

# Appendices



A: ESTABLISHING LEGISLATION



Public Law 92-536  
92nd Congress, S. 2411  
October 23, 1972

An Act

86 STAT. 1066

To establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for public outdoor recreation use and enjoyment of certain significant shoreline lands and waters of the United States, and to preserve related scenic, scientific, and historical values, there is established in the State of Georgia the Cumberland Island National Seashore (hereinafter referred to as the "seashore") consisting of the area generally depicted on the drawing entitled "Boundary Map, Cumberland Island National Seashore", numbered CUIS-40,000B, and dated June 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may after notifying the Committees on Interior and Insular Affairs of the United States House of Representatives and United States Senate in writing, make minor adjustments in the boundary of the seashore from time to time by publication of a revised drawing or other boundary description in the Federal Register, but the total acreage within the boundaries shall not exceed forty thousand five hundred acres.

Cumberland Island National Seashore, Ga. Establishment.

Boundary revisions, notification of congressional committees, publication in Federal Register.

SEC. 2. Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by purchase, donation, transfer from any Federal agency, or exchange. The Secretary may also acquire not to exceed one hundred acres of lands or interests in lands on the mainland to provide access to the administrative and visitor facilities for the seashore. Any lands or interests therein owned by the State of Georgia, or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the seashore may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the seashore.

Land acquisition.

SEC. 3. For the purpose of providing access from Interstate 95 to the mainland administrative and visitor facilities of the seashore, the Secretary may designate as the Cumberland Island Parkway a right-of-way, together with adjacent or related sites for public non-commercial recreational use and for interpretation of scenic and historic values, of not more than one thousand acres of lands, waters, and interests therein. The Secretary is authorized to acquire only by donation those lands and interests therein, and other property comprising such right-of-way and adjacent or related sites as he may designate pursuant to this Act for the development, hereby authorized, of a road of parkway standards, including necessary bridges, spurs, connecting roads, access roads, and other facilities, and for the development and interpretation of recreation areas and historic sites in connection therewith. Lands acquired for the parkway shall be administered as a part of the seashore, subject to all laws and regulations applicable thereto, and subject to such special regulations as the Secretary may promulgate for the parkway.

Cumberland Island Parkway, right-of-way.

Administration. Regulations.

SEC. 4. (a) With the exception of any property deemed necessary by the Secretary for visitor facilities or administration of the seashore, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occu-

Private right of use and occupancy.

pancy of the property for noncommercial residential purposes, for twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner: *Provided, however*, That, in addition, for so long as a right of use and occupancy remains in effect by the donors of land of one hundred acres or more, the Secretary shall not, with respect to such lands, develop any public use facilities except for trails, road access, and utilities: *Provided further*, That when acquiring lands, waters, and interests therein from the National Park Foundation, its successors and assigns, the Secretary shall acquire such lands, waters, and interests subject to the written terms and conditions contained in those transactions, including but not limited to options, entered into by the National Park Foundation prior to January 1, 1973, and that such previous written rights and interests shall prevail over provisions of this paragraph.

Commercial use, prohibition.

(b) A right of use and occupancy retained or enjoyed pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes and upon tender to the holder of a right an amount equal to the fair market value, as of the date of tender, of that portion of the right which remains unexpired on the date of termination.

"Improved property."

(c) The term "improved property", as used in this section shall mean a detached, noncommercial residential dwelling, the construction of which was begun before February 1, 1970 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

Little Cumberland Island, acquisition restrictions.

(d)(1) In order to provide an opportunity for the establishment of a natural and scenic preserve by voluntary private action of certain owners of lands within the seashore, and notwithstanding anything to the contrary herein contained, no lands or interests in lands shall be acquired on Little Cumberland Island without the consent of the owner, for a period of one year from the date of enactment of this Act, except as specifically otherwise provided herein.

(2) In the event that the owners of land on Little Cumberland Island enter into an irrevocable trust or some other irrevocable agreement for the preservation of the resources of Little Cumberland Island which, in the judgment of the Secretary, assures the protection of the resources in a manner consistent with the purposes for which the seashore is established, the authority of the Secretary to acquire such lands shall be suspended for such time as the trust is in effect and the lands are used and occupied in accordance therewith.

(3) If, at any time during the one-year period following the date of enactment of this Act, the Secretary determines that any lands on Little Cumberland Island are threatened with development, or other uses, inconsistent with the establishment or continuation of the trust herein referred to, then the Secretary may acquire such lands, or interests therein, by any of the methods provided for in section 2 of this Act.



Sec. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the seashore in accordance with the appropriate laws of Georgia and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

Hunting and  
fishing.

Sec. 6. (a) The seashore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

Administration.

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

Preservation  
in primitive  
state.

Sec. 7. Nothing in this Act shall deprive the State of Georgia or any political subdivision thereof of its civil or criminal jurisdiction over persons found, acts performed, and offenses committed within the boundaries of the seashore, or of its right to tax persons, corporations, franchises, or other non-Federal property on lands included therein.

State jurisdiction.

Sec. 8. The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection and navigation improvements on land and/or waters within the Cumberland Island National Seashore shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development.

Water resource  
developments.

Sec. 9. Within three years from the date of enactment of this Act the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or nonsuitability of any area within the national seashore for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

Report to  
President.

Appropriation.

Sec. 10. There are authorized to be appropriated not to exceed \$10,500,000 for the acquisition of lands and interests in lands and not to exceed \$27,840,000 for development of the seashore.

Approved October 23, 1972.

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LEGISLATIVE HISTORY:

HOUSE REPORT No. 92-1405 accompanying H. R. 9859 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 92-972 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 118 (1972):

July 24, considered and passed Senate.

Oct. 10, considered and passed House, amended, in lieu of H. R. 9859.

Oct. 12, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 8, No. 44:

Oct. 28, Presidential statement.

B: BOUNDARY CHANGES

PUBLIC LAW 95-625—NOV. 10, 1978

92 STAT. 3473

TITLE III—BOUNDARY CHANGES

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CUMBERLAND ISLAND NATIONAL SEASHORE

Sec. 823. Section 1 of the Act of October 23, 1972 (86 Stat. 1066), is amended by changing the phrase "numbered CUIS-40,000B, and dated June 1971," to read "numbered CUIS 40,000D, and dated January 1978." 16 USC 459i.

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C: WILDERNESS LEGISLATION



Public Law 88-577  
88th Congress, S. 4  
September 3, 1964

**An Act**

To establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Wilderness Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "Wilderness Act".

WILDERNESS SYSTEM ESTABLISHED STATEMENT OF POLICY

SEC. 2. (a) In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be designated as "wilderness areas" except as provided for in this Act or by a subsequent Act.

(b) The inclusion of an area in the National Wilderness Preservation System notwithstanding, the area shall continue to be managed by the Department and agency having jurisdiction thereover immediately before its inclusion in the National Wilderness Preservation System unless otherwise provided by Act of Congress. No appropriation shall be available for the payment of expenses or salaries for the administration of the National Wilderness Preservation System as a separate unit nor shall any appropriations be available for additional personnel stated as being required solely for the purpose of managing or administering areas solely because they are included within the National Wilderness Preservation System.

78 STAT. 890.  
78 STAT. 891.

DEFINITION OF WILDERNESS

(c) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geo-

logical, or other features of scientific, educational, scenic, or historical value.

NATIONAL WILDERNESS PRESERVATION SYSTEM—EXTENT OF SYSTEM

SEC. 3. (a) All areas within the national forests classified at least 30 days before the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness", "wild", or "canoe" are hereby designated as wilderness areas. The Secretary of Agriculture shall—

(1) Within one year after the effective date of this Act, file a map and legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made.

(2) Maintain, available to the public, records pertaining to said wilderness areas, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. Maps, legal descriptions, and regulations pertaining to wilderness areas within their respective jurisdictions also shall be available to the public in the offices of regional foresters, national forest supervisors, and forest rangers.

Classification.

Presidential recommendation to Congress.

Congressional approval.

78 STAT. 891.  
78 STAT. 892.

(b) The Secretary of Agriculture shall, within ten years after the enactment of this Act, review, as to its suitability or nonsuitability for preservation as wilderness, each area in the national forests classified on the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "primitive" and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as "wilderness" or other reclassification of each area on which review has been completed, together with maps and a definition of boundaries. Such advice shall be given with respect to not less than one-third of all the areas now classified as "primitive" within three years after the enactment of this Act, not less than two-thirds within seven years after the enactment of this Act, and the remaining areas within ten years after the enactment of this Act. Each recommendation of the President for designation as "wilderness" shall become effective only if so provided by an Act of Congress. Areas classified as "primitive" on the effective date of this Act shall continue to be administered under the rules and regulations affecting such areas on the effective date of this Act until Congress has determined otherwise. Any such area may be increased in size by the President at the time he submits his recommendations to the Congress by not more than five thousand acres with no more than one thousand two hundred and eighty acres of such increase in any one compact unit; if it is proposed to increase the size of any such area by more than five thousand acres or by more than one thousand two hundred and eighty acres in any one compact unit the increase in size shall not become effective until acted upon by Congress. Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of primitive areas or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value. Notwithstanding any other provisions of this Act, the Secretary of Agriculture may complete his review and delete such area as may be necessary, but not to exceed seven thousand acres, from the southern tip of the Gore Range-Eagles Nest Primitive Area,

Colorado, if the Secretary determines that such action is in the public interest.

(c) Within ten years after the effective date of this Act the Secretary of the Interior shall review every roadless area of five thousand contiguous acres or more in the national parks, monuments and other units of the national park system and every such area of, and every roadless island within, the national wildlife refuges and game ranges, under his jurisdiction on the effective date of this Act and shall report to the President his recommendation as to the suitability or unsuitability of each such area or island for preservation as wilderness. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendation with respect to the designation as wilderness of each such area or island on which review has been completed, together with a map thereof and a definition of its boundaries. Such advice shall be given with respect to not less than one-third of the areas and islands to be reviewed under this subsection within three years after enactment of this Act, not less than two-thirds within seven years of enactment of this Act, and the remainder within ten years of enactment of this Act. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress. Nothing contained herein shall, by implication or otherwise, be construed to lessen the present statutory authority of the Secretary of the Interior with respect to the maintenance of roadless areas within units of the national park system.

Report to President.

Presidential recommendation to Congress.

Congressional approval.

(d) (1) The Secretary of Agriculture and the Secretary of the Interior shall, prior to submitting any recommendations to the President with respect to the suitability of any area for preservation as wilderness—

Suitability.

(A) give such public notice of the proposed action as they deem appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land;

Publication in Federal Register.

(B) hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the respective Secretaries involved deem appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: *Provided*, That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies;

Hearings.

Publication in Federal Register.

78 STAT. 892.  
78 STAT. 893.

(C) at least thirty days before the date of a hearing advise the Governor of each State and the governing board of each county, or in Alaska the borough, in which the lands are located, and Federal departments and agencies concerned, and invite such officials and Federal agencies to submit their views on the proposed action at the hearing or by no later than thirty days following the date of the hearing.

(2) Any views submitted to the appropriate Secretary under the provisions of (1) of this subsection with respect to any area shall be included with any recommendations to the President and to Congress with respect to such area.

(e) Any modification or adjustment of boundaries of any wilderness area shall be recommended by the appropriate Secretary after public notice of such proposal and public hearing or hearings as provided in subsection (d) of this section. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recom-

Proposed modification.

mentations shall become effective only in the same manner as provided for in subsections (b) and (c) of this section.

USE OF WILDERNESS AREAS

SEC. 4. (a) The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forests and units of the national park and national wildlife refuge systems are established and administered and—

(1) Nothing in this Act shall be deemed to be in interference with the purpose for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215).

16 USC 475.  
16 USC 528-531.

(2) Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act (Public Law 539, Seventy-first Congress, July 10, 1930; 46 Stat. 1020), the Thyse-Blatnik Act (Public Law 733, Eightieth Congress, June 22, 1948; 62 Stat. 568), and the Humphrey-Thyse Blatnik Andresen Act (Public Law 607, Eighty-fourth Congress, June 22, 1956; 70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

16 USC 571-577b.  
16 USC 577c-577h.  
16 USC 577d-1,  
577e-1, 577h.

(3) Nothing in this Act shall modify the statutory authority under which units of the national park system are created. Further, the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with the Act of August 25, 1916, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area, including, but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 et seq.); section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

39 Stat. 535.  
16 USC 1 et seq.

41 Stat. 1063.  
49 Stat. 838.

(b) Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

78 STAT. 893.  
78 STAT. 894.

PROHIBITION OF CERTAIN USES

(c) Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

## SPECIAL PROVISIONS

(d) The following special provisions are hereby made:

(1) Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

(2) Nothing in this Act shall prevent within national forest wilderness areas any activity, including prospecting, for the purpose of gathering information about mineral or other resources, if such activity is carried on in a manner compatible with the preservation of the wilderness environment. Furthermore, in accordance with such program as the Secretary of the Interior shall develop and conduct in consultation with the Secretary of Agriculture, such areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.

