

February 20, 2026

*Via U.S. Mail and NPS CUIS Public Comment Portal*

Superintendent Melissa Trenchik  
Cumberland Island National Seashore  
101 Wheeler Street  
St. Marys, Georgia 31558

**Re: Cumberland Island National Seashore Proposed Visitor Use Management Plan**

Dear Superintendent Trenchik:

On behalf of the following organizations, Southern Environmental Law Center (“SELC”) offers these comments on the proposed Visitor Use Management Plan and Environmental Assessment for the Cumberland Island National Seashore (hereinafter, “VUMP”).<sup>1</sup>

- Allegheny-Blue Ridge Alliance
- Birds Georgia
- Californians for Western Wilderness
- Center for a Sustainable Coast
- Center for Biological Diversity
- Coalition to Protect America’s National Parks
- Environment Georgia
- Great Old Broads for Wilderness, GRITS Broadband
- Minnesota Division Izaak Walton League of America
- National Parks Conservation Association
- The Ocean Project
- Standing Trees
- Virginia Wilderness Committee
- Wild Alabama
- Wild Cumberland

We fully support the Park Service’s goal of providing thoughtful visitor access to the Seashore consistent with its authorizing legislation. To visit the Seashore is to love it, and to love

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<sup>1</sup> *Cumberland Island National Seashore Visitor Use Management Plan and Environmental Assessment*, U.S. DEP’T OF THE INTERIOR NAT’L PARK SERV. (2025), <https://parkplanning.nps.gov/showFile.cfm?sfid=823262&projectID=73577>.

it is to protect it. However, visitor access should not be at the expense of the qualities that make the Seashore worth visiting. The Seashore offers visitors unforgettable experiences unavailable anywhere else, whether it be trekking in complete solitude through moss-draped maritime forest, beachcombing with nothing but white sands and ocean as far as the eye can see, quietly absorbing the haunting beauty of Dungeness Ruins, or glimpsing loggerhead turtles, manatees, and piping plover all in the same visit. We want to ensure these kinds of experiences are available for generations of future visitors, and we know you do too.

To that end, we enthusiastically support several changes the Park Service has made to the 2022 draft of the visitor use management plan—such as the elimination of the Beach Creek campsite and dock proposal. However, we also have significant concerns with this iteration of the VUMP.

In particular, **we are concerned by the proposal to increase the daily ferry visitorship limit to 700 visitors per day**, more than two times the longstanding 300-person limit. This represents the most significant change to the Park Service’s general management plan for the Seashore in over 40 years. Yet, the proposal is inadequately justified, its impacts on the Seashore’s natural resources and visitor experience are insufficiently studied, and the VUMP fails to identify concrete and attainable monitoring and mitigation measures necessary to ensure this unprecedented increase in visitorship does not degrade ecological and visitor conditions on the Seashore. We recommend the Park Service either maintain the current ferry limit or consider increasing the ferry limit to an outer limit of up to 400 people per day, if such an increase is deemed necessary and an adequate monitoring and mitigation plan is developed.

We have multiple other concerns with the VUMP. We summarize those concerns, and our accompanying recommendations, below:

- **Bicycles:** The proposal to increase both the total number of bicycles, including electric bicycles, available for rent or ferry delivery to the Seashore to 100 bicycles per day and to expand the range of those bicycles poses significant risks, both to visitor conditions and fragile natural resources on the Seashore. We recommend capping the number of e-bicycles and prohibiting class 3 e-bicycles, among other protective measures.
- **New facilities/concessions:** The proposal to offer numerous new facilities and commercial services—including a camp store, bath house, two pavilions, new campsites, on-island bicycle rentals, kayak rentals, motorized boat tours, expanded vehicle tours, photography tours, and fishing tours—risks detracting from the visitor experience and harming sensitive species and habitat. We recommend the Park Service analyze both the necessity and cumulative impacts of all these changes and consider reducing the total number of new facilities and services.

- **Wilderness impacts:** Many of the policies proposed in the VUMP may lead to excessive crowding and otherwise detract from wilderness values in the Seashore’s Wilderness—a unique and uniquely vulnerable linear wilderness that is bisected by a road. We recommend the Park Service develop a wilderness management plan before finalizing the VUMP or in tandem with it, ensure that the policies proposed in the VUMP are consistent with that plan and wilderness values, and develop a concrete and attainable monitoring and adaptive management plan. We also recommend that the Park Service prohibit motorized boat access to all Wilderness campsites.
- **South End Beach protections:** The Park Service’s decision not to propose any protections for the overused South End Beach area risks irreparable harm to critical habitat and protected species in the area. We ask the Park Service to include a plan to protect the South End Beach in the next draft of the VUMP.
- **Nightingale Beach development:** The Park Service’s proposal to build a bath house, campsite, pavilion and path in the interdune area near Nightingale Beach will likely adversely affect sensitive shorebirds in that area, including piping plover, and their critical habitat. We encourage the Park Service to abandon these proposals.
- **Zoning / desired conditions:** The Park Service’s discussion of zoning and desired conditions lack sufficient clarity, including how the parcels that are subject of the proposed land exchanges will be zoned. We ask the Park Service to provide additional detail.
- **Feral horses:** We encourage the Park Service to educate the public about the dire condition of the feral horse population on the Island, the profound ecological harms they cause to sensitive island resources, and the threats they pose to visitor safety. We further encourage the Park Service to take appropriate measures to reduce the herd to a manageable size.
- **Barriers to visitation:** The Park Service should develop options to improve the affordability of visiting Cumberland Island as part of the development of the VUMP, rather than in private negotiations with the concessionaire that are not subject to public input.
- **Statutory and regulatory compliance:** The Park Service should ensure the VUMP complies with all relevant laws and regulations, including the National Environmental Policy Act, Endangered Species Act, and the Park Service’s own regulations.

As Park Service acknowledges, the “primary goal of this [VUMP]” should be “to preserve the fundamental resources and values of Cumberland Island.”<sup>2</sup> We seriously doubt,

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<sup>2</sup> *Cumberland Island National Seashore Visitor Use Management Plan and Environmental Assessment*, U.S. DEP’T OF THE INTERIOR NAT’L PARK SERV. G-3 (2025),

however, that the Park Service can increase the number of visitors it ferries to the Seashore each day from 300 to 700 people, construct the facilities described within, and implement the proposed policy changes without jeopardizing the core resources and values of the Seashore—in particular the opportunities for solitude and preservation of the Seashore’s primitive condition and undeveloped character.

We detail each of our concerns and recommendations more fully below. We hope you find these comments helpful and would be glad to discuss them further should you wish.

## I. Increase In Ferry Visitorship

Chief among our concerns is the VUMP’s proposal to increase the maximum daily ferry visitorship from 300 to 700. The Park Service developed the 300-person limit in its General Management Plan for the Seashore over 40 years ago, in 1984.<sup>3</sup> The Park Service settled on this limit after receiving over 4,000 public comments opposing higher figures that had previously been discussed.<sup>4</sup> It is the most significant management strategy identified in the General Management Plan.

The 300-person-a-day limit has proven to be a simple and reliable way of limiting overall crowdedness and resource impacts on the Seashore. Now, however, the VUMP proposes to modify the General Management Plan to increase the daily limit of visitors ferried each day to the Seashore to 700—with 600 visitors ferried to the Sea Camp and Dungeness and, for the first time, another 100 visitors ferried directly to the Plum Orchard dock, far up the Seashore and immediately adjacent to the Wilderness.

