Policies 2006</i> , Section 4.6.4 and 4.6.5. Executive Order 11990; Clean Water Act Section 404; NPS Director's Order #77-1; Executive Order 11988;
Vegetation –Native Plant Communities	Retained	NPS <i>Management Policies 2006</i> , Section 4.4.2.
Species of Special Concern	Retained	Endangered Species Act of 1973; NPS <i>Management Policies 2006</i> , Section 4.4.2.3; 40 Code of Federal Regulations 1500 (regulations for implementing the National Environmental Policy Act); State of Kentucky, Tennessee and Virginia regulations for state-listed species, and Natural Heritage Program listings for the same three states.
Soundscape	Retained	NPS <i>Management Policies 2006</i> , Section 4.9 and Director's Order 47, "Soundscape Preservation and Noise Management"
Cultural Resources – Archeological Resources	Retained	40 Code of Federal Regulations 1500 (regulations for implementing the National Environmental Policy Act); NPS Director's Order #12; Section 106 of the National Historic Preservation Act; 36 Code of Federal Regulations 800; NPS <i>Management Policies 2006</i> -Chapter 5; NPS Director's Order 28: Culture Resource Management Guidelines
Cultural Resources – Cultural Landscapes, Including Historic Buildings, Structures and Districts	Retained	40 Code of Federal Regulations 1500 (regulations for implementing the National Environmental Policy Act); NPS Director's Order #12; Section 106 of the National Historic Preservation Act; 36 Code of Federal Regulations 800 (Protection of Historic Properties); NPS <i>Management Policies 2006</i> -Chapter 5; NPS Director's Order 28: Cultural Resource Management Guidelines

Table 3. Impact Topics Considered and Relevant Regulations or Policies (Continued)

Impact Topic	Retained or Dismissed	Relevant Regulations or Policies
Cultural Resources – Ethnographic Resources, Including Traditional Cultural Properties, and Values	Retained	NPS <i>Management Policies 2006</i> , Section 5.3.5.3 and Cultural Resource Guideline Director's Order 28
Socioeconomics	Retained	National Environmental Policy Act
Visitor Use and Experience	Retained	The Organic Act and NPS <i>Management Policies 2006</i> , Section 8.2
Scenic Resources and Visual Quality	Retained	NPS <i>Management Policies 2006</i> , Sections 1.4, 4.7, and 4.10
Transportation	Retained	NPS <i>Management Policies 2006</i> , Section 9.2.
Park Operations	Retained	NPS <i>Management Policies 2006</i> , Sections 8.1 and 9.1.
Concessions and Commercial Services	Retained	NPS <i>Management Policies 2006</i> , Sections 10.2 and 10.3.
Ecologically Critical Areas, Wilderness, or Other Unique Natural Resources	Partially Retained (Wilderness is addressed)	NPS <i>Management Policies 2006</i> , Sections 4.3 and 6; Wilderness Act of 1964; Director's Order 41: Wilderness Preservation and Management
Public Health and Safety	Dismissed (Addressed under impact topics: transportation ; park operations; and water quality)	NPS <i>Management Policies 2006</i> , Section 8.2.5.
Water Rights/Quantity	Dismissed	NPS <i>Management Policies 2006</i> , Section 4.6.
Prime or Unique Farmlands	Dismissed	NPS <i>Management Policies 2006</i> , Section 4.6. 1981 Farmland Protection Policy Act PL 97-98.
Wildlife	Dismissed	NPS <i>Management Policies 2006</i> , Section 4.4; Migratory Bird Treaty Act
Land Use	Dismissed	National Environmental Policy Act, NPS <i>Management Policies 2006</i> .