(3) Notwithstanding any other provisions of this Act, until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the same extent as applicable prior to the effective date of this Act, extend to those national forest lands designated by this Act as "wilderness areas"; subject, however, to such reasonable regulations governing ingress and egress as may be prescribed by the Secretary of Agriculture consistent with the use of the land for mineral location and development and exploration, drilling, and production, and use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including where essential the use of mechanized ground or air equipment and restoration as near as practicable of the surface of the land disturbed in performing prospecting, location, and, in oil and gas leasing, discovery work, exploration, drilling, and production, as soon as they have served their purpose. Mining locations lying within the boundaries of said wilderness areas shall be held and used solely for mining or processing operations and uses reasonably incident thereto; and hereafter, subject to valid existing rights, all patents issued under the mining laws of the United States affecting national forest lands designated by this Act as wilderness areas shall convey title to the mineral deposits within the claim, together with the right to cut and use so much of the mature timber therefrom as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the national forest rules and regulations, but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except as otherwise expressly provided in this Act: *Provided*, That, unless hereafter specifically authorized, no patent within wilderness areas designated by this Act shall issue after December 31, 1983, except for the valid claims existing on or before December 31, 1983. Mining claims located after the effective date of this Act within the boundaries of wilderness areas designated by this Act shall create no rights in excess of those rights which may be patented under the

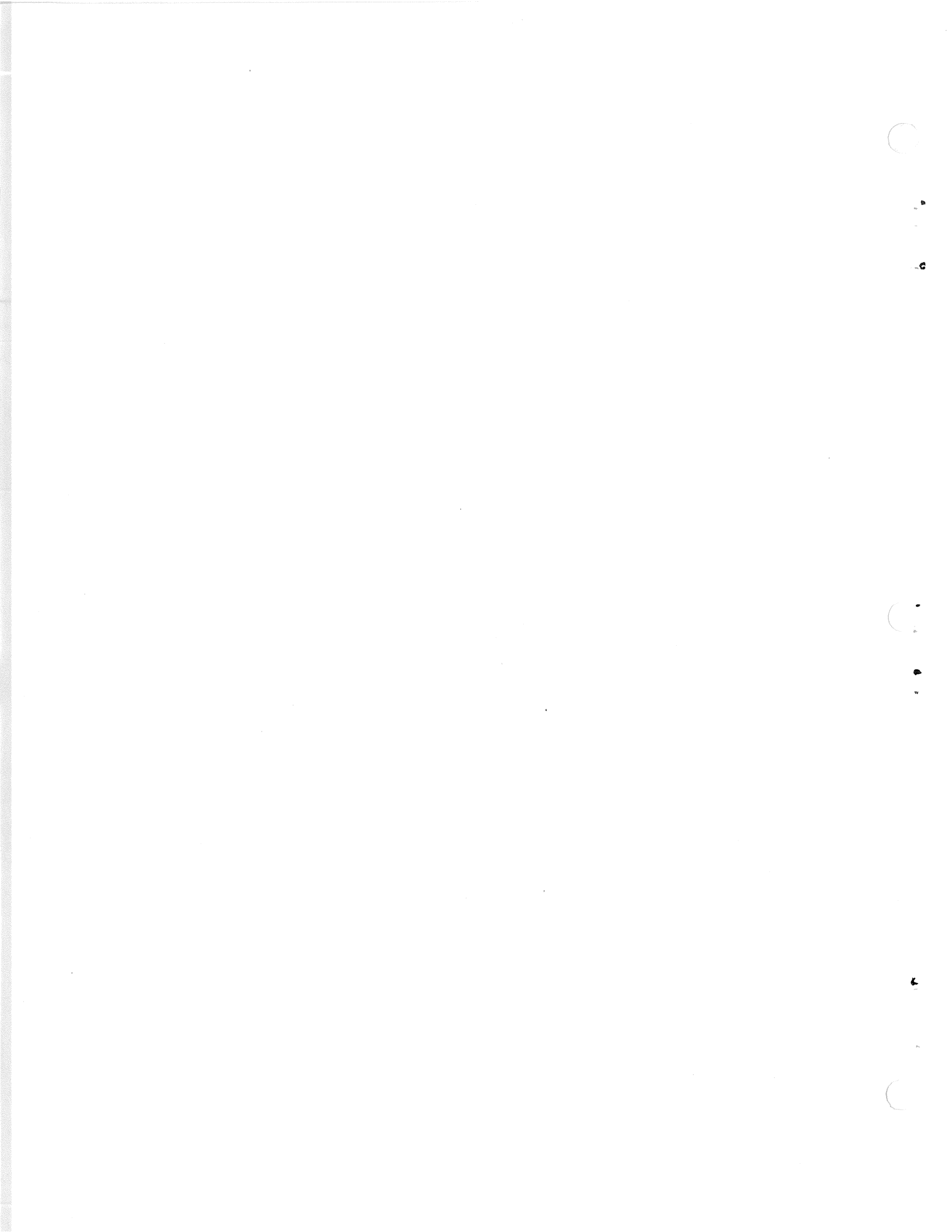
Mineral leases,  
claims, etc.

78 STAT. 894.  
78 STAT. 895.



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provisions of this subsection. Mineral leases, permits, and licenses covering lands within national forest wilderness areas designated by this Act shall contain such reasonable stipulations as may be prescribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed. Subject to valid rights then existing, effective January 1, 1984, the minerals in lands designated by this Act as wilderness areas are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

Water resources.

(4) Within wilderness areas in the national forests designated by this Act, (1) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (2) the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

(5) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, shall be in accordance with regulations established by the Secretary of Agriculture in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: *Provided*, That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats.

(6) Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

(7) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

78 STAT. 895.

78 STAT. 896.

(8) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

STATE AND PRIVATE LANDS WITHIN WILDERNESS AREAS

SEC. 5. (a) In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this Act as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture: *Provided, however*, That the United States shall not transfer to a State or private owner any mineral interests unless the State or private owner relinquishes or

Transfers, restriction.

causes to be relinquished to the United States the mineral interest in the surrounded land.

(b) In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

(c) Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this Act as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress.

Acquisition.

#### GIFTS, BEQUESTS, AND CONTRIBUTIONS

SEC. 6. (a) The Secretary of Agriculture may accept gifts or bequests of land within wilderness areas designated by this Act for preservation as wilderness. The Secretary of Agriculture may also accept gifts or bequests of land adjacent to wilderness areas designated by this Act for preservation as wilderness if he has given sixty days advance notice thereof to the President of the Senate and the Speaker of the House of Representatives. Land accepted by the Secretary of Agriculture under this section shall become part of the wilderness area involved. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this Act, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

(b) The Secretary of Agriculture or the Secretary of the Interior is authorized to accept private contributions and gifts to be used to further the purposes of this Act.

#### ANNUAL REPORTS

SEC. 7. At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system, including a list and descriptions of the areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make.

Approved September 3, 1964.

#### LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 1538 accompanying H. R. 9070 (Comm. on Interior & Insular Affairs) and No. 1829 (Comm. of Conference).

SENATE REPORT No. 109 (Comm. on Interior & Insular Affairs).

#### CONGRESSIONAL RECORD:

Vol. 109 (1963): Apr. 4, 8, considered in Senate.

Apr. 9, considered and passed Senate.

Vol. 110 (1964): July 28, considered in House.

July 30, considered and passed House, amended, in lieu of H. R. 9070.

Aug. 20, House and Senate agreed to conference report.

Public Law 97-250  
97th Congress

An Act

To correct the boundary of Crater Lake National Park in the State of Oregon, and for other purposes.

Sept. 8, 1982

[S. 1119]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the first section of the Act entitled, "An Act reserving from the public lands in the State of Oregon, as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described, and so forth", approved May 22, 1902 (32 Stat. 202), as amended, is further amended by revising the second sentence thereof to read as follows: "The boundary of the park shall encompass the lands, waters, and interests therein within the area generally depicted on the map entitled, 'Crater Lake National Park, Oregon', numbered 106-80-001-A, and dated March 1981, which shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior."

Crater Lake  
National Park  
Oregon  
Boundary  
corrections.  
16 USC 121.

Map; filing and  
availability.

(b) Lands, water, and interests therein excluded from the boundary of Crater Lake National Park by subsection (a) are hereby made a part of the Rogue River National Forest, and the boundary of such national forest is revised accordingly.

Rogue River  
National Forest.  
16 USC 121 note.

(c) The Secretary of the Interior is authorized and directed to promptly instigate studies and investigations as to the status and trends of change of the water quality of Crater Lake, and to immediately implement such actions as may be necessary to assure the retention of the lake's natural pristine water quality. Within two years of the effective date of this provision, and biennially thereafter for a period of ten years, the Secretary shall report the results of such studies and investigations, and any implementation actions instigated, to the appropriate committees of the Congress.

Water quality  
studies and  
investigations.  
16 USC 122a.

Report to  
congressional  
committees.

SEC. 2. (a) In accordance with section 3(c) of the Wilderness Act (78 Stat. 890, 892; 16 U.S.C. 1132(c)), certain lands in the Cumberland Island National Seashore, Georgia, which comprise about eight thousand eight hundred and forty acres, and which are depicted on the map entitled "Wilderness Plan, Cumberland Island National Seashore, Georgia", dated November 1981, and numbered 640-20038E, are hereby designated as wilderness and therefor, as components of the National Wilderness Preservation System. Certain other lands in the Seashore, which comprise about eleven thousand seven hundred and eighteen acres, and which are designated on such map as "Potential Wilderness", are, effective upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, designated wilderness. Such notice shall be published with respect to any tract within such eleven thousand seven hundred and eighteen acre area after the Secretary has determined that such uses have ceased on that tract. The map and a description of the boundaries of the areas designated by this section as wilderness shall be on

Cumberland  
Island National  
Seashore, Ga.  
16 USC 1132  
note.

Notice;  
publication in  
Federal  
Register.

Map and  
boundaries  
description;  
filing and  
availability.

file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, and in the office of the Superintendent of the Cumberland Island National Seashore.

(b) Within six months after the enactment of this Act, a map and a description of the boundaries of the Cumberland Island Wilderness shall be filed with the Energy and Natural Resources Committee of the United States Senate and with the Interior and Insular Affairs Committee of the United States House of Representatives. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such map and description may be made.

Cumberland  
Island  
Wilderness

(c) The wilderness area designated by this section shall be known as the Cumberland Island Wilderness. Subject to valid existing rights, the wilderness area shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and where appropriate, any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

Approved September 8, 1982.

**LEGISLATIVE HISTORY—S. 1119:**

HOUSE REPORT No. 97-383 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 97-205 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 127 (1981): Oct. 21, considered and passed Senate.

Dec. 15, considered and passed House, amended.

Vol. 128 (1982): Aug. 19, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 36 (1982):

Sept. 9, Presidential statement.

D: DEPARTMENTAL GUIDELINES  
FOR WILDERNESS PROPOSALS

United States Department of the Interior

Office of the Secretary  
Washington, D.C. 20240

June 24, 1972

Memorandum

To: Director, Bureau of Sport Fisheries  
and Wildlife  
  
Director, National Park Service

From: Assistant Secretary for Fish and Wildlife  
and Parks

Subject: Guidelines for Wilderness Proposals – Reference  
Secretarial Order No. 2920

In the course of developing wilderness proposals we should strive to give the areas under study wilderness designation but not at the expense of losing the essential management prerogatives that are necessary to fulfill the purposes for which the areas were originally intended. Although each area under study must be considered separately, with special attention given to its unique characters, the following criteria should be adhered to when determining the suitability of an area for wilderness designation.

**Management**

An area should not be excluded from wilderness designation solely because established or proposed management practices require the use of tools, equipment or structures, if these practices are necessary for the health and safety of wilderness travelers, or the protection of the wilderness area. The manager should use the *minimum* tool, equipment or structure necessary to successfully, safely and economically accomplish the objective. When establishing the minimum tool

**and equipment necessary for a management need within wilderness areas economic factors should be considered the least important of the three criteria. The chosen tool or equipment should be the one that least degrades wilderness values temporarily or permanently.**

**For the purpose of this paragraph, accepted tools, equipment, structures and practices may include but are not limited to: fire towers, patrol cabins, pit toilets, temporary roads, spraying equipment, hand tools, fire-fighting equipment caches, fencing and controlled burning. In special or emergency cases involving the health and safety of wilderness users or the protection of wilderness values aircraft, motorboats and motorized vehicles may be used. Enclaves, buffer zones, etc., should not be established if the desired management practices are permitted under these guidelines.**

#### **Visitor Use Structures and Facilities**

**An area that contains man-made facilities for visitor use can be designated as wilderness if these facilities are the minimum necessary for the health and safety of the wilderness traveler or the protection of wilderness resources. An example of a wilderness campsite that could be included is one having a pit toilet and fire rings made of natural materials and tent sites. A hand-operated water pump may be allowed. This kind of campsite would not be considered a permanent installation and could be removed or relocated as management needs dictate. Facilities that exceed the "minimum necessary" criteria will be removed and the area restored to its natural state. (See section on Exceptions.)**

**Areas containing campsites that require, for the protection of the adjacent wilderness values, facilities more elaborate than those allowed in a wilderness campsite should be excluded from wilderness designation.**

#### **Prior Rights and Privileges and Limited Commercial Services**

**Lands need not be excluded from wilderness designation solely because of prior rights or privileges such as grazing and stock driveways or certain limited commercial services that are proper for realizing the recreational or other wilderness purposes of the areas.**

#### **Road and Utilities – Structures and Installations**

**Areas that otherwise qualify for wilderness will not be excluded because they contain unimproved roads, created by vehicles repeatedly**



traveling over the same course, structures, installations or utility lines, which can and would be removed upon designation as wilderness.