This proposal is flawed in three key respects. First, the VUMP fails to demonstrate any need for this extreme increase. Second, it relies on flawed and incomplete carrying capacity studies. And third, the proposed monitoring and mitigation measures are inadequate to address the likely adverse impacts to the ecology and visitor experience on the Seashore. We detail each of our concerns below.

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<https://parkplanning.nps.gov/showFile.cfm?sfid=823262&projectID=73577> (hereinafter “VUMP”).

<sup>3</sup> See *General Management Plan: Cumberland Island National Seashore*, U.S. DEP’T OF THE INTERIOR NAT’L PARK SERV. (1984). Notably, the 1984 plan envisioned that the 300-person daily limit would apply to *all* visitors to the Seashore, not just ferry visitors. In practice, the primary method of limiting visitation to “approximately 300 people per day,” as required in the General Management Plan, has been by limiting ferry capacity to 300 passengers per day.

<sup>4</sup> Lary M. Dilsaver, *Cumberland Island National Seashore: A History of Conservation Conflict* 196-98 (2004).

***A. No demonstrated need for the increase.***

For such a significant change to the 1984 General Management Plan’s foundational management strategy, one would expect an equally significant demonstrated need for that change. The VUMP, however, fails to identify any need to increase the daily ferry limit whatsoever, much less to more than double it.

The closest the VUMP comes is with its observations that “Daily visitation levels are a recurring source of debate with stakeholders.”<sup>5</sup> The VUMP, however, provides no additional detail on which stakeholders support increased ferry access, why they believe additional ferry access is needed, or why their views should prevail over the views of the “many commenters” who object to such a significant increase in visitorship to the Island.<sup>6</sup> Indeed, one of the key visitor-use surveys referenced throughout the VUMP found that only 13% of Seashore visitors felt that more ferry service was needed.<sup>7</sup>

The Park Service also states that the VUMP “is needed to identify visitor capacity for the island, which would reduce barriers for new groups visiting the island, while protecting resources and providing high-quality visitor experiences.”<sup>8</sup> The VUMP does not explain how the identification of visitor capacity would reduce barriers for new groups visiting the Seashore or protect resources and visitor experiences on the Seashore. The assumption seems to be, however, that if the visitor capacity analysis shows that the Seashore *could* support more visitors, then the ferry limit therefore will be increased to accommodate the *maximum* capacity the Seashore could sustain.

This build-it-and-they-will-come approach, however, is incompatible with the Park Service’s legislative mandate. In its 1972 legislation establishing the Seashore, Congress provided that:

Except for certain portions of the seashore deemed to be especially adaptable for recreational uses, . . . the seashore shall be *permanently preserved* in its *primitive state*, and *no development . . . for the convenience of visitors* shall be undertaken

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<sup>5</sup> VUMP 2.

<sup>6</sup> *Cumberland Island National Seashore Visitor Use Management Plan, Public Comment Summary Report* U.S. DEP’T OF THE INTERIOR NAT’L PARK SERV. 7 (May 2019), <https://parkplanning.nps.gov/showFile.cfm?sfid=609100&projectID=73577>.

<sup>7</sup> Brownlee et al., *Evaluation of the Relationship Between Current Conditions, Travel Patterns, Visitor Thresholds, and Ferry Services at Cumberland Island National Seashore* 34 (2019) (emphasis added).

<sup>8</sup> VUMP 2.

*which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing.*<sup>9</sup>

Congress made this “primitive state” mandate even more clear by designating almost half of the Island a Wilderness Area<sup>10</sup> thus creating “the largest . . . wilderness area on an East Coast barrier island.”<sup>11</sup> The Park Service’s 2014 Foundation Document succinctly articulates these legislative requirements in its statement concerning the Seashore’s purpose: to “maintain 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.”<sup>12</sup> Maximizing the number of visitors the Seashore can theoretically sustain is fundamentally inconsistent with maintaining the Seashore’s “primitive, undeveloped character.”

### ***B. Flawed capacity analysis.***

The proposed increase in daily ferry visitorship appears to be based solely on an analysis of the carrying capacity in a small handful of locations on the Seashore.<sup>13</sup> Specifically, the VUMP proposes that up to 600 people per day could be delivered by ferry to Sea Camp and Dungeness docks without exceeding “threshold” carrying capacity for Nightingale Beach of 23 people per viewshed (1/3 of a mile) 90% of the time. The VUMP further proposes that an additional 100 people per day could be delivered by ferry to Plum Orchard without exceeding identified visitor capacities in the surrounding area—in particular the threshold that 90% of visitors will encounter no more than four groups (defined as six people or less) on trails in the Wilderness per day. While the VUMP suggests the Park Service may employ management actions if visitor use exceeds identified visitor capacities at other locations on the Seashore, the VUMP does not appear to factor in these capacities when establishing the baseline daily ferry limit.

We have several methodological concerns with the VUMP’s capacity analysis.

*First*, the data underlying the VUMP’s analysis does not support its conclusions. The 2019 study, for instance, suggests that ferrying only 500 people to the Seashore “would likely

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<sup>9</sup> Act of Oct. 23, 1972, Pub. L. No. 92-536, 86 Stat. 1066 (1972) (establishing the Cumberland Island National Seashore).

<sup>10</sup> Act of Sept. 8, 1982, Pub. L. No. 97-250, 96 Stat. 709 (1982) (designating the Cumberland Island Wilderness Area).

<sup>11</sup> *Foundation Document: Cumberland Island National Seashore*, U.S. DEP’T OF THE INTERIOR NAT’L PARK SERV. 22 (2014) (hereinafter *Foundation Document*).

<sup>12</sup> *Foundation Document* 6 (this “purpose statement lays the foundation for understanding what is most important about the park”).

<sup>13</sup> See VUMP App’x C.

result in ... *unacceptable conditions* at [Nightingale Beach] that *would likely violate thresholds for crowding*.”<sup>14</sup> The 2010-2011 study similarly finds that “Visitation *exceeding 400 persons per day* is reported as *unacceptable* by both day visitors and wilderness users.”<sup>15</sup> None of the cited studies conclude that more than doubling the number of ferry visitors would result in acceptable conditions.

The studies refute the VUMP’s logic in other ways, too. For instance, in calculating the total number of people that can be hiking on trails in the Wilderness, the VUMP “assumes that each of the trails are used with equal frequency, and that groups are evenly distributed across those trails.”<sup>16</sup> But the 2019 study—upon which the VUMP relies in calculating this threshold—found that certain trails were much more highly used than others. In particular, “the majority of visitors travel [the parallel] trail in relatively high densities.”<sup>17</sup> The Park Service should have taken this information into account when calculating the Wilderness visitor capacity. Separately, the VUMP proposes a visitor capacity at Dungeness Ruins of 92 people at one time,<sup>18</sup> even though the 2019 study finds that “conditions become unacceptable” “when there are more than 23 people” there at one time.<sup>19</sup>

*Second*, the VUMP fails to consider how other policies proposed in the plan will interact with the proposed increase in ferry visitorship to increase crowding across the Seashore. For instance, the VUMP does not address the fact that the proposed Nightingale trail, pavilion, bath house, and campground will likely increase the number and density of visitors congregating at Nightingale Beach near the proposed trail access point. When coupled with the 300-person

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<sup>14</sup> Brownlee et al., *Evaluation of the Relationship Between Current Conditions, Travel Patterns, Visitor Thresholds, and Ferry Services at Cumberland Island National Seashore* 84 (2019) (emphasis added). The study refers to Nightingale Beach as East Beach. See VUMP B-10.