Table 3. Impact Topics Considered and Relevant Regulations or Policies (Continued)

Impact Topic	Retained or Dismissed	Relevant Regulations or Policies
Public Services and Utilities	Dismissed	NPS <i>Management Policies 2006</i> , Section 9.1.
Environmental Justice	Dismissed	Executive Order 12898
Air Quality	Dismissed	NPS <i>Management Policies 2006</i> , Section 4.7; and Clean Air Act 1963 (as amended 1977 and 1990)
Other Geological Resources	Dismissed	The Organic Act and NPS <i>Management Policies 2006</i> , Section 4.8.
Hazardous Materials	Dismissed	NPS <i>Management Policies 2006</i> , Section 9.1.6.
Wild and Scenic Rivers	Dismissed	National Wild and Scenic River Act Public Law 90-542
Paleontological Resources	Dismissed	The Organic Act and NPS <i>Management Policies 2006</i> , Section 4.8.2.
Indian Trust Resources	Dismissed	Secretarial Order 3175 and NPS <i>Management Policies 2006</i> , Section 1.11.
Natural Lightscape	Dismissed	NPS <i>Management Policies 2006</i> , Section 4.10.
Energy Requirements and Conservation Potential, Sustainable Design	Dismissed	NPS <i>Management Policies 2006</i> , Section 9.1.

Impact Topics Retained for Further Analysis

The following impact topics as identified on Table 3, have been retained for further analysis in the environmental impact assessment. The rationale for retaining each impact topic is also provided.

Geological – Cliffs, Caves, and Karst: Caves feature one of the most important natural and cultural resources in the park. Caves could be affected by the management alternatives by changing use patterns by visitors, including caving organizations interested in partnering with the NPS. Therefore, this impact topic was retained.

Several large cliff systems occur in the park and could be affected in the future by visitor activities or park actions. The most notable cliffs are the White Rocks, located in the northeastern end of the park near Ewing, Virginia. Therefore, cliffs have been included as part of this impact topic.

Karst features such as sinkholes occur in the park, but are less likely to be affected by visitor activities or park actions. However, because caves are considered to be part of the karst system of the park, karst features are included.

Soils: Construction of facilities proposed by the various management alternatives could potentially affect soil within the Cumberland Gap National Historical Park, with associated effects on water quality and aquatic life. Therefore, this impact topic was retained.

Water Quality: The park contains numerous streams that originate on Cumberland and Brush Mountain, and other streams that are part of the Fern Lake watershed. Soil disturbance resulting from park use and construction projects has a potential to affect water quality by causing soil erosion. Continued protection of public drinking water supply was a concern. Therefore, this impact topic was retained.

Fisheries/Aquatic Resources: Alternatives have the potential to affect water quality which can in turn affect aquatic life and fisheries in streams originating on Cumberland or Brush Mountains, and the Fern Lake watershed. Therefore, this impact topic was retained.

Wetlands: A variety of wetlands occurs throughout the park and could potentially be affected by park operations. Developments or other management actions could affect wetlands. Therefore, wetlands were retained as an impact topic.

Vegetation – Native Plant Communities: Vegetation at Cumberland Gap National Historical Park is in a mature, largely natural state, including approximately 14,091 acres of wilderness. Potential construction activities associated with the alternatives could affect natural vegetation. Therefore, the impact topic of vegetation was retained.

Species of Special Concern: A variety of federal- and state-listed rare, threatened or endangered species of plants and animals occurs in the Cumberland Gap National Historical Park. In addition, a large number of species of plants and animals are listed by each state's Natural Heritage Programs. The management alternatives could potentially affect these species. Therefore, this impact topic was retained.

Historic Structures and Cultural Landscapes: The Hensley Settlement Historic District, the Cumberland Gap Historic District, and other cultural resources could be affected by the action alternatives. Therefore, this impact topic was retained.

Ethnographic Resources: The impact topic of ethnographic resources was retained because former park residents and their descendents retain a strong and continuing attachment to the land and its resources. They have a long-term stake in the integrity of park resources with which they were associated. The remembered lifeways of their parents and grandparents form a microcosmic view of Appalachian culture. Therefore, this impact topic was retained.

Socioeconomics: Tourism is very important to this tri-state region. The additional visitor amenities provided in the management alternatives could increase visitation to the park and encourage visitors to spend more time in the area. The management alternatives could also affect the potential for concession operations in the park. In addition, the new facilities at the park could be constructed by local firms which could enhance the local economy. Therefore, this impact topic was retained.

Visitor Use and Experience: Frequent scoping comments identified the value visitor's place on protecting the park's natural and cultural resources while providing access. Visitor use and experience would be altered in certain areas of the park under the different management alternatives proposed. Therefore, this impact topic was retained.