### **Research**

Areas that otherwise qualify need not be excluded from wilderness designation because the area is being used as a site for research unless that use necessitates permanent structures or facilities in addition to those needed for management purposes.

### **Future Development**

Those areas which presently qualify for wilderness designation but will be needed at some future date for specific purposes consistent with the purpose for which the National Park or National Wildlife Refuge was originally created, and fully described in an approved conceptual plan, should not be proposed for wilderness designation if they are not consistent with the above guidelines.

### **Exceptions**

Certain areas being studied may contain structures such as small boat docks, water guzzlers and primitive shelters that ought to be retained but may not qualify as minimum structures necessary for the health and safety of wilderness users or the protection of the wilderness values of the area. When an area under study for wilderness designation would otherwise qualify as wilderness a specific provision may be included in the proposed legislation for this area, giving the wilderness manager the option of retaining and maintaining these structures. Necessary management practices such as controlled burning shall also be mentioned specifically in the proposed legislation.

Areas being considered for wilderness designation will not be excluded solely because they contain hydrologic devices that are necessary for the monitoring of water resources outside of the wilderness area. When these devices, either mechanical or electronic, are found to be necessary, a specific provision allowing their use will be included in the legislation proposing the wilderness area being considered. For the installation, servicing and monitoring of these devices the minimum tools and equipment necessary to safely and successfully accomplish the job will be used.

Areas being studied for wilderness designation will not be excluded solely because they contain lakes created by water development projects if these lakes are maintained at a relatively stable level and the shoreline has a natural appearance. Where this occurs and there is no other reason for excluding the area, a specific provision describing the water development project and its operation will be included in the proposed legislation along with the recommendation for including it in the wilderness area. Other minimal development of water resources may be suggested for inclusion in wilderness if specific reference is made to them in the proposed legislation. These provisions will allow present maintenance practices to continue.

Areas that contain underground utilities such as gas pipelines and transmission lines will not be excluded from wilderness designation solely for this reason. Where this occurs the areas may be included by making specific mention of them in the proposed legislation indicating that this use would continue and previously established maintenance practices would be allowed to continue.

When non-qualifying lands are surrounded by or adjacent to an area proposed for wilderness designation and such lands will within a determinable time qualify and be available Federal land, a special provision should be included in the legislative proposal giving the Secretary of the Interior the authority to designate such lands as wilderness at such time he determines it qualifies.

A handwritten signature in black ink, reading "Nathaniel P. Reed". The signature is written in a cursive style with a long horizontal flourish at the end.

Nathaniel P. Reed

## E. WILDERNESS PRESERVATION AND MANAGEMENT

THE NATIONAL PARK SERVICE WILL PRESERVE AN ENDURING RESOURCE OF WILDERNESS IN THE NATIONAL PARK SYSTEM AS PART OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM, TO BE MANAGED FOR THE USE AND ENJOYMENT OF WILDERNESS VALUES WITHOUT IMPAIRMENT OF THE WILDERNESS RESOURCE.

From the earliest beginnings of the National Park System, the concept of wilderness preservation has been an integral part of park management philosophy. In the ensuing century, the national park movement has been a focal point for an evolving wilderness philosophy within our country.

In 1964 the efforts of the wilderness movement were capped by passage of the Wilderness Act (P.L. 88-577, 78 Stat. 890). The main thrust of the Act was to establish a National Wilderness Preservation System and provide for the study of Federal lands in the National Forests, Wildlife Refuges, and the National Park System for inclusion in the System. Consistent with the Wilderness Act, no park area may be designated as wilderness except by an act of Congress.

The Wilderness Act specifies that designation of a park area as wilderness shall in no manner lower the standards evolved for the use and preservation of such park in accordance with the Act to Establish a National Park Service, August 25, 1916 (39 Stat. 535), and other applicable legislation.

Wilderness areas shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, including "outstanding opportunities for solitude or a primitive and unconfined type of recreation." Thus, the preservation of wilderness character and values is the prime administrative responsibility of the Service, and activities to achieve other legal purposes of areas designated as wilderness must be administered so as to preserve the wilderness character. The public purposes for which park wilderness shall be managed relate to recreational, scenic, scientific, educational, conservation, and historical uses.

The National Park Service has conducted wilderness studies in conformity with the Wilderness Act, and the Secretary of the Interior has submitted legislative recommendations to the President and the Congress for designation of park areas as wilderness. The Service will continue wilderness studies on parks authorized since the passage of the Wilderness Act wherever required or desirable.

The policies contained in this chapter relate specifically to park wilderness or to park areas that have been studied and recommended for wilderness designation. Policies of general application to parks are contained in other chapters and are not repeated here. The Service's wilderness policies may vary from those of the Forest Service and the Fish and Wildlife Service, based on the differing missions of the three agencies. All, however, have as their goal the preservation of wilderness character.

The Service has traditionally used the term "backcountry" to refer to primitive, undeveloped portions of parks. This, however, is not a specific land classification, but refers to a general condition of land that may span several of the Service's land classifications that are essentially undeveloped and natural in character. Where the term wilderness is used, it will apply only to congressionally designated wilderness or to areas being studied or proposed for wilderness designation. The park "backcountry" would include the designated or proposed wilderness, but could also include other roadless lands which contain minor developments not appropriate in wilderness and provide for a number of different park purposes and activities.

#### WILDERNESS REVIEWS

The Service will continue to review areas that qualify for wilderness study, consistent with provisions of the Wilderness Act and subsequent legislation directing that wilderness studies be made. Wilderness studies shall be subject to compliance with the Procedures for the Protection of Historic and Cultural Properties promulgated by the Advisory Council on Historic Preservation.

#### PROTECTION OF ROADLESS STUDY AREAS

Roadless study areas subject to review for wilderness designation will be protected from activities which would endanger or alter their natural, primitive character until administrative study or the legislative process determines their suitability for wilderness designation.

#### NATURE OF WILDERNESS LAND

The Act defines wilderness, in part, as undeveloped Federal land retaining its primeval character and influence which

. . . generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable . . . .

In interpreting this section, the Service considers lands that have been logged, farmed, grazed, or otherwise utilized in ways not involving extensive development or alteration of the landscape as qualifying for consideration of inclusion in wilderness proposals. Where such uses have impaired wilderness qualities, management will be directed toward restoration of wilderness character.

#### MANAGEMENT CONSIDERATIONS

An area will not be excluded from a wilderness recommendation solely because established or proposed management practices require the use of tools, equipment, or structures if those practices are necessary for the health and safety of wilderness travelers or protection of the wilderness area.

#### GRAZING AND STOCK DRIVEWAYS

Lands will not be excluded from a wilderness recommendation solely because of prior rights or privileges, such as grazing and stock driveways, provided these operations do not involve the routine use of motorized or mechanical equipment and do not involve development and structures to such an extent that the human imprint is substantially noticeable.

#### HISTORIC FEATURES

Historic features which are primary attractions for park visitors are not included in wilderness. However, an area that attracts visitors primarily for the enjoyment of solitude and unconfined recreation in a primitive setting may also contain historic features and still be included in wilderness. Typical historic features which may be included are archeological sites, historic trails, travel routes, battle sites, and minor structures. Historic trails may serve and be maintained as part of the wilderness trail system. However, if the planned scope and standard of maintenance would result in the imprint of man's work being substantially noticeable, the trail or other feature should not be included in wilderness.

#### POTENTIAL WILDERNESS ADDITIONS

When non-qualifying lands are surrounded by or adjacent to an area proposed for wilderness designation, and such lands will within a determinable time qualify and be available Federal land, a special provision should be included in the legislative proposal which would provide for the future designation of these lands as wilderness upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased.

### MINING OR PROSPECTING

Any recommendation that lands presently subject to mineral exploration and development be designated wilderness will only be made subject to the mineral interests being eliminated.

### UTILITY LINES

Lands containing above-ground utility lines are not included in recommended wilderness. Areas containing underground utility lines may be included if the area otherwise qualifies as wilderness and the maintenance of the utility line does not require the routine use of mechanized and motorized equipment. No new utility lines are to be installed, and existing utility lines may not be extended or enlarged.

### WILDERNESS USE

Wilderness is recognized in the Wilderness Act as an area

. . . where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.

The visitor must accept wilderness largely on its own terms. Modern conveniences are not provided for the comfort of the visitor; and the risks of wilderness travel, of possible dangers from accidents, wildlife, and natural phenomena must be accepted as part of the wilderness experience.

For a majority of park visitors, park wilderness will be appreciated primarily from outside wilderness boundaries as part of the park scene, viewed from park roads and developments. To them, as well as to the visitor who hikes into the wilderness, protection of the wilderness character is essential to the quality of the park experience.

### INFORMATION ON WILDERNESS USE

Information on wilderness and backcountry use will be available in each park having such resources, specifying

- the kinds of clothing and equipment necessary for such use;

- special dangers of wilderness use and precautions to be observed by the user; and
- regulations regarding wilderness and backcountry use.

#### LIMITATION OF WILDERNESS USE

If necessary to preserve the wilderness character, the Service will limit or disperse use through a variety of means best suited to the particular wilderness concerned.

#### OVERNIGHT USE

The Service may designate campsites where the protection of resources dictates the need. Campsite facilities are to be the minimum necessary for the health and safety of the wilderness traveler and for the protection of the resources. Facilities may include an identifying site marker, pit toilet, tent sites, and unobtrusive fire rings.

#### DAY USE

In smaller wilderness areas where the use pattern is essentially day use, provision of campsites may not be necessary, or they may be provided outside of wilderness boundaries.

#### COMMERCIAL SERVICES

Guide services for horseback trips, hiking, mountain climbing, boat trips and similar services designed to provide opportunities for the enjoyment of primitive and unconfined types of recreation or other wilderness purposes of the area are permissible under careful control by each park as to their nature, number and extent. Structures or facilities in support of such commercial services are not permitted within wilderness.

#### CACHES

The storage of boats or other equipment by the public is not permitted. All equipment brought in must be taken out at the end of each wilderness trip.

## RESEARCH

The Service, recognizing the scientific value of wilderness areas as natural outdoor laboratories, permits those kinds of research and data gathering which require such areas for their accomplishment, and which will not adversely modify either the physical or biological resources and processes of the ecosystems, nor intrude upon or otherwise degrade the aesthetic values and recreational enjoyment of wilderness environments. All activities must be in accord with wilderness management policies.

## REFUSE DISPOSAL

Refuse may not be disposed of within wilderness, except for the burning of combustible materials where campsites are permitted. The "carry out" concept will be implemented by each park containing wilderness.

## HYDROMETEOROLOGIC DEVICES

Hydrologic or hydrometeorologic devices are usually permanent or semi-permanent installations used to gather water and climatic data related to the management of resources outside of the wilderness. Such existing devices may be retained in wilderness. New or additional devices should not be placed in wilderness, except upon a finding by the Secretary of the Interior that essential information cannot be obtained from location outside of wilderness and that the proposed device is the minimum tool to successfully and safely accomplish the objective. The installation, servicing, and monitoring of these devices shall be accomplished by such means as will assure human safety and will result in the minimum permanent and temporary adverse impact upon the wilderness environment.

## WILDERNESS MANAGEMENT

### USE OF THE MINIMUM TOOL OR EQUIPMENT

In the management of wilderness resources and of wilderness use, the Service will use the minimum tool necessary to successfully, safely and economically accomplish its management objectives. When establishing the minimum tool, economic factors should be considered the



least important of the three criteria. The chosen tool or equipment should be the one that least degrades wilderness values temporarily or permanently. Accepted tools, equipment, structures and practices may include but are not limited to: fire towers, patrol cabins, pit toilets, spraying equipment, hand tools, and fire-fighting equipment. The specifics of wilderness management for a given park will be included in the park's backcountry management plan.

A detailed discussion of the minimum tool and the specific approval authority required are provided in the backcountry/wilderness management guidelines. Specific approval is required for the non-emergency use of motorized or mechanical equipment, the installation of new facilities or the modification of existing facilities in wilderness.

#### MOTORIZED OR MECHANICAL EQUIPMENT

1. As a general rule, use of motorized equipment or mechanical transport by the public is not allowed. Boating with hand propelled craft is an acceptable use of wilderness. Language customarily used in the National Park Service's recommended wilderness legislation would make applicable to the National Park Service a special provision of the Wilderness Act pertaining to the use of aircraft and motorboats. Under this provision, where the use of aircraft and motorboats has already become established, the use may be permitted to continue subject to such restrictions as the Secretary of the Interior deems desirable. This does not mean that previously established motorboat and aircraft uses of an area must be allowed to continue upon the designation of that area as wilderness, or that water areas must be excluded from wilderness recommendation where motorboats are involved. Any recommendation to allow established aircraft or motorboat use to continue in wilderness would be based upon a finding that the purpose, character, and manner of such use is suitable to the specific wilderness under consideration.
2. Administrative use of motorized equipment or mechanical transport, including motorboats and aircraft, is permitted only as follows:
  - a. In emergency cases involving the health and safety of wilderness users or the protection of wilderness values.
  - b. As necessary to meet the minimum needs of management to achieve the purpose of the area.