<sup>15</sup> Hallo et al, *2010-2011 Cumberland Island Visitor Use Study* 1 (2012), <https://npshistory.com/publications/cuis/vus-2012.pdf> (emphasis added).

<sup>16</sup> VUMP B-24.

<sup>17</sup> Brownlee, *supra* note 14, at 90.

<sup>18</sup> VUMP B-19.

<sup>19</sup> Brownlee, *supra* note 14, at 49. The VUMP asserts that the 2019 study “found that visitors’ minimal acceptable condition was 23 people *per view*,” and concludes that Dungeness Ruins can support four times that number because there are ostensibly four viewsheds in the area. VUMP B-18 (emphasis added). However, the 2019 study identified found that the maximum acceptable number of people was 23 individuals “*at one time or within view*.” Brownlee, *supra* note 14, at iv (emphasis added). This makes sense. A visitor might find a large crowd’s noise irritating even if she cannot see the entire crowd. Nor will a large crowd consistently remain evenly disbursed across four imaginary quadrants. The Park Service therefore should revisit its conclusion that it may quadruple the acceptable visitor capacity at Dungeness Ruins.

increase in daily visitors to Dungeness and Sea Camp, these policy changes will likely cause visitorship at Nightingale Beach to exceed the 23 people per viewshed threshold. Similarly, in concluding that ferrying an additional 100 people per day to Plum Orchard is protective of threshold carrying capacities in the Wilderness, the VUMP overlooks the many other policy changes that independently will bring many more visitors to the Wilderness, such as the proposed 100-bicycle daily limit, expansion of the bicycle range along the beach nearly to the Wilderness, increase in vehicle trips to Plum Orchard, additional Wilderness and Wilderness adjacent campsites, and, of course, doubling the daily ferry visitors delivered to the south end of the Seashore.

*Third*, in establishing the proposed daily ferry limits, the VUMP fails to account for the increasing number of visitors arriving to the Seashore by non-ferry means, including motorized boats, charter boats, and kayaks. The VUMP acknowledges that “park staff have noted a significant increase in the number of visitors arriving by private vessel and landing on the island,”<sup>20</sup> and that the Seashore may continue to “see an increase in private access visitation in addition to visitors being delivered via the ferry service.”<sup>21</sup> Indeed, this non-ferry visitation is likely to increase very significantly in the coming years given the substantial residential growth in the counties nearest to the Seashore.<sup>22</sup> Inevitably, this increase in private visitorship will put pressure on the threshold carrying capacities the Park Service has identified across the Seashore. Yet, the VUMP entirely overlooks this expansion in private visitation when proposing to more than double the daily ferry limits.

*Fourth*, the VUMP may place too much reliance on “social norm” surveys when calculating carrying capacities and thresholds throughout the Seashore. These surveys rely on participants’ subjective views about how many other visitors in a given area are tolerable. As such, they reflect the expectations and values of the survey participants who may not have a good understanding of the park resources and values that the Park Service must preserve. Visitors to the Wilderness in particular may not have previously visited well-established wilderness areas in other locations and may not have a sense of what an appropriate wilderness experience should be like. So, while it is reasonable to “consider” survey results in developing indicators of overcrowding, the Park Service should also apply its expertise and professional judgment in determining an appropriate level of use that will not adversely impact park resources and values, including wilderness character and the experience of solitude mandated by the Wilderness Act. It is unclear, however, whether and to what extent the Park Service has done so.

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<sup>20</sup> VUMP B-8.

<sup>21</sup> VUMP 83.

<sup>22</sup> See, e.g., *QuickFacts, Camden County, Georgia*, UNITED STATES CENSUS <https://tinyurl.com/cr8r7m44> (Camden County experienced a 7.9% percent population increase between 2020 and 2024).

***C. Inadequate monitoring and mitigation.***

The VUMP relies heavily on monitoring and mitigation measures to avoid adverse impacts caused by the increase in daily ferry visitorship and other policy changes proposed in the plan. While we support these adaptive management strategies in theory, we have deep concerns about both the planning and implementation of these measures.

One of our key concerns is that the Park Service proposes to defer developing key monitoring protocols until some unspecified date “subsequent” to the VUMP and “prior to” “other management actions.”<sup>23</sup> This is problematic for four reasons.

- First, it prevents the public and other stakeholders from providing input on the Park Service’s proposed monitoring plan. This risks violating the Park Service’s notice-and-comment obligations and diminishing the quality of the eventual monitoring plan.
- Second, it raises serious concerns about whether the Park Service will have sufficient funds and staff resources to support a monitoring program that is sufficiently robust to ensure the many thresholds, indicators, and conditions identified in the VUMP are not being exceeded or adversely affected. The Park Service has experienced significant staffing losses since 2025, and its funding has also been under sustained attack.<sup>24</sup> The Park Service must not commit itself to a series of management actions that rely on monitoring to identify and mitigate their harmful impacts without knowing whether it will have the funds and staff necessary to adequately engage in that monitoring.<sup>25</sup>
- Third, the decision to defer development of a monitoring plan calls into serious question both the Park Service’s and Fish and Wildlife Service’s conclusions that the VUMP is unlikely to adversely affect ecological and visitor use conditions on the Seashore. Nearly all the mitigation measures the VUMP identifies as necessary to avoid adverse impacts of the VUMP policies require extensive and effective monitoring. Without knowing whether the Park Service’s yet-to-be-determined monitoring plan will be sufficient and

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<sup>23</sup> VUMP A-2.

<sup>24</sup> *Press Release, Senate Rejects Devastating National Park Funding and Staffing Cuts but Leaves Door Open to Future Threats*, NAT’L PARKS CONS. ASS’N, <https://www.nps.gov/articles/11276-senate-rejects-devastating-national-park-funding-and-staffing-cuts-but>.

<sup>25</sup> We also fear the Park Service will not have sufficient staffing to protect visitor safety on the Seashore. Many visitors to the Seashore are ill-prepared for the difficult and sometimes dangerous conditions on the island (e.g., little potable water, inconsistent cell phone connectivity, delayed emergency response, feral horse / human conflict). Short staffing in interpretation and education, law enforcement, and search-and-rescue will only exacerbate these visitor safety concerns, especially if visitation levels suggested in the VUMP are allowed.

sufficiently funded, it is impossible to determine at this time that the VUMP will not have adverse impacts.

- Fourth, the Park Service offers no plan about what will happen if it is unable to conduct the monitoring necessary to ensure the threshold conditions are not being exceeded.

The VUMP also states that the Park Service will rely on continued annual sea turtle nest monitoring and “[c]ontinued monitoring of the beach for nesting American oystercatcher pairs, least tern colonies, and other species of concern.”<sup>26</sup> We question, however, whether this monitoring is sufficient and sufficiently funded. For example, it is our understanding that Georgia’s Department of Natural Resources had to fund the sea turtle monitoring program in 2025 because federal funds were unavailable.

The VUMP also provides insufficient guarantee that any mitigation measures will actually be implemented if identified thresholds are exceeded or desired conditions are not met. For example, the VUMP merely states that “park managers *may* adjust the amount of visitors that should be delivered via the ferry in specific places and/or at specific times to ensure that desired conditions continue to be met.”<sup>27</sup> Absent any *required* mitigation measures, however, the visitorship changes proposed in the VUMP risk causing unacceptable and unmitigated impacts to the Seashore.