Scenic Resources and Visual Quality: The view from the Pinnacle is a much valued park experience, as are many other scenic resources. The alternatives provide different approaches for managing the park, with varied facilities that could be constructed. These actions could affect scenic resources. Therefore this impact topic was retained.

Transportation: Access to various locations in the park differs across alternatives, with varying impacts. Therefore, this impact topic was retained.

Soundscape: The proposed Developed Zone in the management alternatives could result in an increase in noise produced by people due to increased visitation and maintenance activities and a reduction of natural sounds. Therefore, this impact topic was retained.

Park Operations: The management alternatives feature additional park interpretive and other services and/or maintenance operations in areas with increased activities. Therefore, this impact topic was retained.

Concessions and Commercial Services: There are no concessions operating in the park, however, opportunities for concessions are provided under the action alternatives proposed. For example, concession opportunities would be possible at Fern Lake and potentially at the Hensley Settlement. Therefore, this impact topic was retained.

Impact Topics Dismissed From Further Analysis

Some impact topics that are commonly considered during the planning process were not relevant to the development of this general management plan for Cumberland Gap National Historical Park due to the following: (a) implementing the alternatives would have no effect or a negligible effect on the topic or resource or (b) the resource does not occur in the park. These topics, along with the rationale for dismissal, are described as follows:

Floodplains: A review of Federal Insurance Rate Maps issued by the Federal Emergency Management Agency showed that the only federally designated 100-year floodplain in the park is associated with Fern Lake. Construction of new facilities would be designed to be located outside this zone, using Federal Emergency Management Administration Maps. The alternatives would, therefore, not affect 100-year floodplains. Therefore, floodplains were not retained as an impact topic.

Prime or Unique Farmlands: The Farmland Protection Policy Act and the U.S. Department of the Interior require an evaluation of impacts on prime or unique farmlands. These lands require certain soil types and water availability. While much of the park is mountainous, there are areas in the park that contain prime or unique farmland. In fact, there are approximately 160 acres of soil types designated as prime farmland located in the park (Appendix C). There is no soil designated as unique farmland located in the park. The prime farmland is not concentrated in one area, but is scattered in several locations throughout the park. Most of the prime farmland is located in the developed zone located near the visitor center, the Wilderness Road Campground, and at the east end of Fern Lake, and appears to have already been affected by previous construction activities to some extent. Those areas currently developed with roads or structures no longer qualify as prime farmland, and future development could occur on those sites with no further review on effects on prime farmland. Areas that are not currently developed with roads or other structures could qualify as prime farmland and would require further coordination with the National Resource Conservation Service if development is proposed for those sites in the future. Specific projects would be evaluated in detail when proposed, and effects would be avoided or minimized as required. For these reasons, prime or unique farmland was dismissed from further evaluation in this document.

Wildlife: The park has extensive areas of wilderness and relatively undisturbed wildlife habitat. However, none of the proposed management actions under any of the alternatives would have more than a negligible effect on wildlife in the park. Therefore, the impact topic of wildlife was dismissed.

Land Use: The Cumberland Gap National Historical Park is located in a generally rural part of Virginia, Tennessee, and Kentucky. Only the extreme western portion of the existing park is located contiguous to urban land uses outside the park. This western portion of the park is located

next to the communities of Middlesboro, Kentucky and Cumberland Gap, Tazewell, and Harrogate, Tennessee. Lincoln Memorial University is also located adjacent to the park in Tennessee. The western portion of the park also contains the most developed areas of the park, including the Visitor Center, the Wilderness Road campground, the Daniel Boone Visitor Contact Center, and the Pinnacle. The remainder of the park contains primarily areas designated as Recommended Wilderness Zone and Natural Zones, and these areas are primarily surrounded by rural land use outside of the park. As a result, the park has very few land use compatibility problems. Forested land generally provides a buffer between activity center areas both in the park and outside the park, allowing both park activities and outside activities to occur with minimal disruption from the other source.