## MANAGEMENT FACILITIES

Wilderness is defined, in part, as undeveloped Federal land retaining its primeval character and influence, without permanent improvements. Facilities are permitted only as necessary to meet the minimum requirements for the administration of the wilderness area.

### ROADS

Permanent roads are not permitted in wilderness. Where wilderness includes abandoned roads, their use by vehicles is not permitted and the road should be restored to a natural condition. Temporary vehicular access is permitted only to meet the minimum requirements of emergency situations.

### TRAILS

Narrow, unpaved foot and horse trails are permissible. Trails intended for foot travel only will be maintained, generally, to a width sufficient for persons to walk single-file. Trails intended for combined foot and horse travel, or for horse travel only, will be maintained to a width sufficient for horses and their riders to travel single file. Trail bridges are permitted at stream crossings if the crossing, without a bridge, would be unsafe during the normal period of use.

### HELIPORTS, HELIPADS, HELISPOTS, AND AIRSTRIPS

Heliports, helipads, and airstrips are not permissible. Natural openings may be utilized as helispots. No site marking or improvements of any type will be permitted, except in conjunction with specific emergencies, after which the area will be restored.

### COMMUNICATIONS FACILITIES

Radio facilities are permitted where necessary for management of the wilderness area.

### FIRE MANAGEMENT

Action will be taken to control wildfires in such a way as to protect natural and cultural features and to minimize the lasting impacts of the control action and the fire itself.

#### FIRE LOOKOUTS

Fire lookouts for wilderness protection are permitted where there is no adequate alternative method of fire detection.

#### RANGER STATIONS, PATROL CABINS, AND STORAGE STRUCTURES

These structures are permitted only to the minimum extent necessary for wilderness management.

#### FENCES AND HITCHING RACKS

Fencing and hitching racks are permitted only where essential for protection of the resource.

#### CHALETS AND CONCESSIONER CAMPS

These facilities are not permissible.

#### SIGNS AND MARKERS

Signs and markers may be provided only where they are necessary for visitor safety, management, or resource protection.

#### TABLES

Picnic tables are not permissible.

#### TOILETS

Toilet facilities are limited to locations where there are health and sanitation problems or danger of serious resource damage, and where reducing or dispersing visitor use is not practical or realistic.

## **PLAQUES, MEMORIALS, AND BURIAL PLOTS**

**Existing commemorative features and burial plots may be retained. No future additions may be made, unless permitted by existing reservations.**

F: PERMITTED AND PROHIBITED USES IN WILDERNESS

<u>Use</u>	<u>Prohibited</u>	<u>Permitted</u>
<b>DEVELOPMENT</b>		
<b>Campsites</b>		
Fire Rings		x <sup>1</sup>
Pit toilets (vault toilets)		x <sup>1</sup>
Tent sites, primitive		x <sup>1</sup>
Water pump, hand-operated		x <sup>1</sup>
<b>Commercial facilities</b>	x <sup>3</sup>	
<b>Fire towers</b>		x <sup>1</sup>
<b>Patrol cabins</b>		x <sup>1,3</sup>
<b>Research facilities</b>		
Permanent	x <sup>2</sup>	
Temporary		x <sup>1</sup>
<b>Roads</b>		
Permanent	x <sup>3</sup>	
Temporary		x <sup>1</sup>
<b>Saddle and pack stock</b>		
Control facilities		x <sup>3</sup>
<b>Structures and installations</b>		
General	x <sup>3</sup>	
Minor (nonconforming, such as small boat docks, primitive shelters, etc.)		x <sup>1</sup>
Airstrips	x <sup>3</sup>	
<b>Utility lines</b>		
Aerial, existing	x <sup>3</sup>	
Underground, existing		x <sup>1</sup>
<b>Water-supply and wastewater treatment systems (nonprimitive)</b>		x <sup>1</sup>

Use	Prohibited	Permitted
<b>RESOURCES AND MANAGEMENT</b>		
Boating, motorized	x <sup>3</sup>	
Boating, motorless		x <sup>3</sup>
Commercial services, limited		x <sup>1,3</sup>
Mining	x <sup>3</sup>	
Agricultural practices	x <sup>3</sup>	
Prospecting	x <sup>3</sup>	
Insect pest control		x <sup>3</sup>
Stock driveways	x <sup>3</sup>	
Grazing	x <sup>3</sup>	
<b>MANAGEMENT TOOLS AND METHODS</b>		
Controlled burning		x <sup>1</sup>
Timbering	x <sup>2</sup>	
Fencing		x <sup>1,3</sup>
Firefighting equipment caches		x <sup>1</sup>
Hand tools		x <sup>1</sup>
Hydrological monitoring devices		x <sup>1</sup>
Spraying equipment		x <sup>1</sup>
Other motorized equipment	x <sup>2</sup>	
<b>VEHICLES</b>		
Aircraft (landing and takeoff)	x <sup>2</sup>	
Landcraft	x <sup>2</sup>	
Watercraft (motorboats)	x <sup>2</sup>	

1. Permitted only where demonstrated as the "*minimum* tool, equipment or structure (or practice) necessary . . . for the health and safety of wilderness travelers or the protection of the wilderness area." (Memorandum from Assistant Secretary for Fish and Wildlife and Director, National Park Service, "Guidelines for wilderness proposals," June 24, 1972. Reference Secretarial Order No. 2920.)
2. Prohibited except where demonstrated as the "*minimum* tool, equipment, or structure (or practice) necessary . . . for the health and safety of wilderness travelers or the protection of the wilderness area." *Ibid.*
3. United States Department of the Interior, National Park Service, Management Policies, 1975.

G: MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING

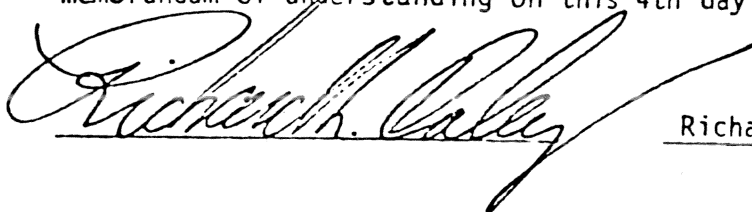
WHEREAS, the Congress of the United States by P.L. 92-536 authorized the Cumberland Island National Seashore, and the City of St. Marys has been utilized as a temporary mainland base for visitors to Cumberland Island, and

WHEREAS, it is recognized that the facilities at St. Marys would not be adequate for visitation in excess of 600 visitors per day and that use above that figure would be detrimental to both the City and the National Park Service, and

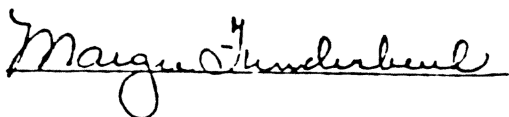
WHEREAS, both parties are mutually concerned with respect to the volume of visitor use and the necessity for a permanent mainland base at Point Peter, Georgia. Now, therefore, the following commitment and agreement has been made:

1. On behalf of the City of St. Marys, we agree not to oppose removal of the entire National Park Service operation from the St. Marys waterfront to the Point Peter vicinity whenever the number of visitors transported from St. Marys to Cumberland Island exceeds 600 per day on the average over 4 months of the visitor season.
2. Until this visitation level is reached, the Park Service will maintain its leased facilities at St. Marys and shall make such improvements, and if needed, enter into contracts, to upgrade the existing facility at the St. Marys waterfront as are necessary to accommodate 600 visitors per day.
3. This agreement is subject to all laws and executive orders, as applicable, and is subject to the availability of Congressionally authorized appropriations. It is understood and agreed that, in order to prepare for an orderly transfer of its operations to Point Peter after reaching the visitation level described above, it is necessary and advisable for the Park Service to obtain legislation authorizing the acquisition of the Point Peter vicinity as the future mainland base for Cumberland Island National Seashore, and that the Park Service will seek such legislation as soon as possible.

In Witness Whereof, the parties hereto have made and executed this memorandum of understanding on this 4th day of May, 1978.

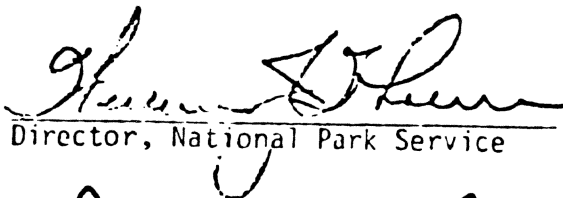


Richard L. Daley, Mayor  
(Name) (Title)



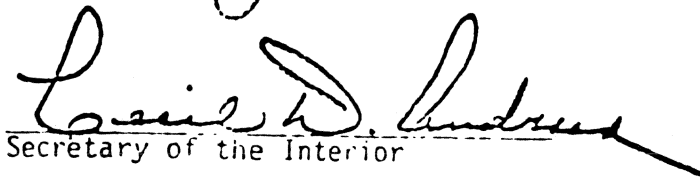
Margie Funderburk, City Clerk  
(Name) (Title)

Recommended:



Director, National Park Service

Approved:



Secretary of the Interior



## H: PARK PLANNING

THE NATIONAL PARK SERVICE WILL PREPARE A STATEMENT FOR MANAGEMENT FOR EACH PARK TO ESTABLISH THE OBJECTIVES FOR ITS MANAGEMENT. TO ACHIEVE THESE OBJECTIVES, THE SERVICE WILL PREPARE PLANS TO GUIDE RESOURCE MANAGEMENT, INTERPRETATION, VISITOR USE, AND DEVELOPMENT, PLACING THE PARK WITHIN THE CONTEXT OF THE SURROUNDING REGION. THE SERVICE WILL COOPERATE WITH OTHER AGENCIES AND OUTSIDE INTERESTS IN THE DEVELOPMENT OF PLANS AND WILL PROVIDE FOR PUBLIC PARTICIPATION IN THE PLANNING PROCESS.

Management objectives are required to establish the framework for management of each park. These set forth conditions to be achieved to realize the park's purpose consistent with Service policy. They provide the basis for all management actions taken to perpetuate park resources, facilitate appropriate public use, and deal with the many influences that affect the park and its management.

The statement for management lists each park's management objectives and provides the basis for establishing them. It contains an up-to-date documentation of the park's purpose, the significance of its resources, the existing use of its lands and waters, the legislative and administrative constraints on its management, and the influences that affect park resources and the experience of park visitors. Each park's statement for management will be evaluated annually and revised when necessary to improve its effectiveness in guiding management activities.

Planning for each park is required to establish the strategies for achieving its management objectives. The general management plan is the document that provides for the realization of the park's purpose in consonance with applicable legislation, management policies, and park management objectives. It objectively considers natural, cultural, social, and economic values in defining management strategies, and represents a commitment to the public and the Congress on the park's management, protection, use and development.

### INFORMATION BASE

The Service will develop, gather, compile, store, analyze, update, and employ adequate natural, historic, social, economic, and demographic data relevant to planning and management of each park. Such data will serve as an information base for formulating proposals and administrative decisions in planning for the achievement of park objectives. This information is required for the preparation of

general management plans, environmental impact statements, and specific plans; for review of projects under Section 106 of the National Historic Preservation Act and Executive Order 11593; and for development and various management actions. In the absence of adequate information for planning and management decisions, its acquisition becomes a prerequisite to action.

#### THE PLANNING TEAM

The general management plan will be prepared by an interdisciplinary planning team including specialists with the expertise to address the various planning concerns. The superintendent and such park staff as he or she may designate are part of the planning team. Affected government agencies in the park region will be consulted during plan preparation and others possessing specialized knowledge of the park will be consulted as necessary and desirable and may be members of the planning team.

#### THE GENERAL MANAGEMENT PLAN(formerly Master Plan)

The general management plan is dynamic, varying in complexity with the size and complexity of a given park. Its components are periodically subjected to reevaluation and are revised as necessary to reflect changes in management objectives or in ecological, social, or economic conditions. As the plan is developed, more specific proposals for action are made. In a small park, the important proposals may be presented in a single document; in a large park, it may be necessary to prepare associated plans for specific management and development actions. These associated plans will not always be prepared concurrently with the general management plan but will be consistent with it. Until the general management plan is completed and approved, the management objectives as established by the statement for management will guide day-to-day park operations.

Reference: General Authorities Act, October 7, 1976 (P.L. 94-458)

## BASIC COMPONENTS

Every general management plan contains:

- a statement of the park's purpose and management objectives;
- proposed management zoning for all lands and waters within parks;
- interrelated proposals for resource management, interpretation/visitor use, and general development.

Other elements to be contained in or added to the plan as needed or applicable include, but are not limited to:

- a land suitability analysis to determine factors limiting types and amounts of acceptable uses;
- a determination of legislation needed for boundary adjustments and other purposes in order to meet management objectives;
- detailed resources management strategies prepared to specify needed research and provide comprehensive direction for resources management activities;
- detailed strategies for interpretation; and
- wilderness reviews, prepared to determine the suitability of lands within the park for designation as legislative wilderness under provisions of the Wilderness Act.