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For these reasons, we urge the Park Service to reconsider its proposal and maintain the 300-person daily ferry limit. At a minimum, we suggest the Park Service consider a more modest proposal: increasing ferry capacity to an outer limit of up to 400/day, along with analyses of the necessity of such an increase, the potential impacts, what monitoring and mitigation measures would be put in place to avoid adverse impacts, and whether the Park Service would have sufficient staffing and funding to implement these measures. This is the maximum tolerable increase identified in one of the Park Service’s cited studies,<sup>28</sup> and is consistent with researchers’ recommendations to only “modestly” increase ferry visitorship, if at all.<sup>29</sup> This alternative would require less staffing than the Park Service’s preferred alternative, would be simpler and more

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<sup>26</sup> VUMP D-1; *see* VUMP 40.

<sup>27</sup> VUMP C-7 (emphasis added).

<sup>28</sup> Hallo et al., *2010-2011 Cumberland Island Visitor Use Study 1* (2012), <https://npshistory.com/publications/cuis/vus-2012.pdf>.

<sup>29</sup> Hallo et al., *The Experiential Carrying Capacity Of A Barrier Island: A Norm-Based Approach At Cumberland Island National Seashore* (2018), <https://tinyurl.com/yxve2m9k>.

affordable to implement, and less likely to cause adverse impacts, while still allowing increased visitor access to the extent that is determined to be necessary.<sup>30</sup>

## II. Bicycles

The VUMP identifies several proposed policies related to bicycle and electric bicycle use on the Seashore. Specifically, the Park Service proposes that: (a) e-bicycles will not be treated any differently than manual bicycles; (b) the total daily combined number of electric and manual bicycles delivered and available for rent would not exceed 100; (c) no more than 15 bicycles would be delivered per vessel and no more than 25 bicycles would be available for rent through the on-island concession; (d) bicycle use would be prohibited from 30 minutes after sunset to 30 minutes before sunrise during turtle nesting season; and (e) beach riding would be extended to be allowed between Dungeness and Stafford Beach Crossing. The Park Service also suggests that “a year-round, 20 MPH speed limit will be implemented for all bike/e-bike use on park roads and the beach,”<sup>31</sup> though elsewhere the VUMP states that the “Visitors on bikes and e-bikes would be subject to the same speed limits described in the Superintendent’s Compendium at section 4.21, which range from 10 to 25 mph.”<sup>32</sup>

We support the temporal limitations on bicycle use during turtle nesting season. We also support the 20 MPH speed limit, though the Park Service should clarify its inconsistent treatment of this issue and consider a 15 MPH speed limit if safety concerns arise. We have concerns about the remaining proposals, however. We detail these and related recommendations below.

*Reduce the maximum daily number of bicycles and/or e-bicycles.* The VUMP recognizes that all bicycles can harm protected species and create visitor use conflicts and safety concerns.<sup>33</sup> To mitigate these risks, we encourage the Park Service to cap the daily number of all bicycles on the Seashore at 50.

The Park Service should also set a separate, lower cap for the total daily number of e-bicycles on the Seashore and should not allow on-island e-bicycle rentals.<sup>34</sup> E-bicycles have much higher top speeds than manual bicycles and enable average users to go much further. As the VUMP acknowledges, increasing the use and range of e-bicycles would therefore likely result in increased visitor access to less frequented areas of the Seashore<sup>35</sup> and could impact

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<sup>30</sup> We emphasize that the Park Service should not increase visitation to the Seashore by any level without also addressing the multiple other concerns we identify with the VUMP, including unregulated private access. *See infra* §§ II-X.

<sup>31</sup> VUMP G-8.

<sup>32</sup> VUMP 40; *accord id.* at 38.

<sup>33</sup> E.g., VUMP 56, 74, G-45,

<sup>34</sup> We note that bicycles have not been available for rent on the Seashore since 2020.

<sup>35</sup> VUMP 86.

protected species in those areas, including piping plover and loggerhead turtles.<sup>36</sup> The VUMP further recognizes that “visitor safety and use conflict may be a concern” with e-bicycle usage given their higher speeds,<sup>37</sup> and that “[v]isitors seeking solitude may encounter more people and be more frequently disrupted by others if more visitors are able to access remote areas by ... e-bicycles.”<sup>38</sup>

The VUMP dismisses these concerns based on the unsupported assertion that “it is unlikely that e-bikes will be used extensively on the island because sand and salt may damage the relatively expensive motors.”<sup>39</sup> However, firsthand observations by visitors to the Seashore demonstrate otherwise: 80% of the bicycles ferried to the Seashore in 2022 were electric.<sup>40</sup> This percentage may well have increased since then, since the popularity of e-bicycles in coastal areas has exploded in recent years.<sup>41</sup> The Park Service should respond accordingly and restrict the usage of e-bicycles.<sup>42</sup>

*Restrict the locations where bicycles are permitted.* To prevent further disturbances to the Island’s wildlife and habitat, especially for protected species like sea turtles and shorebirds, the Park Service should prohibit bicycle usage between Sea Camp and Dungeness, which is important habitat for sensitive shorebirds. The Park Service should also clarify that all bicycles on the beach must stay below the mean high tide line. This is vital to protect important shorebirds like Wilson’s plover, whose nests and chicks are virtually impossible to see in the foredunes area.<sup>43</sup>

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<sup>36</sup> VUMP G-40.

<sup>37</sup> VUMP 88.

<sup>38</sup> VUMP 87.

<sup>39</sup> VUMP 88.

<sup>40</sup> Jessica Howell-Edwards, *Re: Cumberland Island National Seashore Proposed Visitor Use Management Plan & Environmental Assessment (2022)*, WILD CUMBERLAND 7 (Dec. 29, 2022), [https://wildcumberland.org/wp-content/uploads/2023/01/WC\\_COMMENTS-\\_CUIS\\_VUMP\\_EA.pdf](https://wildcumberland.org/wp-content/uploads/2023/01/WC_COMMENTS-_CUIS_VUMP_EA.pdf)

<sup>41</sup> *See, e.g.*, Gordon Jackson, *E-Bikes causing speeding complaints on SSI trails*, THE BRUNSWICK NEWS (Jan. 22, 2025), [https://thebrunswicknews.com/news/local\\_news/e-bikes-causing-speeding-complaints-on-ssi-trails/article\\_959cd552-d822-11ef-bd34-cb5597619f05.html](https://thebrunswicknews.com/news/local_news/e-bikes-causing-speeding-complaints-on-ssi-trails/article_959cd552-d822-11ef-bd34-cb5597619f05.html) (“A growing number of people traveling on the walking and bike paths on St. Simons Island are riding on e-bikes and scooters.”); John Sharp, *E-bike boom meets safety fears, sparking debate over limits on Alabama beaches*, AL.COM (Dec. 7, 2025), <https://www.al.com/news/2025/12/e-bike-boom-meets-safety-fears-sparking-debate-over-limits-on-alabama-beaches.html>.

<sup>42</sup> *See* 36 C.F.R. § 4.30(i)(7).

<sup>43</sup> Email from Sarah Manning, Birds Georgia to Zachary Hennessee, SELC (January 26, 2026) (on file).

