

Center for a Sustainable Coast

COMMENTS re the Proposed Land Exchanges at Cumberland Island National Seashore Submitted to the National Park Service on October 20, 2024

Due to the lack of sufficient information, it is impossible to establish a responsible position about the merits of, and justifications for, the proposed land exchanges. To serve the public interest in confirming whether the proposed exchanges are consistent with the founding legislation establishing the public purpose of the national seashore [Public Law 92-536], the questions below must be answered in complete, sufficient detail.

To the extent the proposed land exchanges accommodate, or facilitate, additional private development, we must emphasize that this effect will raise serious questions about determining it as a “preferred alternative” in the forthcoming NEPA process. Moreover, additional development of private holdings will raise the public cost of acquiring these sites in fulfilling the congressional mandate of PL 912.536.

Questions and issues:

- (1) What are the environmental, topographical, biological, and hydrological features of the respective sites and their current designations [e.g., wilderness or critical habitat]?
- (2) What are the intended NPS proposed private uses, and their duration, of the existing and proposed sites as well as any other allowances or restrictions on the public use of the various sites affected by the land-exchange proposals?
- (3) What are the protocols, options, and opportunities for the federal government’s exercise of eminent domain in meeting its obligations under the legislation creating the national seashore?
- (4) Without more details about the respective deed restrictions and conservation easements, it appears that some or all of the proposed exchanges could result in additional private development on Cumberland Island. Allowances for new private development resulting from the proposed exchanges is likely to encourage such development and prolong its private use, risking legal implications that would directly conflict with the Congressionally designated purpose of the national seashore.
- 5) What are the specific management objectives and any related NPS guidance for how these objectives are fulfilled? How do these relate to, or affect, the achievement of founding legislated purposes as established for the national seashore by Congress?
- (6) What is the documented source and authority of these NPS management objectives, and under what official provisions does NPS evaluate the effectiveness of achieving those objectives?

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Conclusion

By providing the information requested before proceeding, NPS will greatly reduce the likelihood of an ill-informed “preferred alternative” in the NEPA process that is legally vulnerable to a ruling that it is in violation of established law [PL-92-536].

To avoid such costly, disruptive consequences and to clarify the implications of the proposed land exchanges, NPS should provide sufficient responses to the above bulleted points, issued as a public statement within 30 days, and should allow at least an additional 90 days for public review before taking any further action on the proposal.

If sufficient answers to the above questions cannot be provided by NPS expediently, the public review period should be extended accordingly, beyond the 90 days suggested.