Lee County has a comprehensive plan, as well as zoning throughout the county. Approximately 95 percent of the county is zoned as agricultural. Most of the property adjacent to the park is zoned as agricultural, but some of the land along U.S. 58 is zoned for residential, commercial, and manufacturing. Lee County, Virginia officials indicated that the improvement of U.S. 58 could encourage additional development along the corridor near the park (Lee County 2004). Middlesboro, Harrogate, and the town of Cumberland Gap have land use zoning but no comprehensive plan. The zoning in the communities is mainly residential and commercial, with limited industrial areas. Bell, Harlan, and Claiborne Counties have no zoning and no comprehensive plans. However, the state has prepared some growth studies for Claiborne County.

Management alternatives generally include increased acreage of developed zone between Alternative A, Alternative B, and Alternative C. The added developed zone at Hensley Settlement is interior to the park and would not affect surrounding land uses. The increased developed zone near the Wilderness Road Campground, the visitor center, and Fern Lake is adjacent to the urban areas of the town of Cumberland Gap, Tennessee and the city of Middlesboro, Kentucky and would have a negligible effect on the surrounding land use and the land use plans for those areas. The park would continue to work with the local communities to ensure that compatible land uses are approved and constructed on properties located adjacent to the park. For these reasons, land use was dismissed from further evaluation.

Public Services and Utilities: The Fern Lake Company is the water supply for Middlesboro. This water is supplied from Fern Lake and the city pays approximately \$100,000 annually for the water rights. The city contracts with the Kentucky Water Service Corporation to supply water to Middlesboro. Water service is also extended beyond the Middlesboro city limits to Noetown, Evans Drive, Lake Hill, and Junction in the unincorporated area of Bell County (Water Service Corporation of Kentucky 2006). Middlesboro also provides water to the Cumberland Gap tunnel and sections of the Cumberland Gap National Historical Park, including the visitor center and headquarters. The City of Middlesboro provides sewer services to the park and the Cumberland Gap tunnel.

The public services required by the park would be similar under all alternatives. There would be a negligible difference in the demand for electricity, water, and sewer services between the various alternatives and the overall demand on these services would be rather minimal on a regional scale. Fern Lake's function as the City of Middlesboro water supply is discussed in several other sections, including water quality and public health and safety. For these reasons, the impact topic of public services and utilities was dismissed from further consideration.

Public Health and Safety: Public health and safety is addressed under other impact topics. The "Transportation" impact topic includes a discussion of tunnel safety as well as other transportation-related concerns. Water quality of the drinking water supplies is addressed in the

“Water Quality” impact topic. Enforcement activities with related safety concerns are included under the “Park Operations” impact topic.

Water Rights/Quantity: Fern Lake is the water supply for Middlesboro, Kentucky. However, none of the alternatives would affect the quantity of water supply from Fern Lake provided to the City of Middlesboro.

Gap Cave also serves as a water supply for the area. When Gap Cave was transferred to the NPS in 1992, Lincoln Memorial University retained the water rights to the cave. The University maintains water collection equipment and pumps inside Gap Cave. Water is pumped from the cave to the university and the university also sells the water to the Town of Cumberland Gap, Tennessee, and also to the Coca Cola Company, which bottles and sells water from the cave under the label “Cumberland Gap Mountain Spring Water.” The Coca Cola bottling operation is located in Middlesboro. None of the management alternatives would affect water rights or the way water is supplied from Gap Cave. Therefore, the impact topic of water rights/quantity was dismissed.

Environmental Justice: Presidential Executive Order 12898, General Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires all federal agencies to incorporate environmental justice into their missions by identifying and addressing the disproportionately high and/or adverse human health or environmental effects of their programs and policies on minorities and low-income populations and communities. According to the Environmental Protection Agency, environmental justice is the:

...fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

The goal of “fair treatment” is not to shift risks among populations, but to identify potential disproportionately high and adverse effects and identify alternatives that may mitigate these impacts.

There are both minority and low-income populations in the general vicinity of the Cumberland Gap National Historical Park. Households in census tracts adjacent to the park in Kentucky range from 26 percent to 36 percent impoverished, as compared to 16 percent of the households in the State of Kentucky and 12 percent of the households in the United States. Households in census tracts adjacent to the park in Tennessee and Virginia range from 13 percent to 39 percent impoverished, as compared to 14 percent of the households in the State of Tennessee and 10 percent of the households in the State of Virginia.