In addition, the Park Service should consider banning e-bicycle usage on all roads—including the main road (Grand Avenue)—that bisect the Wilderness area. Although Grand Avenue has been carved out of the Wilderness Area, e-bicycles would pass any wilderness hikers on this dirt road. There is a vast difference between passing a fellow hiker and diving out of the way of a speeding e-bicycle. Additionally, it will be impossible for the Park Service to ensure that visitors on e-bicycles, who will have significantly more capacity to explore remote reaches of the Seashore than those on conventional bicycles, are not riding down unauthorized trails in the Wilderness. Indeed, the Park Service has already recognized that “bicycles on unauthorized trails” pose a threat to the Wilderness.<sup>44</sup>

The Park Service should also consider the how expanding the range of bicycles on the beach may affect the Wilderness. The VUMP suggests “[t]here would be no impacts to wilderness character from proposed bike / e-bike use on the beach since it occurs outside of, and far away from, the wilderness area.”<sup>45</sup> However, this overlooks the fact that the new proposed range for bicycles on the beach would take cyclists (especially those on e-bicycles) almost to the southeastern edge of the Wilderness. From there, cyclists may cut through the dunes to access the Wilderness.

*Prohibit Class 3 e-bicycles.* Class 1 and 2 e-bicycles can reach speeds of 20 miles-per-hour, while Class 3 e-bicycles can achieve speeds up to 28 miles-per-hour. Although we appreciate the proposed 20 MPH speed limit on the Seashore’s roads and beaches, the enforcement of speed limits, especially in remote areas of the Seashore, will be realistically limited. Accordingly, the Park Service should prohibit Class 3 e-bicycles altogether to ensure the safety of bicyclists, pedestrians, and wildlife across the Seashore.<sup>46</sup>

### III. Commercial Services and New Facilities

The Park Service’s 1984 General Management Plan specifically mandated that “[n]o concessions will be permitted on the island.”<sup>47</sup> Now, however, the VUMP proposes to bring a host of new concessions and facilities to the Seashore. These include: a camp store, a bath house, two pavilions, kayak and/or canoe rentals, bicycle rentals, motorized boat tours, nonmotorized boat tours, photography tours, guided fishing tours, expanded vehicle tours, and multiple new

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<sup>44</sup> See Foundation Document 26.

<sup>45</sup> VUMP 81.

<sup>46</sup> As noted above, *supra* § I.C., the Park Service must also ensure it has sufficient staffing and funding in place to: educate the public about limitations on bicycle and e-bicycle usage on the Seashore (including the number of e-bicycles allowed, where they are allowed, and how fast they may travel); monitor that usage; enforce limitations on that usage; and employ mitigation measures if necessary.

<sup>47</sup> *General Management Plan*, *supra* note 3, at 36.

campsites. Many of these services and facilities, the VUMP suggests, could be offered in the Wilderness.

We are concerned that this proliferation of concessions and new facilities may detract from the visitor experience on the Seashore. All these things are available on any other commercially developed beach. People visit the Seashore precisely because it is supposed to be *different*. As the Park Service's Foundation Document recognizes, "public access to undeveloped, uncrowded, pristine beaches is increasingly rare."<sup>48</sup> Equally rare is the "absence of ... development" on the Seashore, which provides unparalleled "opportunities for solitude and exploration."<sup>49</sup> From the moment a visitor steps off the ferry, she is struck by the Seashore's awe-inspiring *wildness*. We want to keep it that way, and we hope the Park Service does too.

We are also concerned that the VUMP insufficiently analyzes the necessity of offering commercial services, particularly in the Wilderness. The Wilderness Act requires that commercial services be both "proper for realizing" wilderness purposes and "necessary."<sup>50</sup> A commercial service is only "necessary" if the wilderness purpose cannot be achieved through non-prohibited alternatives.<sup>51</sup> The VUMP's necessity analysis, however, does not address whether alternatives are available that can accomplish the Park Service's goals.<sup>52</sup> Moreover, the commercial services offered may not be "more than necessary."<sup>53</sup> While the VUMP proposes limiting the commercial allocation to no more than 15% of annual overnight use, it does not offer any meaningful rationale for this figure. It is also unclear whether this percentage is calculated based on overnight use in the Wilderness specifically or within the entire Seashore.

Therefore, we ask that the Park Service reconsider whether these new services and facilities are all necessary. We also ask the Park Service to evaluate the potential cumulative impacts of all these proposed changes on the visitor experience—something that is currently absent from the Park Service's Environmental Assessment.<sup>54</sup>

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<sup>48</sup> Foundation Document 9.

<sup>49</sup> Foundation Document 9.

<sup>50</sup> 16 U.S.C. 1133(d)(5).

<sup>51</sup> *See, e.g., Wilderness Watch, Inc. v. U.S. Fish & Wildlife Serv.*, 629 F.3d 1024, 1039 (9th Cir. 2010) (citing *High Sierra Hikers Ass'n v. Blackwell*, 390 F.3d 630, 647 (9th Cir. 2004)).

<sup>52</sup> VUMP F-9-F-16.

<sup>53</sup> *High Sierra Hikers*, 390 F.3d at 647.

<sup>54</sup> VUMP 87-89.

#### IV. Wilderness Impacts

One of the most unique and beloved things about the Seashore is its Wilderness. The “Seashore protects the largest designated wilderness area on an East Coast barrier island.”<sup>55</sup> This “includes 9,907 acres of designated wilderness and an additional 10,710 acres” of potential wilderness.<sup>56</sup> As the Park Service’s Foundation Document explains, “[v]isitors to the wilderness come to experience the area’s opportunities for solitude, risk, and challenge. Its beaches, maritime forest, diversity of flora and fauna, and cultural resources are among the finest and most pristine on any barrier island of this nation.”<sup>57</sup>

We have several concerns about the VUMP’s potential impacts on the Wilderness and Potential Wilderness.

First, the Park Service still has yet to develop a wilderness management plan—something the Park Service identified more than a decade ago as a “high priority.”<sup>58</sup> “[W]ilderness management plan[s] identify desired future conditions, as well as establish indicators, standards, conditions, and thresholds beyond which management actions will be taken to reduce human impacts on wilderness resources.”<sup>59</sup> The Park Service must develop a wilderness management plan “within two years of designation” of a wilderness area as long as there is sufficient funding.<sup>60</sup> Congress established the Cumberland Island Wilderness in 1982—meaning a Wilderness Management Plan is now more than 40 years overdue. The Park Service cannot adequately analyze the potential impacts of the VUMP on the Wilderness and Potential Wilderness without a wilderness management plan that identifies desired conditions for that area. The Park Service therefore must either develop a wilderness management plan before finalizing the VUMP, or develop both plans in tandem.

Second, the VUMP does not adequately evaluate the potential impacts of the VUMP on the Wilderness and wilderness experience. Several of the proposed changes could lead to many more people in the Wilderness at any given time, including the significant increase in daily ferry visitation, added ferry stop at Plum Orchard, added wilderness and wilderness-adjacent

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<sup>55</sup> Foundation Document 7.

<sup>56</sup> VUMP 3.

<sup>57</sup> Foundation Document 61.

<sup>58</sup> Foundation Document 37.

<sup>59</sup> *Management Policies 2006: The Guide to Managing the National Park System*, U.S. DEP’T OF THE INTERIOR NAT’L PARK SERV. 6.3.4.2 (2006), [https://www.nps.gov/subjects/policy/upload/MP\\_2006\\_amended.pdf](https://www.nps.gov/subjects/policy/upload/MP_2006_amended.pdf).