## MANAGEMENT ZONES

Park lands shall be zoned to designate where various strategies for management and use will best fulfill management objectives and achieve the purpose of the park. Such management zoning must be developed in consideration of capability of the land to support identified uses.

Four primary management zones will be recognized--natural, historic, park development and special use. Within this framework, subzones may be designated for any park where desirable to indicate in greater detail how the land or water will be managed. Management zoning (formerly termed "land classification") in existing plans shall remain valid until revised or superseded.

Natural Zone - Lands and waters in this zone will be managed to ensure that natural resources and processes remain largely unaltered by human

activity. Developments will either be absent or limited to dispersed recreational and management facilities, such as picnic areas, interpretive displays, and small maintenance stations that are essential for management, use, and appreciation of natural resources.

Historic Zone - This zone includes all lands managed primarily to preserve cultural resources or to commemorate historical subjects. In most cases, lands on or eligible for the National Register of Historic Places will be zoned historic and shall not be rezoned without compliance with the Procedures for the Protection of Historic and Cultural Properties promulgated by the Advisory Council on Historic Preservation (36 C.F.R. Pt. 800). Certain lands not meeting the criteria for listing on the National Register, including local cemeteries and other minor historic sites worthy of protection and interpretation, may also be zoned historic.

Physical development in historic zones shall be the minimum needed for preservation and interpretation of cultural values. Activities in historic zones generally shall be limited to sightseeing and study of the cultural features. However, this limitation shall not preclude or discourage appropriate adaptive use of historic structures for utilitarian purposes or other uses permitted in these policies.

Park Development Zone - Lands in this zone will be managed to support nonhistoric park development and intensive public use which substantially alter the natural environment. Parking lots, public use roads, aggregations of buildings, and park utilities will be included in this zone. Developments permitted on other zones do not constitute a development zone. Development zones shall be restricted to the smallest area necessary to accommodate required major development and intensive use. New development zones will be designated only after considering alternative sites (including locations outside the park) and alternative levels of use, facilities, and services.

Special Use Zone - This zone includes lands and waters to be used by other agencies or interests for purposes not permitted in natural, historic, or development zones. Examples include reservoirs, private development, non-Federal open space, and areas supporting or proposed for mining, ranching, and lumbering.

## I: HISTORIC PRESERVATION

THE NATIONAL PARK SERVICE SHALL FAITHFULLY PRESERVE THE CULTURAL RESOURCES ENTRUSTED TO ITS CARE AND PROVIDE FOR THEIR UNDERSTANDING, APPRECIATION, AND ENJOYMENT THROUGH APPROPRIATE PROGRAMS OF RESEARCH AND INTERPRETATION.

The mandate to preserve cultural resources for the benefit, enjoyment, and understanding of this and succeeding generations is contained not only in the National Park Service organic act of 1916, but also in five other significant legislative enactments. These laws, which have significant impact on the policies, programs, activities, and procedures of the Service as they relate to cultural resources, are:

The Antiquities Act of 1906, June 8, 1906 (P.L. 59-209, 34 Stat. 225)

The Historic Sites Act of 1935, August 21, 1935 (P.L. 74-292, 49 Stat. 666)

The National Historic Preservation Act of 1966, October 5, 1966 (P.L. 89-665, 80 Stat. 915), as amended by P.L. 94-422.

The National Environmental Policy Act of 1969, January 1, 1970 (P.L. 91-190, 83 Stat. 852)

The Archeological and Historic Preservation Act of 1974, an amendment, May 24, 1974 (P.L. 93-291, 88 Stat. 174)

In addition, the below listed references further elaborate on the requirements of these laws and provide detail upon which Service policies are based:

"Protection and Enhancement of the Cultural Environment,"  
Presidential Executive Order 11593, May 13, 1971 (36 F.R. 8921)

"Procedures for the Protection of Historic and Cultural  
Properties," Advisory Council on Historic Preservation  
(36 C.F.R. Pt. 800)

"National Register of Historic Places," National Park Service  
(36 C.F.R. Pt. 60)

"Procedures for Requesting Determinations of Eligibility,"  
National Park Service (36 C.F.R. Pt. 63)

"Guidelines for the Preparation of Environmental Impact  
Statements," Council on Environmental Quality (40 C.F.R.  
Pt. 1, Pt. 1500)

"Preparation of Environmental Statements: Guidelines for Discussion of Cultural (Historic, Archeological, Architectural) Resources," U.S. Department of the Interior, August 1973 (Revised, April 1974)

"Uniform Rules and Regulations Prescribed by the Secretaries of the Interior, Agriculture and War to Carry Out the Provisions of the Act for the Preservation of American Antiquities," December 28, 1906.

The laws, Executive order, and guidelines taken in total impose a special obligation on the Service to locate, identify, evaluate, preserve, manage, and interpret qualified cultural resources in every park in such a way that they may be handed on to future generations unimpaired. The management policies that follow are those essential to the Service's exercise of this stewardship of the cultural resources entrusted to its care. Consistent with the requirements of law, resources managers and professionals at all levels shall taken positive action to perpetuate unimpaired the cultural resources of the National Park System; to prevent adverse effects on these resources by development, visitor use, or resource management activities; and to prohibit vandalism or unauthorized excavation, collection, or appropriation of cultural resources.

## EXPLANATION OF TERMS

In general references to resources significant in the human past, the term "cultural" is now preferred to "historic" as more broadly denoting the inclusion of prehistoric, archeological, and architectural properties. The term "historic" (and its various forms) is still often used in a broad sense to refer to both prehistoric and historic periods, to the anthropological concept of culture, and to the processes, events, places, and objects related to the human past. There follows a brief explanation of the use of selected terms.

### CULTURAL RESOURCES

Cultural (or historic) resources are sites, structures, districts, and objects significantly associated with or representative of earlier people, cultures, and human activities and events.

Site - a distinguishable piece of ground or area upon which occurred some historic event, or which is significantly associated with historic events, persons, or cultures, or which was subjected to sustained human activity. Human activity may be reflected in the topography or ecosystem. Examples of historic sites (apart from other types of historic resources they may encompass) are battlefields, campgrounds, trails, middens, and farms.

Structure - a work of humans consciously created to serve some form of human activity, usually by nature or design immovable. Examples are buildings of various kinds, dams, canals, bridges, stockades, forts and associated earthworks, Indian mounds, fences, gardens, roads, and mill races.

Object (or artifact) - a material thing of functional, aesthetic, cultural, symbolic, or scientific value, usually by nature or design movable. Historic objects are ordinarily regarded as museum specimens. If, however, they are large and not readily portable (e.g., nautical vessels, statues), they are treated as structures.

District - a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of historic sites, structures, or objects, unified by past events or aesthetically by plan or physical developments or by similarity of human use. A district also may be composed of individual elements that are separated geographically but are linked by association or history. Historical areas of the National Park System are ordinarily districts in themselves.

#### HISTORIC SCENE

The overall appearance of all cultural resources and their surroundings as they were in the historic period constitutes the historic scene. It is at once the environment in which a historic place reposes and the appearance of that historic place in its environment. To the extent that modern developments, exotic or altered vegetation, and topographic changes have intruded upon the environment of a historic place, or that the cultural resources themselves have visibly changed, the historic scene has been altered.

#### CATEGORIES OF SIGNIFICANCE

Individual cultural resources in units of the National Park System shall be assigned to the following categories of significance on the basis of professional evaluation:

Category Ia - Resources that individually possess national significance, in terms of the criteria for evaluating proposed National Historic Landmarks (e.g., the Adams House at Adams NHS, Fort San Carlos de Barrancas at Gulf Islands NS, Cliff Palace at Measa Verde NP). Except for individually significant resources which are clearly essential to the established national significance of historical parks, such as Independence Hall at Independence NHP, final assignment to Category Ia shall depend on evaluation by the National Park System Advisory Board and approval by the Secretary of the Interior. Those few Category Ia resources unrelated to the primary purposes or themes of their parks, such as the Second Bank of the U.S. at Independence NHP, shall be designated National Historic Landmarks.

Category Ib - Resources that, while not individually possessing national significance, contribute to the established national significance of a historical park or a nationally significant historic district elsewhere (e.g., the Carriage House at Adams NHS, the locks in Chesapeake and Ohio Canal NHP, the buildings at Fort Davis, the battlefield farmhouses and commemorative monuments at Gettysburg NMP, and most subsidiary structures and resources contributing to the historic scene in historical areas).

Category IIa - Resources that meet the basic criteria for listing in the National Register of Historic Places and are of State or regional significance (e.g., Old Point Loma Lighthouse at Cabrillo NM, Floyd Bennett Field at Gateway NRA).

Category IIb - Resources that meet the basic criteria for listing in the National Register of Historic Places and are of local or park significance (e.g., the 19th-century Howser House at Kings Mountain NMP, most early park administrative and visitor use structures at Yosemite NP).

Categories IIa and IIb will include all historical area resources of less-than-national significance which are unrelated to the primary themes of their parks, and most cultural resources in other areas.

## INVENTORY, CLASSIFICATION, AND REGISTRATION OF CULTURAL RESOURCES

As required by law, the National Park Service shall inventory and appropriately classify for protection and use the cultural resources of all the parks.

### INVENTORY OF CULTURAL RESOURCES

The cultural resources of every park shall be located, inventoried, and evaluated for significance in accordance with the requirements of Executive Order 11593. The resulting evaluative inventory will provide the substantive data needed to formulate historic preservation and resources management proposals; to guide planning, development, interpretation, and maintenance activities; and to comply with legal requirements. The cultural resources inventory is an essential part of the park's Information Base. As a basic resources management tool, it shall be periodically reviewed and updated in a progressive effort toward completion.

### LIST OF CLASSIFIED STRUCTURES

The National Park Service shall maintain a central List of Classified Structures (LCS), identifying all historic structures within the units



of the National Park System that may meet the criteria of the National Register of Historic Places or are elements of sites, districts, or structural complexes that may meet the National Register criteria. (A few other structures determined to warrant preservation for their cultural values may also be included in the LCS.) The LCS shall record the Category of Significance and level of treatment (preservation, restoration, reconstruction) for each structure and shall provide a basis for programming and executing the prescribed level of treatment.

#### NOMINATION OF CULTURAL RESOURCES TO THE NATIONAL REGISTER

All cultural resources in all units of the National Park System that meet the criteria of the National Register of Historic Places shall be nominated to the National Register by the responsible Regional Directors, in consultation with the appropriate State Historic Preservation Officers. Although the historical areas of the System are automatically listed in the National Register, inventory/nomination forms must be submitted to define their cultural resources in the same way that such resources in other areas are defined when nominated. Eligible historical area resources unrelated to the primary themes of their parks should be nominated separately.

Periodic review shall be undertaken to insure that all National Register forms are current and complete. In particular, forms shall be revised to reflect all relevant boundary revisions.

#### CONTROL OF HISTORIC OBJECTS

The Service shall develop and maintain a comprehensive Servicewide evaluative inventory of all historic objects for which it is responsible and shall periodically verify their existence, location, and condition. Objects of national significance, objects susceptible to unauthorized appropriation as collector's items, and marketable commodities and objects of an appraised value over \$100 shall be treated as controlled property under appropriate property management procedures. The Service shall appraise and offer positive identification on all objects known to be traded in various collectors markets. Every park shall maintain a complete accession record and museum catalog of historic and/or scientific objects for which it is responsible, as prescribed in the National Park Service Manual for Museums.

#### HISTORICAL DATA

The Service shall develop and maintain a comprehensive data bank for recordation, retrieval, and storage of all primary and synthesized data resulting from its programs of cultural resources investigation and preservation.

#### RESEARCH INVOLVING CULTURAL RESOURCES

The Historic Sites Act of 1935 recognizes the importance of research by placing it first among the authorities granted the Secretary of the Interior to carry out the national historic preservation policy. Accordingly, the Service shall conduct and support research necessary to evaluate, preserve, and interpret the cultural resources of the National Park System.

#### PURPOSES OF SERVICE RESEARCH INVOLVING CULTURAL RESOURCES

Service research on cultural resources within the National Park System shall be mission-oriented, supporting their preservation, development, interpretation, and management. Research shall precede planning and development affecting the cultural resources of any unit of the System. The depth of research conducted shall be appropriate to the level of importance of the end to be served.

Research may be directed to a particular planning or management problem, or may be conducted to provide fundamental data for preservation, management, or interpretation. Research that does not contribute directly to these needs of the Service is properly the province of non-Service scholars and shall not be conducted by the Service.

#### QUALITY OF HISTORICAL, ARCHEOLOGICAL, AND ARCHITECTURAL RESEARCH

Historical, archeological, and architectural research shall employ current professional concepts, methods, and techniques in order to make optimum use of funds and resources, and contribute effectively to preservation, development, interpretation, and management. All research shall be preceded by, and be consistent with, a comprehensive and professionally adequate research design based on standards that are consistent with current professional expectations and capabilities. These standards shall be periodically reviewed by qualified Service and non-Service professionals.

