

August 22, 2018

Superintendent Gary Ingram
National Park Service
Cumberland Island National Seashore
101 Wheeler St
St. Marys, GA 31558

Dear Superintendent Ingram,

In 1972, Congress explicitly stated in legislation establishing Cumberland Island National Seashore that “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.” Therefore, we write to remind you that federal law obligates you to maintain Cumberland Island in its primitive state and that nothing in federal law empowers you to authorize the construction of any buildings or other facilities for private operations within the National Seashore boundaries.

Indeed, the 11th Circuit Court of Appeals reiterated this point just last year, saying that “the Seashore Act gives the Park Service regulatory authority over non-federally owned lands within the bounds of the Cumberland Island National Seashore instructing that all land within the park be managed with an eye towards preserving non-recreational areas in their 'primitive state.'”

For the National Park Service to enter into an agreement with the owners of inholdings that would sanction the construction of private residences within the boundaries of the National Seashore would be in direct violation of the enabling legislation and the Park Service’s Purpose Statement: “Cumberland Island National Seashore maintains the primitive, undeveloped character of one of the largest and most ecologically diverse barrier islands on the Atlantic coast, while preserving scenic, scientific, and historical values and providing outstanding opportunities for outdoor recreation and solitude.”

For the past forty-six years, the National Park Service has overcome many challenges and invested millions of dollars to successfully preserve the island’s remarkably pristine qualities, including the designation of nearly 10,000 acres as Wilderness.

To achieve its purpose, the enabling legislation authorizes the Park Service to purchase or otherwise acquire land within the boundaries of the National Seashore, the only exception being the land on Little Cumberland Island, which was set aside for private use under the condition 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...” This provision applies only to Little Cumberland, and therefore does not apply to the approximately 1,000 acres of inholdings in the heart of the National Seashore.

For the rest of the National Seashore, the enabling legislation provided for use and occupancy of property only by owners of property improved by February 1, 1970. Lumar LLC, the property owner claiming the right to build on an undeveloped tract near Sea Camp that cuts

across the entire width of the island, is trying to breach this restriction and circumvent the intention of the U.S. Congress to permanently halt new private development.

Evidence abounds in Park Service planning documents that provides a clear understanding of this intention. The Land Protection Plan acknowledges that development of lands in private ownership would "...damage resources" and "be incompatible with section 6b of the enabling legislation." And the General Management Plan anticipates acquisition of remaining private lands in order to fulfill management goals such as expanding the Wilderness Area and protecting natural resources.

The Park Service is evidently under pressure to accede to the demands of inholding owners who assert that they have the right to build residences on their land. To the contrary, and in opposition to their claims, on principle we must remind you that the Park Service's highest obligation is to the American people, on whose behalf the agency has been entrusted to preserve the natural beauty and integrity of certain designated lands for posterity.

Cumberland Island is an exemplary part of this legacy. We implore you to keep this responsibility to American citizens foremost in mind, rather than making a regrettable decision that would profoundly violate the trust granted to the National Park Service.

We reserve the right to pursue legal action should you fail to meet your obligations under federal law. This letter is not intended as an exhaustive list of any potential claims, and nothing in it is intended as a waiver of any claims.

Sincerely,

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Cc: Bob Vogel