<sup>60</sup> *Director’s Order #41: Wilderness Stewardship*, U.S. DEP’T OF THE INTERIOR NAT’L PARK SERV. 8-9 (2013, as amended 2024), [https://www.nps.gov/subjects/policy/upload/DO\\_41\\_5-13-2013.pdf](https://www.nps.gov/subjects/policy/upload/DO_41_5-13-2013.pdf). The Park Service sometimes refers to Wilderness Management Plans as Wilderness Stewardship Plans. The two terms are interchangeable. *See id* at 4 n.1.

campsites, and, as discussed above, expanded e-bicycle usage and commercial services available in the Wilderness. This increased visitation and development imperils the unique opportunities for solitude currently available in the Wilderness, where, currently, “[v]isitors may wander for days and encounter only island wildlife during their wilderness experience.”<sup>61</sup>

We commend the Park Service for recognizing that “the protection of opportunities to experience solitude is incredibly important.”<sup>62</sup> But, for many of the same reasons outlined above, *supra* §§ I-III, the current VUMP does not sufficiently protect these opportunities. We therefore recommend the Park Service reevaluate whether the proposed policy changes are sufficiently protective of wilderness values—especially the “enhanced sense of solitude on the north end of the island.”<sup>63</sup> We also encourage the Park Service to develop concrete and attainable monitoring and management plans to address crowding or other resource harms in the Wilderness. As it stands, the VUMP puts the cart before the horse by proposing to increase visitation, development, and commercial services in the Wilderness before determining the conditions the Park Service must protect in the Wilderness or how it would know if those conditions are being exceeded.

Third, the VUMP improperly allows motorized boats to access two of the four Wilderness campsites—Brickhill Bluff and Toonahowie. As the Park Service knows, the Wilderness Act prohibits the use of motorized vehicles in any wilderness area. Even if campers could somehow access their campsites without bringing their boats into the designated Wilderness (which we seriously doubt), the presence of noisy motorized boats in the vicinity of the Wilderness risks degrading wilderness conditions and harming aquatic species. We therefore recommend the Park Service disallow motorized boat access for all Wilderness campsites.

## V. South End Beach Protections

The 2022 iteration of the VUMP identified an alarming increase in use of the South End Beach by visitors arriving primarily on private boats and unauthorized commercial vessels—as high as 418 people on the beach at one time. As the 2022 VUMP recognized, these “extremely high levels of visitation are not consistent with the desired conditions for visitor experiences or natural resources in the area.”<sup>64</sup> In particular, the “the high volume of visitors along the whole beach and the frequent presence of dogs disturbs nesting and foraging birds and can compromise

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<sup>61</sup> Foundation Document 61.

<sup>62</sup> VUMP B-25.

<sup>63</sup> Foundation Document 61.

<sup>64</sup> *Cumberland Island National Seashore Visitor Use Management Plan and Environmental Assessment*, U.S. DEP’T OF THE INTERIOR NAT’L PARK SERV. 114 (2022), <https://parkplanning.nps.gov/showFile.cfm?sfid=613276&projectID=73577> (hereinafter 2022 VUMP).

nesting success” of protected bird species in the area.<sup>65</sup> The 2022 VUMP therefore proposed several measures to address these concerns. We supported some, including the proposals to ban dogs and create a shorebird protection area. We opposed others, in particular the proposal to create a designated docking area for these vessels. Overall, we stressed that “proposed actions [we]re insufficient to protect the critical habitat on the beach and surrounding water.”<sup>66</sup> The Fish and Wildlife Service similarly emphasized in their 2022 comments the need to do more to protect sensitive habitat and species on the South End. Among other things, they “recommend[ed] that the environmental protection zone portion of the South End Beach be an area permanently closed to humans.”<sup>67</sup>

Given the manifest need to do *more* to protect critical habitat and protected species in South End Beach, we were surprised that the current iteration of the VUMP omits any enforceable protections for the area. Instead, the VUMP states only that “[i]dentification of management actions to enhance resource protection at South End Beach would need to be addressed in a targeted planning effort, separate from this visitor use management plan.”<sup>68</sup> The VUMP offers no explanation why this visitor-related issue cannot be addressed in this visitor use management plan, nor is one apparent. Indeed, the VUMP observes that “recent use patterns show an increasing number of visitors arriving by private vessels,”<sup>69</sup> indicating that the need to protect sensitive habitat and species in South End Beach is more pressing now than ever.<sup>70</sup> Given the well-documented visitor-use impacts in this area, the VUMP’s proposal to set South End Beach aside for a future planning effort makes the VUMP incomplete as a visitor-use management plan.

We therefore urge the Park Service to include a plan to protect the South End Beach when it finalizes the VUMP. As part of that plan, we recommend the Park Service : (a) designate a shorebird protection area; (b) prohibit dogs in the area; and (c) ban private boats from landing

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<sup>65</sup> 2022 VUMP 50.

<sup>66</sup> Letter from William Sapp, SELC, to Gary Ingram, Cumberland Island National Seashore (March 7, 2023), <https://protectnps.org/2023/03/07/coalition-provides-additional-comments-on-cumberland-island-national-seashore-proposed-visitor-use-management-plan/> (hereinafter SELC 2023 Comments); *see also* Letter from William Sapp, SELC, to Gary Ingram, Cumberland Island National Seashore, *Re: Cumberland Island National Seashore Proposed Visitor Use Management Plan* (Dec. 30, 2022), <https://protectnps.org/wp-content/uploads/2022/12/2022.12.30-SELC-Comments-on-CUIS-VUMP.pdf>.

<sup>67</sup> Letter from John Doresky, Fish & Wildlife Serv., to Gary Ingram, Cumberland Island National Seashore (December 30, 2022).

<sup>68</sup> VUMP 42.

<sup>69</sup> VUMP 10.

<sup>70</sup> *See also* Letter from John Doresky, *supra* note 67 (“Unless controls are placed on recreational boater visitation to the South End Beach, visitation will only swell as the boating public of the area grows.”).

there or at least limit the number of boats permitted to access the South End Beach; (d) reduce the 69-person visitor capacity threshold; and (e) provide additional law enforcement, management and educational presence in the area during periods of peak visitation.<sup>71</sup> These changes are needed to protect nonbreeding Red Knot and Piping Plover that feed in that area, and breeding Wilson’s Plover and American Oystercatchers that nest in that area, to name just a few species threatened by overuse of that area.

## VI. Development of Nightingale Beach Facilities

The VUMP proposes multiple new developments concentrated inshore of Nightingale Beach, including a new campsite, bathhouse, pavilion, and trail leading to the beach. These new facilities—and associated impacts from humans and their pets—would likely cause excessive stress to multiple protected species. The facilities would be right “within designated critical habitat for the piping plover.”<sup>72</sup> Wilson’s Plovers also nest in this area,<sup>73</sup> and in the breeding season, five pairs of American Oystercatchers nest between Little Greyfield and the Jetty (specified in the proposal as Nightingale Beach and Jetty Beach).<sup>74</sup> Each of these species is sensitive to pedestrians, bicycles, and pets. For instance, “[p]ersistent increased pedestrian presence may initiate aversive behavior in piping plovers to the level where the birds seek more remote feeding and resting sites.”<sup>75</sup> In addition, artificial lighting from a bathhouse within the interdune zone adjacent to the loggerhead critical habitat may disorient and harm nesting sea turtles. Pedestrians and dogs may also harm sea turtle nests in the area.