### ARCHITECTURAL RESEARCH

Architectural research shall be conducted by experienced professionals to synthesize physical evidence found in the analysis of a structure and such architectural prototypes of the period and region needed to fully understand the structure with documentation and evidence supplied by historians and archeologists. Professional study and evaluation shall precede any changes in use of a historic structure and intervention into its fabric for maintenance or preservation treatment. Architectural research shall be continuously employed to evaluate all new information, materials, and practices that may affect the preservation of historic structures.

### ARCHEOLOGICAL RESEARCH

Archeological research involving excavating or collecting, no matter how well conceived or executed, is a destructive process representing an irreversible and irretrievable commitment of cultural resources. Accordingly, any Service proposal for research physically affecting cultural resources shall:

1. be based on an approved research design closely defining the scope and methodological basis of the research;
2. establish that the research is essential to the acquisition of data needed by management, or to visitor understanding of the purpose for which the park was established, or to the preservation of in situ historic remains;
3. establish that the purpose of the work proposed can be substantially met only by archeological work at the site(s) proposed;
4. provide for appropriate recordation of data, dissemination of results, and preservation of cultural resources affected.

Non-Service proposals for archeological research in parks involving excavating or collecting shall:

1. provide a research design closely defining the scope and methodological basis of the proposed work;
2. establish that the research is essential to the acquisition of data directly related to current significant anthropological concerns that cannot reasonably be accomplished by investigation of archeological resources outside the park;

3. establish that sufficient institutional commitment and capability exist to fully recover, analyze, synthesize, and publish the results of the work; to meet curatorial responsibilities for the archeological materials and artifacts removed; and to provide for appropriate preservation of the in situ remains;
4. establish that the principal investigator has a serious, long-term commitment to the archeological resources proposed for the study.

All archeological research proposals shall comply with the requirements of Executive Order 11593, Section 106 of the National Historic Preservation Act of 1966, and the provisions of the Antiquities Act of 1906.

#### SALVAGE OF CULTURAL RESOURCES

When it has been determined, in conformance with the Procedures for the Protection of Historic and Cultural Properties promulgated by the Advisory Council on Historic Preservation, that overriding development or other considerations require the destruction of cultural resources listed or eligible for listing in the National Register of Historic Places, provision shall be made for salvage of data and remains. In the case of resources not meeting the National Register criteria and in accordance with recommendations of appropriate professionals, provision shall be made for the salvage and/or recordation of data and remains that will be destroyed or altered. If it is established that in a particular situation total salvage will be too expensive in relation to the value of the data and remains, or if total salvage will involve unwarranted duplication, then less-than-full salvage may be approved. All salvage shall be based on an appropriate research design and shall conform to the extent possible with Service research policies and Department of the Interior regulations.

#### PRESERVATION OF FIELD NOTES AND COLLECTIONS

Field notes and collections of artifacts and structural features retrieved in the conduct of research in archeology and historic architecture, or during restoration projects, shall be preserved for the benefit of future investigators and as an aid to continued preservation.

Where practicable, structural elements shall be left in place. If they must be removed for preservation, significant or representative samples shall be carefully tagged, cataloged, and stored.

### COOPERATIVE RESEARCH

The Service shall promote and encourage cooperative research relationships in history, historic architecture, and archeology with recognized educational and scientific institutions. Through appropriate means, such as memorandums of agreement and personnel exchanges, the Service shall encourage such institutions and scholars to direct their research interests toward Service objectives. In furtherance of this policy, the Service may align its cultural resources preservation and research facilities with appropriate institutions.

Because the Service also needs information gathered apart from the constraints of its policies and expectations, it shall seek out outside research pertinent to park themes and resources and shall encourage independent researchers to undertake studies related to interpretation and management.

The physical and documentary resources of the Service and its facilities and assistance shall be made available to qualified scholars, whether professional or amateur, to the extent consistent with the Service's mission and operational requirements.

### INVESTIGATION OF CULTURAL RESOURCES BY QUALIFIED INVESTIGATORS

Direct archeological and architectural investigation of cultural resources in any manner that physically affects such resources shall be undertaken only by professionally qualified Service employees or contractors or collaborators in the conduct of their official assignments, or by accredited scholars from recognized institutions bearing Antiquities Act permits.

### PROTECTION OF RESEARCH POTENTIAL

No action shall be taken that in any way unnecessarily reduces the potential for future research on cultural resources in any park. Proposals for archeological excavation shall be preceded by a thorough professional evaluation of the impact on research potential. In addition, affirmative steps shall be taken in every park to insure that (a) routine park activities or development do not impair cultural resources; (b) no action is undertaken that alters the fabric of a historic structure for any purpose other than approved forms of its preservation, and then only under appropriate professional supervision; (c) structural materials and historic objects recovered during treatment or excavation of cultural resources are recorded and preserved. Where warranted by their importance, susceptibility to adverse effects from visitation, or the necessities of ongoing research efforts, cultural resources (including historic structures and areas of archeological value) may be closed to public access and reserved solely for research purposes.

## CULTURAL RESOURCE RESEARCH PLAN

The status of research in history, archeology, historic architecture, and related disciplines in each unit of the National Park System shall be defined in a Cultural Resource Research Plan. The plan will indicate work that has been accomplished and lay out an orderly program for accomplishment of additional research needed to support park development, interpretation, and management.

## ARCHIVES AND COLLECTIONS

The National Park Service shall provide for the appropriate care, storage, disposition, and selective display of the historic objects, items, and materials entrusted to its care and shall acquire, as needed, those historic objects and materials essential to the achievement of park purposes and objectives, or directly related to research requirements.

## DOCUMENTARY RECORDS

The disposition of official records generated in the course of park operations is governed by records management schedules jointly agreed on by the National Park Service and the National Archives and Records Service and periodically reviewed to insure their consistency with archival standards. Regional offices are responsible for transferring official records from both their offices and parks to the records centers. When records maintained in parks have served their purpose as operating records and are eligible for disposal according to the National Park Service Records Disposition Schedule, parks are encouraged to retain notes or copies of historically significant records relevant to management and interpretation and such materials as are needed for exhibit or to document museum collections.

The acceptance and retention of private collections of relevant historical material by parks is encouraged, provided they are confined to printed matter, photographs, maps, and copies of original documents. Original archival material shall not be acquired unless specifically authorized by the Director. The criteria for acquisition are: (1) adequate storage facilities which meet archival standards, (2) a continuity of trained archival personnel, and (3) ready access for research. When original documentary collections are offered to or are already in a park which does not meet the above criteria, effort should be made to have them placed in an appropriate public repository, such as a state or university library or the National Park Service Historic Collection in the Division of Reference Services, with copies only retained in the park. If the collection is a major historical resource, as at Edison and Morristown, retention of the collection on site entails a responsibility to provide perpetual professional care.

Where park archival or library collections contain rare printed items on fragile sulfide paper, preservative treatment and photocopying shall be undertaken.

#### ACQUISITION AND CARE OF HISTORIC OBJECTS

A scope of collection statement, in which the limits of museum collection are detailed, must be prepared and approved for every park.

Historic objects related directly to the history of an area may be acquired by gift, loan, exchange, or purchase, in conformance with legal authorizations and existing procedures, and preserved in the area for study and interpretive purposes. A reasonable number of specimens not related directly to the history of an area may be included in a collection for purposes of comparative study. Historic or archeological objects may be collected from the area only in conformance with historical research policies by professionally qualified persons operating within the scope of assigned duties, under contract, or under provisions of an Antiquities Act permit. The original fabric of historic structures shall not be mutilated to secure specimens for museum collections. Where some original fabric is removed incidental to structural repair, representative portions of the removed elements shall be preserved in the museum collection if they reveal significant facts about the structure.

The Service shall document, record, and protect for optimum preservation all historic objects entrusted to its care. It may cooperate with other qualified institutions in the accession, protection, and preservation of historic objects and, under appropriate circumstances, may place objects on loan to such institutions.

#### PROPOSAL FORMULATION AFFECTING CULTURAL RESOURCES

Proposals for the restoration, reconstruction, removal, or neglect of historic sites and structures shall be advanced only as part of the planning process.

Proposals for any park purpose affecting cultural resources shall be implemented only when consistent with the following criteria.

1. The proposed action is consistent with the purposes for which the park was established, and there is no prudent or feasible alternative to a proposal that will affect cultural resources adversely.

2. The proposal has been formulated with the active participation of professional specialists in history, archeology, and historic architecture, as appropriate.
3. Sufficient historical, archeological, and/or architectural data have been gathered to permit a professional judgment of the validity of the proposal. If such data have not been gathered, proposals shall be conditioned on their subsequent acquisition.
4. The proposal is so conceived and defined that it is consistent with the applicable Service policy and criteria.
5. The effects of the proposal on all historic resources and other elements of the human environment have been assessed through interdisciplinary analysis, and all reasonable measures to minimize harm and avoid adverse effects have been incorporated in the proposal, including salvage of data and materials.
6. The Advisory Council on Historic Preservation and the appropriate State Historic Preservation Officer(s) have been presented an opportunity to comment on the proposal in accordance with the Council's Procedures for the Protection of Historic and Cultural Properties established under Section 106 of the National Historic Preservation Act and Section 2(b) of Executive Order 11593; compliance shall be documented by letter or memorandum of agreement as applicable.

To comply with the foregoing conditions, the following measures shall be taken before or during proposal formulation. Prior to construction, demolition, or other activity that will disturb the ground or that otherwise might affect any (including unidentified) cultural resources in any unit of the National Park System, the area affected shall be examined by qualified historians, archeologists, and historical architects, as needed, to locate and evaluate any cultural resources existing therein. Any that appear to qualify shall be nominated to the National Register of Historic Places. Any resources that do not appear to meet the National Register criteria shall be evaluated by appropriate professionals for salvage, reuse and recycling potential. The proposal shall be considered or reconsidered in light of the accumulated information and shaped, modified, or dropped to avoid, to the extent possible, adverse effects on historic resources. Should such effects prove unavoidable, and conditions 1 and 5 above are met, review procedures under Section 106 or Section 2(b) shall be completed prior to initiation of the proposed action.

These same cautions shall be observed prior to the transfer of lands from the National Park Service to other agencies or owners. In such



cases the additional requirements of Section 2(f) of Executive Order 11593 must also be met.

## TREATMENT OF CULTURAL RESOURCES

For purposes of preservation treatment, the Service recognizes three classes of cultural resources: historic sites, historic structures, and historic objects (which differ from structures in being generally movable). Perpetuation of these resources will be accomplished by one or more of the following methods: preservation, restoration, or reconstruction.

Preservation - involves the application of measures to sustain the existing terrain and vegetative cover of a site and the existing form, integrity, and material of an object or structure. It includes initial stabilization work, where necessary, as well as ongoing maintenance.

Restoration - is the process of recovering the general historic appearance of a site or the form and details of an object or structure by the removal of incompatible natural or human-caused accretions and the replacement of missing elements as appropriate. For structures, restoration may be for exteriors and interiors and may be partial or complete.

Reconstruction - involves the accurate reproduction of an object or structure, in whole or in part.

All cultural resources shall be preserved (except where a determination is reached in accordance with the procedures of the Advisory Council on Historic Preservation that a particular resource need not be preserved). Consequently, prior to any other approved treatment, or following restoration or reconstruction, preservation treatment is required.

All forms of treatment described above shall be carried out only by, or under the direction of, competent Service professionals in conformance with approved supplemental criteria, standards, guidelines, and technical instructions.

All forms of treatment may be carried out in an area as applicable. Significance of the resource, its condition, its interpretive value, and the cost of treatment are all factors that must be weighed in determining the appropriate treatment.

## HISTORIC SITES

Preservation - A historic site shall be preserved in its existing form on the basis of the following criteria:

1. The site, upon acquisition, already possesses the integrity and authenticity required; or
2. Restoration is indicated but must, for reasons of cost or the lack of sufficient data, be postponed; or
3. The site has been restored and now must be preserved.

Restoration - The goal of historic site restoration is usually to recapture the general appearance of the surface and vegetative cover of the site during the historic period. A site may be restored when both the following criteria are met:

1. Restoration is essential to visitor understanding of the historical values associated with the site.
2. Sufficient historical and archeological data, and necessary supporting natural science data, exist to permit an accurate restoration with a minimum of conjecture.

## HISTORIC OBJECTS

Preservation - All historic objects that come into the possession of the National Park Service shall be accessioned, cataloged, given appropriate preservation treatment, and stored or exhibited in ways that will insure their continued survival with minimal deterioration. Such storage or exhibit shall include periodic inspection, cleaning and preservation treatment as necessary, and such conditions of atmospheric control as are most conducive to the survival of the objects.

Restoration - When needed to interpret properly the historical values of an area, a historic object may be fully or partially restored by the removal of nonhistoric additions and the replacement of missing members. In no case shall restoration include the removal of elements of the object such as integral parts or original finishes, except where such removal is necessary for the survival of the object as a whole. In such a case, removed elements shall not be discarded unless their removal occasioned their total destruction. To the extent possible, work accomplished in the restoration shall be reversible. Restoration of a historic object may be authorized on the basis of the following criteria:

1. Restoration is necessary for the survival of the object as a whole; or
2. The object is necessary for display purposes but cannot be properly understood without restoration, and sufficient data exist to permit an accurate restoration with a minimum of conjecture. In such a case the nonhistoric elements shall be distinguishable from the historic and removable.