Although a disproportionate population of low income households resides in the vicinity of the park, the impact topic of environmental justice was dismissed for the following reasons:

- The park staff and planning team actively solicited public participation as part of the planning process and gave equal consideration to all input from persons regardless of age, race, income status, or other socioeconomic or demographic factors.
- Implementation of the preferred alternative would not result in any identifiable adverse human health effects.
- Impacts associated with implementation of the preferred alternative would not disproportionately affect any minority or low-income population or community.

- Implementation of the preferred alternative would not result in any identified effects that would be specific to any minority or low-income community.
- The park staff and planning team do not anticipate the impacts on the socioeconomic environment to appreciably alter the physical and social structure of the nearby communities.

Air Quality: The 1963 Clean Air Act, as amended (42 U.S. Code 7401, et seq.), requires federal land managers to protect air quality, and the NPS Management Policies 2006 address the need to analyze air quality during park planning. Air quality monitors in Bell County, Kentucky recorded no days during 2003 where the air quality index exceeded the National Ambient Air Quality Standards (Scorecard 2007). Tennessee state officials indicated that Claiborne County is in attainment of National Ambient Air Quality Standards (TDEC 2007a). There is no air quality monitoring in Lee County, Virginia. The nearest monitoring station is in Bristol, Virginia and the air quality in this community meets National Ambient Air Quality Standards (Scorecard 2007). None of the proposed activities in the park would require air quality permits. For these reasons, the impact topic of air quality was dismissed.

Other Geological Resources: Soil, caves and/or karsts, and paleontological resources are treated separately. No other geological resources of the Cumberland Gap National Historical Park would be impacted by any of the proposed management alternatives. For this reason, the impact topic of geological resources was dismissed.

Hazardous Materials: Management alternatives would not cause hazardous materials to be generated or affect the treatment of hazardous materials. The tunnel is used by several hundred trucks or other vehicles each week that carry hazardous materials, but the operation and management of the tunnel would remain the same under all alternatives. Therefore, the impact topic of hazardous materials will not be further addressed in this plan.

Wild and Scenic Rivers: The proposed management alternatives would not affect federally designated Wild and Scenic Rivers, since none of these occur in the park. A State of Kentucky designated Wild and Scenic River (Martin's Fork) is located in a remote area that is included within the natural zone under all alternatives and would not be affected by any of the alternatives. For this reason, the impact topic of wild and scenic rivers was dismissed.

Ecologically Critical Areas, Wilderness, or Other Unique Natural Resources: Limited facilities would be constructed in areas that are already partially developed, and minor changes in access and visitor use are proposed under any of the management alternatives. The areas recommended and proposed as wilderness (14,091 acres) are included under the Recommended Wilderness Zone under all management alternatives and will continue to be managed as Wilderness. None of the proposed alternatives would, therefore, adversely affect ecologically critical areas, recommended wilderness areas, or other unique natural resources. For this reason, this impact topic was dismissed.

Paleontological Resources: Paleontological resources are defined as fossilized remains of plants and animals. Management alternatives are expected to have negligible effects on paleontological resources within the Cumberland Gap National Historical Park. Therefore, the impact topic of paleontological resources was dismissed.

Indian Trust Resources: Indian trust assets are owned by American Indians but are held in trust by the United States. Requirements are included in the Secretary of the Interior's Secretarial Order 3206, American Indian Tribal Rites, Federal – Tribal Trust Responsibilities; the Endangered Species Act; and Secretarial Order 3175, Departmental Responsibilities for Indian Trust Resources. According to park staff, Indian trust assets do not occur within the park. Therefore,

there would be no effects on Indian trust resources resulting from any of the alternatives. For these reasons, the impact topic of Indian trust resources was dismissed.

Natural Lightscape (Night Sky): The proposed management alternatives would have a negligible effect on the lightscape. Pinnacle Road is closed after dark and the primary activity centers in the park are near populated communities. For these reasons, the impact topic of lightscape was dismissed.

Energy Requirements and Conservation Potential, Sustainable Design: None of the alternatives presented in this general management plan would result in a measurable change in energy consumption compared to current conditions. The NPS would pursue sustainable practices whenever possible in all decisions regarding park operations, facilities management, and developments in Cumberland Gap National Historical Park, as called for in the *NPS Management Policies 2006*. Therefore, the impact topic of energy requirements and conservation potential was dismissed.