We therefore recommend the Park Service reconsider these proposed changes and instead leave this important area intact and unaltered. We recognize that the Park Service believes these changes may reduce unauthorized trail creation and dune trampling in the area.<sup>76</sup> However, there would be less harmful means to address any such unauthorized access, including signage, monitoring, and elimination of any unauthorized paths.

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<sup>71</sup> As SELC explained in previous comments, the Park Service has concurrent jurisdiction over South End Beach and therefore may implement any management actions that are necessary to protect the area. *See* SELC 2023 Supp. Comments.

<sup>72</sup> VUMP G-41.

<sup>73</sup> VUMP G-34.

<sup>74</sup> Email from Sarah Manning, Birds Georgia to Zachary Hennessee, SELC (January 1, 26, 2026) (on file).

<sup>75</sup> VUMP G-40.

<sup>76</sup> VUMP G-41.

At a minimum, we encourage the Park Service not to construct these facilities (or the other proposed pavilion) in dune habitat, in areas vulnerable to overwash,<sup>77</sup> or within site of the beach. As the Park Service has recognized, “[t]here are very few areas in the United States where beaches remain undeveloped; with more than half of the nation’s population living near coastal areas, it is vital to preserve such a cherished yet vulnerable resource.”<sup>78</sup> It would be a shame to spoil the 18-mile long Cumberland Island beach vista with a bathhouse and two pavilions.

## VII. Zoning and Desired Conditions

The VUMP provides a series of descriptions of “park zoning and desired conditions” that, in certain cases, “amend the general management plan and subsequent implementation plans.”<sup>79</sup> We have four concerns related to this aspect of the VUMP.

*First*, we do not understand the assertion that “[a]ctive recreational opportunities dominate in the natural environment zone.”<sup>80</sup> Do they dominate over passive recreation, or over all aspects of the natural environment zone? We would appreciate additional clarity about these and other desired uses to better understand the potential consequences of the VUMP.

*Second*, the VUMP is ambiguous as to whether the proposed zones and desired use conditions will be used to justify additional development in the future, or just those changes outlined in that document. We emphasize, however, that the Seashore’s legislation requires that *all portions of* Seashore must be preserved in their primitive state unless they are “deemed to be especially adaptable for recreational uses,” and that no development is permitted anywhere on the Seashore that would be incompatible with the Seashore’s unique flora and fauna and physiographic conditions.<sup>81</sup> Insofar as the proposed zones and desired uses authorize any development that is incompatible with the Seashore’s unique conditions or extends beyond those areas deemed especially adaptable for recreational uses, that would violate Congress’s directive.

*Third*, we find the discussion of the Private Interest Zone to be confusing. There is no standard definition of that term, nor is there any discussion of whether there are development restrictions on any of these properties. We recommend the Park Service provide a definition of the term “Private Interest Zone,” and add a new appendix to the VUMP that lists individual properties in this Zone, the applicable agreement document for each specific property, and any key restrictions and provisions regarding future development of those properties. We emphasize

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<sup>77</sup> Elizabeth A. Pendleton et al., *Coastal Vulnerability Assessment of Cumberland Island National Seashore (CUIS) to Sea-Level Rise*, U.S. GEOLOGICAL SURV. 17 (2004), <https://pubs.usgs.gov/of/2004/1196/ofr20041196.pdf>.

<sup>78</sup> Foundation Document 9.

<sup>79</sup> VUMP 14.

<sup>80</sup> VUMP 16.

<sup>81</sup> Act of Oct. 23, 1972, Pub. L. No. 92-536, 86 Stat. 1066 (1972).

that allowing additional development within private interest zones (which by definition cannot be deemed especially suitable for public recreational use) would be a violation of the authorizing legislation and cannot be done administratively.

*Fourth*, the VUMP does not address the proposed land exchange of four properties that was introduced in 2024.<sup>82</sup> Since the only statutory exception to maintaining land within the Seashore in its primitive state is for limited recreational purposes, we ask that the Park Service explain what limitations on development would apply to the proposed land exchange properties, and how (if at all) the proposed increase in daily ferry visitors might relate to the land exchange. As noted above, we ask that the Park Service clarify that the proposed land exchange cannot administratively except any newly privatized parcels from the legislative mandate to preserve the Seashore in its primitive state.

### VIII. Feral Horses

One action that the Park Service could take now to improve the Seashore's ecological integrity and visitor experience is to reduce the number of feral horses within the Seashore. Currently, there are up to 190 feral horses on the island.<sup>83</sup> The Seashore cannot support this number. As the VUMP acknowledges, feral horses "graze intensely on salt marsh grasses," consuming up to 98% of the vegetation in the areas they frequent.<sup>84</sup> The horses "exacerbate erosion[,] ... destabilize sand dunes, trample shorebird nests, and adversely affect water quality and wetlands habitat."<sup>85</sup> Feral horses also pose a threat of causing "serious injury" to people and other animals on the island.<sup>86</sup>

They are also sickly and undernourished. One study determined that the mortality rate of foals on island horses is 30 percent.<sup>87</sup> Painfully thin horses like the one depicted below<sup>88</sup> are not uncommon sights.

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<sup>82</sup> See *Cumberland Island National Seashore: Land Transfer*, U.S. DEP'T OF THE INTERIOR NAT'L PARK SERV.,

<https://parkplanning.nps.gov/showFile.cfm?sfid=755384&projectID=124458>.

<sup>83</sup> VUMP J-3.

<sup>84</sup> VUMP 44.

<sup>85</sup> VUMP 44.

<sup>86</sup> VUMP E-9.

<sup>87</sup> DILSAVER, *supra* note 4, at 229.

<sup>88</sup> Mary Landers, *Cumberland Island horse lawsuit continues*, THE CURRENT (April 30, 2024), <https://thecurrentga.org/2024/04/30/cumberland-island-horse-lawsuit-continues/>.



We recognize the Park Service has attempted to reduce the size of the herd in the past and was met with strong public opposition. We encourage the Park Service to increase the resources it dedicates to informing the public about the plight of the herd, the ecological harms they cause, and the safety threats they pose. We also encourage the Park Service to take appropriate management actions such as gelding the stallions, so the mares are not continually in foal. If the herd were reduced in size, the ecological and safety risks posed by the horses could also be improved, as well as the overall health of the horse population.

### **IX. Barriers to Visitation**

The Park Service expresses a laudable desire to “cultivate accessible opportunities for all visitors,” “inclusive of all communities and people with disabilities.”<sup>89</sup> However, the VUMP fails to address one of the key barriers to visiting the Seashore: the cost to visit the Seashore. Fees charged by the ferry concessionaire have risen significantly in recent years. They now stand at:

- Adults (16 and older) – \$44.00 plus tax,
- Seniors (62 and up) – \$42.00 plus tax,
- Youth (6 to 15 years) – \$34.00 plus tax, and

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<sup>89</sup> VUMP 14.

- Children (5 years or younger) – Free.<sup>90</sup>

In addition, the Park Service charges a \$15 entrance fee.<sup>91</sup>

The VUMP recognizes the proposed change in ferry schedule could potentially further increase the cost of ferry services<sup>92</sup> and that increasing development and population in the vicinity of the Seashore may put further upward pressure on ferry prices.<sup>93</sup> The VUMP proposes that the “future prospectus for the concessioner and associated operating plan would help identify potential options to improve affordability of visiting Cumberland Island.”<sup>94</sup> While we applaud the intention to improve affordability, the Park Service should identify such options in this VUMP, rather than shunting this important decision to a forum in which the public has no opportunity to provide input. The cost of ferry services is a key factor affecting visitor use of the Seashore and is therefore well within the scope of this VUMP.