Reconstruction - Reconstruction of a historic object may be authorized when all the following criteria are met:

1. The object is essential for public understanding and appreciation of the historical associations for which a park was established, or it is an integral part in interpreting a facet of the park's story.
2. No original exists, or an original that may exist is unobtainable or too delicate or valuable for the display or use intended.
3. Sufficient data exist to permit an accurate reproduction.

#### HISTORIC STRUCTURES

In its treatment of historic structures, the National Park Service shall heed the following internationally accepted maxims, adopted in 1936 by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments (now the National Park System Advisory Board):

- "Better preserve than repair, better repair than restore, better restore than reconstruct."
- "It is ordinarily better to retain genuine old work of several periods, rather than arbitrarily to 'restore' the whole, by new work, to its aspect at a single period."

The restoration of a historic structure to reflect an earlier period of its existence usually involves the impairment or destruction of some of its original fabric and a degree of conjecture in the replacement of missing fabric. Alterations to a structure are often of historical or architectural value in themselves and convey a desirable sense of evolution over time. No matter how well conceived and executed, a restoration will be an artificial modern interpretation of the past rather than an authentic survival from it. Accordingly,

the preservation of a historic structure in its existing form shall always be given first consideration.

A historic structure, whether preserved in existing form, restored, or reconstructed, may be subject to adaptive use. Adaptive use may be appropriate for structures that are visually important in the historic scene but do not otherwise qualify for exhibition purposes. In such cases the facade, or so much of the exterior as is necessary, is treated to achieve the management purpose so that it will be properly understood from the public view. The interior is usually converted to modern functional use, but original fabric is retained wherever practicable.

Preservation - A historic structure shall be preserved in its existing form on the basis of the following criteria:

1. The structure, upon acquisition, already possesses the integrity and authenticity required; or
2. Restoration is indicated but must, for reasons of cost or the lack of sufficient data, be postponed; or
3. The structure has been restored or reconstructed and now must be preserved.

Restoration - Full restoration of a historic structure may be undertaken when essential for public understanding and appreciation of the historical or cultural associations of the park. Partial restoration (usually for adaptive use) may be undertaken when necessary to insure preservation of the structure or to restore the historic scene, or when desirable for interpretive purposes. In all cases, sufficient historical, architectural, and archeological data must exist to permit accurate restoration, with a minimum of conjecture.

Every restoration shall be preceded by detailed documentation of the structure, and any changes made during restoration shall be carefully documented. Original historic fabric shall be safeguarded to the extent possible during and after restoration. Important structural features, samples of surviving historic paint, and other elements of the structure removed during restoration and important to a technical understanding of the structure shall be preserved.

Reconstruction - The reconstruction of a vanished historic structure shall be authorized only when the following criteria are met:

1. There are no significant preservable remains that would be obliterated by reconstruction.

2. Historical, archeological, and architectural data are sufficient to permit an accurate reproduction with a minimum of conjecture.
3. The structure can be erected on the original site.
4. All prudent and feasible alternatives to reconstruction have been considered, and it is demonstrated that reconstruction is the only alternative that permits and is essential to public understanding and appreciation of the historical or cultural association for which the park was established.

All reconstructions shall be clearly identified as such to the public.

All reconstructions shall be intended to reproduce structures existing on the site during the historic past. Reconstructions to provide "typical" or "commemorative" or "suggestive" examples of historic structures, or intended primarily to serve as stages for demonstrations or other activities, are not permitted. The reconstruction of vanished structures to portray them in a ruined, damaged, or partially demolished state is prohibited, even when such may have been their condition during the historic period.

## SPECIAL POLICIES FOR HISTORIC STRUCTURES

Historic structures constitute a major component of the cultural resources entrusted to the National Park Service. The continued integrity of these resources, based upon their classification, appropriate treatment, management, and use, is a primary concern of the Service.

### HISTORIC STRUCTURE PRESERVATION GUIDES

Historic Structure Preservation Guides, prescribing preservation procedures, treatments, materials, and schedules, shall be prepared to direct the continuing preservation of individual structures in the National Park System.

### ACQUISITION OF HISTORIC STRUCTURES

The purchase or acceptance of a historic structure for placement in a historical area is permitted only when a similar structure existed in the area historically but does no longer, and when the structure is important in restoring the visual integrity of the area. No

structure that merely approximates a vanished structure that would qualify for Category Ia shall be acquired or moved to replace it. In general, the acquisition of historic structures for placement within historical areas shall be governed by the considerations governing reconstructions of historic structures.

#### MOVING HISTORIC STRUCTURES

The movement of a historic structure affects the structure, the environment from which it is moved, and the environment to which it is moved. Any proposals for the movement of a historic structure shall fully consider each effect and shall be subject to the Procedures for the Protection of Historic and Cultural Properties promulgated by the Advisory Council on Historic Preservation.

Category I structures bear important relationship to their sites and shall be preserved in situ. If such a structure has been previously moved, however, it may be returned to its original location provided that the previous move and subsequent location of the structure are not important to its historical significance.

A Category II structure may be moved when it cannot practicably be preserved on its present site. Otherwise it may be moved only if its significance is not directly related to its location and its movement is essential to interpretation of the historical or cultural values of the area.

No historic structure shall be moved if its structural integrity or preservation would be adversely affected thereby.

In moving a historic structure, every effort shall be made to re-establish its historic orientation, immediate setting, and general relationship to its environment. If it is necessary to move a number of buildings, they may be arranged in an ensemble appropriate to their historic character, subject to the following considerations.

Movement of Category I structures for the purpose of assembling them in a complex or community is not permitted except for the reassembly of the original structures on their original sites. Category II structures may be moved to historic complexes or communities to replace vanished historic structures when all the following criteria are met:

1. The policies for movement of such structures are met.
2. The structures moved are similar in type, appearance, and original purpose to the historic structures they replace in the areas to which they are moved.

3. Replacement of structures in the historic community is essential for interpretation of the historical or cultural values of the area, or to restore the historic scene.

The movement of structures to establish complexes or communities where none existed historically is permitted only when all the following criteria are met:

1. The policies for movement of historic structures are met.
2. Movement of the structures is essential to their preservation.
3. The structures moved are appropriate in design and function to those that would have existed in such a complex or community.
4. All feasible alternatives have been considered, and it is demonstrated that assembly of the complex or community best meets the needs of preservation and interpretation of the cultural resources.
5. Historical and archeological investigations have demonstrated that the site selected for the assembly of structures possesses no important historical or cultural values or resources that will be adversely affected by creation of the complex or community.

Communities or complexes created by the movement of structures not present historically shall be clearly identified to the public as artificial assemblies.

#### ADDITIONS TO HISTORIC STRUCTURES

Modern additions, such as lightning protection, security equipment, heating and air conditioning equipment, are permitted in Category Ia structures to the extent they can be concealed within the structure or its setting and do not damage or destroy significant original fabric. Structural additions, such as additional wings, rooms, or other appendages, may not be added to Category Ia structures except as replacements of deteriorated or missing original members during an authorized preservation or restoration project.

Modern construction may be added to other historic structures when essential to their continued use. A modern addition should be readily distinguishable from the older work; however, the new work should be harmonious with the old in scale, proportion, materials, and color. Such additions shall be as inconspicuous as possible and shall not intrude upon the important historic scene.

Proposals for additions to historic structures are subject to the Procedures for the Protection of Historic and Cultural Properties promulgated by the Advisory Council on Historic Preservation.

#### DAMAGED OR DESTROYED HISTORIC STRUCTURES

Historic structures that are damaged or destroyed by fire, storm, earthquake, modern war, or other accident may be preserved as ruins, restored, or reconstructed in accordance with the restoration and reconstruction policies stated herein.

#### REMOVAL OR ALTERATION OF STRUCTURES

No structure in the National Park System may be removed or significantly altered without professional evaluation of its historical, architectural, and archeological value according to National Register criteria. Where any doubt exists of potential eligibility for the National Register, a determination shall be sought from the Register as required by Section 2(b) of Executive Order 11593. Removal or alteration of a property listed or potentially eligible for listing in the National Register shall be proposed only within the planning process and shall be subject to compliance with the Procedures for the Protection of Historic and Cultural Properties promulgated by the Advisory Council on Historic Preservation.

#### NEGLECT OF CULTURAL RESOURCES

Although all cultural resources should ideally be preserved, the costs of preservation may occasionally outweigh the benefits to be derived therefrom. When it has been determined during the planning process, or on the basis of a thorough professional review, and in conformance with 36 C.F.R. Part 800, "Procedures for the Protection of Historic and Cultural Properties," that active measures to preserve a resource listed on or eligible for the National Register are unwarranted, the resource shall be professionally investigated and the significant data it contains duly recorded in accordance with Executive Order 11593 and Service standards. The resource then shall be permitted to deteriorate naturally, unless earlier demolition or removal is determined necessary for public safety or to eliminate unacceptable intrusion on dominant park values.



## RUINS

By definition, ruins are classified as historic structures and shall be accorded treatment as indicated herein for the several classes of historic structures.

The preservation techniques designed to arrest further deterioration of ruins are encompassed by the term "ruins stabilization."

Ruins stabilization destroys basic archeological data. Accordingly, appropriate research on the original fabric of a structure, conforming to Service research policies, must precede stabilization.

Ruins on unexcavated sites should be stabilized only to the extent necessary to preserve them for further investigation. Sites to be interpreted shall not be excavated until adequate provisions have been made for stabilization of the ruins as they are exposed. The deliberate creation of ruins out of whole structures is prohibited, as is the reconstruction of missing structures to portray them in a ruined state.

## HISTORIC FURNISHINGS

The perpetuation or re-creation of historic furnished interior spaces shall be governed by the standards of appropriateness and integrity that apply to the treatment of historic structures themselves. In either case the Service seeks--when appropriate--to perpetuate or restore with demonstrable accuracy fabric and appearances that existed at a past period.

The refurnishing of spaces whose original historic contents are partially absent is equivalent to the restoration of structures and shall be considered in the light of the policies for such restoration. When most or all original contents are missing, refurnishing becomes equivalent to reconstruction and is guided by correspondingly restrictive criteria. In general, given the frequency with which furnishings change over time and the relative complexity of interior appointments, the accurate re-creation of historic interior spaces is even more difficult and less frequently appropriate than the restoration or reconstruction of buildings. Refurnishing is the preferred interior treatment only when it can be accomplished with minimal conjecture and when it contributes significantly to visitor understanding of a park's primary purpose.

The following criteria shall apply:

1. When the original furnishings of a historic structure are present in their original arrangement, no substitutions or

rearrangement shall occur unless required for their preservation and as prescribed in an approved furnishing plan.

2. When the original furnishings of a historic structure are not present but are available for acquisition, they should be acquired for refurnishing if
  - a. they constitute the visual majority of the original furnishings in the spaces to be refurnished;
  - b. sufficient evidence of their original placement exists to permit accurate refurnishing with minimal conjecture; and
  - c. the structure is significantly related to the park's primary themes, and it is demonstrated that furnishing is the best way to communicate that relationship to the public.
  
3. When all or most of the original furnishings of a historic structure are missing, the structure may be refurnished (in whole or part) if
  - a. sufficient evidence of the design and placement of the original furnishings exists to permit accurate refurnishing with minimal conjecture;
  - b. period pieces or reproductions closely comparable to and representing a visual majority of the furnishings present historically may be obtained; and
  - c. the structure is significantly related to the park's primary themes, and it is demonstrated that furnishing is essential to communicate that relationship to the public.

Original furnishings, when present, must be documented to authenticate their origin and placement. The acquisition and installation of replacement pieces must be governed by a documented furnishing plan reflecting current curatorial policies and standards.

#### HISTORIC GARDENS

Historic gardens, by definition, are classified as historic structures and shall be accorded treatment as indicated herein for the several classes of historic structures. Gardens shall be intensively maintained to preserve their correct historic character.

## HISTORIC ROADS

By definition, historic roads are classified as historic structures and shall be accorded treatment as indicated herein for the several classes of historic structures. Historic roads shall be preserved to the extent possible from the destructive effects of natural events such as erosion or growth of trees or major brush. Historic roads shall be intensively maintained to preserve their correct historic character and appearance.

## EARTHWORKS

Earthworks are historic structures and shall be governed by the same criteria as other structures. However, certain problems associated with earthworks preservation, restoration, and reconstruction require special consideration. For preservation, a sod covering is desirable to prevent erosion, even where the historic condition may have been bare earth. Restorations or reconstructions of earthworks can destroy surviving original remains and are often difficult to maintain. Every alternative, including methods of identifying to the public the location and surface evidence of earthworks, shall be considered before restoration or reconstruction.

## USES OF HISTORIC STRUCTURES

Where consistent with their preservation and enjoyment, historic structures may under appropriate safeguards and conditions be used for other purposes, consistent with policy, that will further park objectives.

## LIMITATIONS ON USE OF HISTORIC STRUCTURES

Requirements of structural preservation, protection of historic fabric and contents, and public safety take primacy over all uses of historic structures. All prudent measures shall be taken to protect the safety of the public using historic structures, but public use shall not be permitted if provisions for safety necessitate significant alterations compromising the visual integrity of the structure. Such safety devices as handrails and fire protection systems shall be designed and installed to minimize visual and structural intrusion on original fabric.

No structure or portion of a structure shall be subjected to a greater load, either static or periodic, than it is physically capable of supporting. Any use, including visitation, that would place greater stress on a historic structure than it can safely bear without damage is not permitted. Structural modifications to accommodate greater loads shall not visibly alter the appearance of

a structure nor harm significant fabric. An engineering analysis of structural safety must precede any decision to open any historic structure to public use, storage, or administrative use.

Visitation shall be limited to structures or portions of structures that permit immediate evacuation in the event of fire or natural catastrophe. Access to the upper floors of structures containing only one staircase shall, for safety reasons, be limited and, if advisable, closed. Structures too delicate to sustain visitor use, and those important primarily for their research value, shall be closed to visitors.

#### COMPATIBLE USE OF HISTORIC STRUCTURES

Use of historic structures for political, religious, or educational meetings shall be governed under conditions established in "Limitations of Use on Historic Structures." Such uses are permitted when compatible with the primary purposes of the area and consistent with the preservation of the historic resource. They must not conflict with ordinary public use of the area and must usually be scheduled to avoid the hours of maximum visitation. The topical content of meetings--political, religious or otherwise--shall not be a factor in issuing permits.

The use of a historic structure for social gatherings or entertainments may be permitted only if the use is compatible with the primary purposes of a park, if it does not threaten impairment of the structure or its contents, and if it does not conflict with ordinary use of the park.

Historic structures other than those in Category Ia may be utilized for commercial and residential purposes when compatible with the primary purpose of the area and consistent with their preservation. Reasonable fees may be charged for the use of facilities.

#### THE HISTORIC SCENE

The historic scene--the landscape and its condition, the plant and animal life, and the miscellaneous marks of human activity--constitutes an important park cultural resource. The Service will perpetuate the historic scene in a manner appropriate to each historic place.

### PROTECTION OF THE HISTORIC SCENE

Conscious efforts shall be made to insure that routine park operations, interpretation and visitor use, maintenance and storage, conduct of activities, and provision of services do not unnecessarily intrude on the historic scene by introducing visible, audible, or atmospheric elements that are out of character with the historic environment. To the extent possible, trash disposal, storage of materials, parking of Service and public vehicles, and other incompatible activities shall be conducted out of sight of cultural resources.

### AESTHETICS AND THE HISTORIC SCENE

To the extent possible, cultural resources and their environments shall be preserved in their historic form and appearance and shall not be modified to suit modern aesthetic tastes. Any attempt to "beautify," "improve," "enhance," or otherwise alter the appearance of a historic scene through decorative plantings, lawn seeding, watering, landscaping, adornment, repainting, or any other action that does not accurately reflect the historic character of the resources or the historic scene as a whole is prohibited. To the extent possible, however, the aesthetic adornments that may have been present during the historic period shall be preserved or restored in conformance with applicable criteria.

### SECURITY MEASURES FOR CULTURAL PROPERTIES

In the management and maintenance of its cultural resources the National Park Service shall employ the most effective concepts, techniques, and equipment to protect them against fire, theft, and other threats without compromising their integrity.

### SECURITY SURVEYS AND PRECAUTIONS

The physical security of a park cultural resource is the responsibility of each employee, regardless of job assignment. An annual on-site physical security survey by designated professionals shall be made to identify existing security needs in order to deter, delay, and/or detect unauthorized entry, vandalism, theft, and fire.

Security precautions shall be determined by the significance or value of the cultural resource to be protected and the nature of the potential threats to its integrity. The implementation of security procedures shall not impair or compromise the integrity of the resource.

Any intruder detection system selected shall have direct response capability with local enforcement authorities and/or park protection personnel.

The implementation of security precautions shall neither unduly harass nor intimidate the legitimate visitor nor cause any unnecessary reduction in visitor service.

#### BUILDING AND FIRE CODES

In the preservation of historic structures, every attempt shall be made to comply with local building and fire codes, to cooperate with local officials, and to provide protection from lightning. However, compliance shall not be allowed to destroy or impair the integrity of a structure. Where it is not possible to meet local public safety regulations without altering original fabric or architectural integrity, the use and operating procedures for the management of the structure shall be modified to mitigate the potential hazards to life and property.

#### FIRE DETECTION AND SUPPRESSION

Where warranted by the significance or value of a historic structure or its contents, adequate fire detection, warning, and suppression systems shall be installed. Where a manned fire station exists near the structure, a detection system providing a signal directly to the local fire authorities shall be installed whenever local ordinances permit. Otherwise, the signal shall have the capability of being monitored day and night by a central alarm station and/or park staff.

Fire personnel shall be advised of any peculiarities or dangers inherent in the structure, and the features and contents whose value warrants the greatest care in the event of fire.

Where local fire equipment and personnel are not readily available, the detection system shall trigger a suppression system. A halogenated system is preferable. Water sprinkler systems shall be used only in structures whose fabric and contents are not likely to be irreparably damaged by water. Foam systems shall be used only when the structure can be swiftly vacated. All equipment, devices, or systems shall meet the criteria or recommendations of the National Fire Protection Association (NFPA) and Underwriters Laboratories (UL Approved).

In planning and installing detection or suppression systems, the integrity of the structure and the requirements of its interpretation shall be respected.

Park maintenance, protection, administrative, and interpretive personnel shall be instructed in the proper prevention and fighting of fires in historic structures, in the protection or rescue of historically important contents, and in emergency evacuation and protection of visitors in case of fire, earthquake, or other emergency.

Smoking shall not be permitted in historic structures other than those adapted for residential, office, or other modern functional uses.

#### HUMIDITY AND TEMPERATURE CONTROL

When necessary for the conservation of a structure or its contents-- e.g., paintings, documents, fabrics, and furniture--an atmospheric control system may be installed to help their preservation by providing constant humidity and temperature. Such systems shall be installed and regulated for the purpose of protecting the cultural resources, and not primarily for the comfort of visitors or park personnel. In planning and installing atmospheric control systems, the structural and visual integrity of the structure and the requirements of its interpretation shall be respected.

J: REFERENCE LIST OF CONTRACTUAL PROVISIONS  
PERTAINING TO CUMBERLAND ISLAND

Following is a list of reserved estates located within proposed wilderness areas of Cumberland Island National Seashore. Provisions for these estates were made in transactions with the National Park Foundation before January 1, 1973.

The list contains descriptions of the actual reserved rights delineated in the deeds and agreements that provide the contractual basis for the use of the reserved estates. For a comprehensive analysis of the actual provisions, reference should be made to the specific deeds and agreements governing each reserved estate. A list of landowners and tract number locations is shown on the Index map.

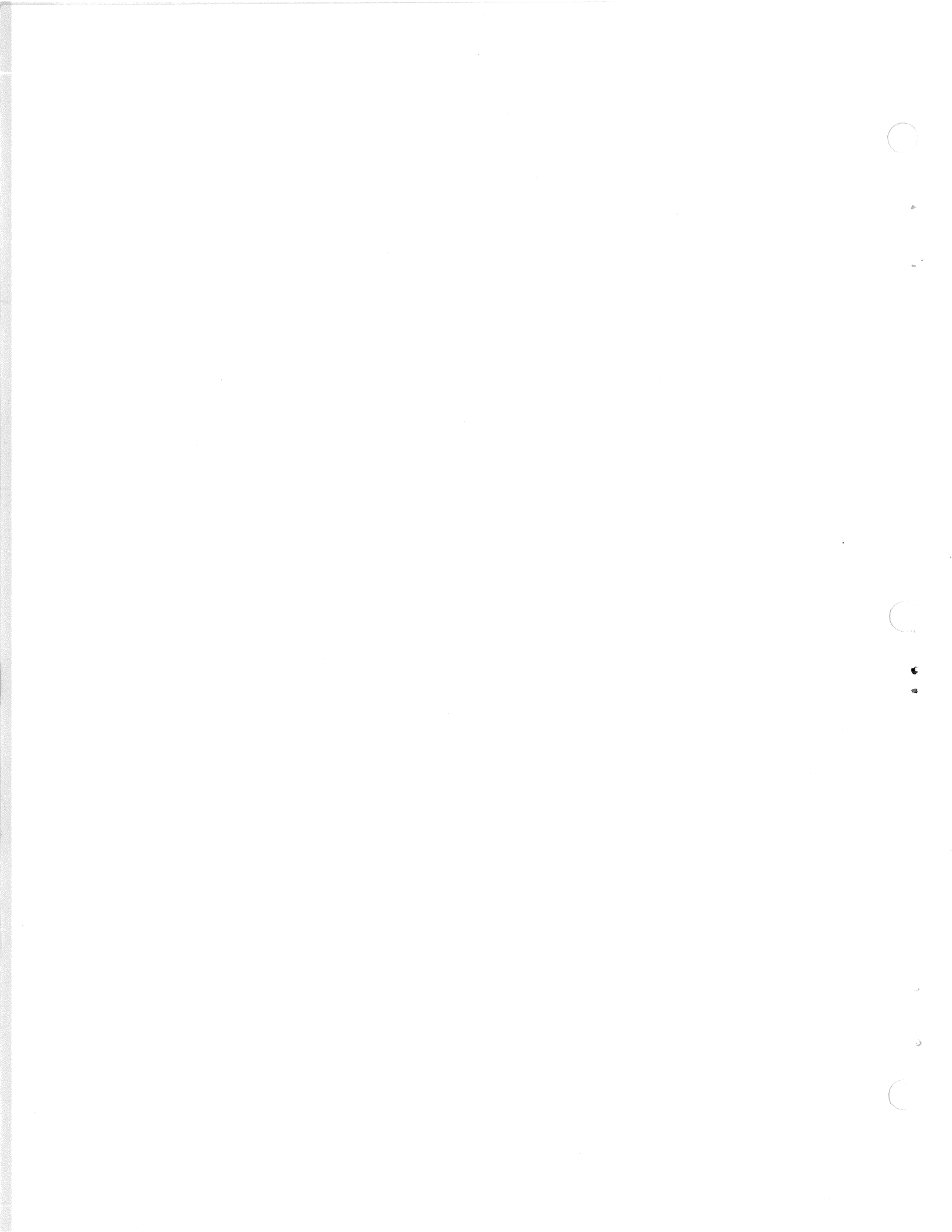
1. Cumberland Island Holding Company (life of reserved estate – 40 years)
  - A. Easement for existing roads and public utilities, including recorded easements and rights-of-way held by the Okfenokee Rural Electric Company of record in Camden County, Georgia, for installation (existing) and maintenance of an electric transmission and distribution system.
  - B. Easement to use dock and airstrip in tract 5-N (see Index map, Segment 01, inset).
  - C. Easement 30 feet wide, providing access from the dock and airstrip to the main road (Grand Avenue).
  - D. Easement to use the main road.
2. Table Point Company (life estate and children)
  - A. Same as A under 1. Cumberland Island Holding Company.
  - B. Unrestricted passage over the main road.
  - C. Access to reserved area via Malkintooh Creek.
  - D. Right to rent a total of seven houses and provide rental transportation on retained right property only.
  - E. Right to construct sanitary disposal facilities on retained right property only.
  - F. Right to construct additional wharf on retained right property only.
3. Mary R. Bullard (life estate including children)
  - A. Same as A under 1. Cumberland Island Holding Company.
  - B. Unrestricted passage over the main road.
  - C. Unrestricted vehicular passage by motorized conveyance over established road or trail system and to, from, and on the beach. Non-assignable.
  - D. Right to construct dock on her land.



4. Thomas M.C. Johnston, Jr., Margaret J. Richards, and Nancy Butler. All three are life estates and children.
  - A. Same as A under 1. Cumberland Island Holding Company.
  - B. Right to use the main road.
  - C. Margaret J. Richards has right of access over Plum Orchard Road and spur road leading to Duck House. She has the right of substitution.
  - D. Nancy Butler has the right of access over Plum Orchard Road and spur road leading to Duck House, if a beach retained right is chosen.
5. Marius E. Johnston (retained no land but has retained rights).
  - A. Unrestricted passage over the main road.
6. Margaret J. Wright (life of reserved estate – 40 years).
  - A. Same as A under 1. Cumberland Island Holding Company.
  - B. Right to use a wharf at Plum Orchard.
  - C. Unrestricted vehicular passage over the main road.
  - D. Right of egress and ingress from the main road to retained right property.
7. Coleman C. Johnston (life of reserved right – 36 years).
  - A. Right to use main road.
  - B. Right of egress and ingress from the main road to retained right property.

The following provisions were made in transaction with the National Park Service subsequent to January 1, 1973.

1. O.H. Olsen, Jr. (life estate).
  - A. Use of Hawkins Creek Dock and right of access by main road and High Point Road.
2. Louis H. McKee (life estate).
  - A. Right to use main road and High Point Road for access to retained right property at north end of island.
3. J. Grover Henderson (life estate).
  - A. Right to use main road and High Point Road for access to retained right property at north end of island.





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