## **X. Regulatory, NEPA, And ESA Compliance**

In addition to the flaws identified above, the VUMP may run afoul of the National Environmental Policy Act and Endangered Species Act, as well as the Park Service’s own regulations. We detail each of these concerns below.

### ***A. National Environmental Policy Act.***

The National Environmental Policy Act, otherwise known as “NEPA,” “ensures that [agencies] and the public are aware of the environmental consequences of proposed projects. Properly applied, NEPA helps agencies to make better decisions and to ensure good project management.”<sup>95</sup> To that end, NEPA requires agencies to take a “hard look” at the environmental impacts of any proposed major federal actions<sup>96</sup> and to prepare an environmental impact statement if “any significant environmental impacts might result” from such an action.<sup>97</sup> If the need for an Environmental Impact Statement is unclear, an agency may first prepare an

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<sup>90</sup> *Ferry Rides & Schedules*, CUMBERLAND ISLAND FERRY, <https://www.cumberlandislandferry.com/ferry-schedule> (last visited January 27, 2026).

<sup>91</sup> *Basic Information*, U.S. DEP’T OF THE INTERIOR NAT’L PARK SERV., <https://www.nps.gov/cuis/planyourvisit/basicinfo.htm> (last visited on Jan. 29, 2026).

<sup>92</sup> VUMP 91.

<sup>93</sup> VUMP 90.

<sup>94</sup> VUMP 91.

<sup>95</sup> *Seven Cnty. Infrastructure Coal. v. Eagle Cnty.*, 605 U.S. 168, 177 (2025).

<sup>96</sup> *Kleppe v. Sierra Club*, 427 U.S. 390, 410 (1976).

<sup>97</sup> *Sierra Club v. Peterson*, 717 F.2d 1409, 1415 (D.C. Cir. 1983) (emphasis in original); 42 U.S.C. § 4332(2)(C).

Environmental Assessment. If the evidence before the agency is inadequate to conclude that the action will not have a significant effect on the environment, however, the agency must prepare an Environmental Impact Statement. NEPA requires agencies to consider reasonable alternatives to any proposed action and to assess the cumulative impacts of that action.

The VUMP's NEPA analysis is lacking in several ways.

*First*, the Park Service should have conducted an Environmental Impact Statement, not just an Environmental Assessment. When the Park Service prepared the General Management Plan for the Seashore in 1984, it prepared an Environmental Impact Statement. This choice appropriately reflected the fact that the policy changes proposed in the General Management Plan could have long-term and significant impacts on the Seashore's natural and human environment. Chief among these policy changes was the limitation on how many visitors should be allowed on the island per day.

Now, the Park Service is concededly amending the General Management Plan and in particular has proposed to more than double the 300-person daily limit on visitation. If placing a 300-person limit on visitation is sufficiently significant to trigger an Environmental Impact Statement, then more than doubling that limitation is necessarily also significant enough to warrant a supplemental Environmental Impact Statement.

*Second*, the Park Service's Environmental Assessment suffers from multiple data gaps and flawed analyses. For example, as discussed above, the document overlooks how the changes proposed in VUMP and increasing private visitation to the Seashore will result in crowding in certain areas. Consequently, the Environmental Assessment fails to adequately evaluate the impacts of the VUMP's preferred alternative on the Seashore's natural and human environment. Similarly, the VUMP erroneously concludes that few electric bicycles will be used on the Seashore and does not consider how many bicycles will be kept on the Island overnight. It therefore fails to sufficiently analyze the foreseeable environmental and human impacts of allowing rental and transport of up to 100 e-bicycles per day. In addition, as noted above, the Park Service cannot rely on monitoring and mitigation to avoid significant impacts without having first demonstrated that its monitoring and mitigation protocol will be sufficient to avoid such impacts.

The Environmental Assessment also lacks baseline data necessary to analyze potential impacts of the VUMP. For instance, the Park Service has previously recognized that "[t]he current condition of birds at [the Seashore] is unknown due to a lack of contemporary data, particularly regarding wading birds," and that "[w]hile several shorebird species have been studied, there is not enough information to assess condition for the selected measures (nesting

numbers, fledging success).”<sup>98</sup> The Park Service’s Environmental Assessment, however, does not address whether these data gaps have been filled. Without such information, the Park Service cannot reliably determine that the policies proposed in the VUMP will not have significant impacts on the Seashore’s many important bird species.

*Third*, the Environmental Assessment fails to adequately address foreseeable cumulative impacts of all the proposed changes to the management of the Seashore. For instance, how will the increased level of e-bicycle traffic on the beach affect the shorebirds in light of anticipated impacts to the shorebirds at other locations on the island? The Park Service should also consider how increased human visitation allowed by the VUMP will work together with sea level rise to degrade or destroy habitat for shorebirds on the Seashore.<sup>99</sup>

*Fourth*, the Environmental Assessment’s alternatives analysis falls short. NEPA requires an agency to “study, develop, and describe appropriate alternatives to recommended courses of action.”<sup>100</sup> The Environmental Assessment discusses only the proposed alternative at any length. We detail above the weaknesses of that alternative analysis. As to the other alternatives, the Environmental Assessment’s evaluation is unsatisfactory. For example, the Park Service rejects full closure of South End Beach to private boaters on the ground that “South End Beach provides the only safe and reliable motorized boat landing area because of tidal fluctuations.”<sup>101</sup> However, the Environmental Assessment does not address why such access by private boats is necessary given the known environmental harms resulting therefrom. Moreover, private boats are already “permitted to dock during the day at all three docks on the western shore of the national seashore,” providing visitors using this mode of access the same opportunities to experience the island as all other visitors.<sup>102</sup> The Environmental Assessment also overlooks that unrestricted motorboat use in the South End Beach is inconsistent with that area’s designation as an Environmental Protection Zone, where visitor use is “managed to *perpetuate wildlife* (i.e., shorebirds, marine mammals) values with *little human intrusion*.”<sup>103</sup>

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<sup>98</sup> *Natural Resource Condition Assessment: Cumberland Island National Seashore*, U.S. DEP’T OF THE INTERIOR NAT’L PARK SERV. 241 (Oct. 2018), <https://irma.nps.gov/DataStore/DownloadFile/609726>.

<sup>99</sup> See generally Jennifer McCabe et al., *Human Encroachment and Sea-level Rise are Predicted to Reduce Habitat Available to an Endangered Falcon Population*, THE JOURNAL OF RAPTOR RESEARCH (Jan. 26, 2026), <https://rapt.kglmeridian.com/view/journals/rapt/aop/article-10.3356-jrr2538/article-10.3356-jrr2538.xml>.

<sup>100</sup> 42 U.S.C. § 4332(2)(E).

<sup>101</sup> VUMP 42.

<sup>102</sup> VUMP G-19.

<sup>103</sup> VUMP 15 (emphasis added).

***B. Endangered Species Act.***

Section 7(a)(2) of the Endangered Species Act requires “[e]ach Federal agency,” in consultation with the appropriate wildlife agency, to ensure that “any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species” or adversely modify a species’ critical habitat.<sup>104</sup> If the agency action “may affect” a threatened or endangered species, it must consult with the Fish and Wildlife Service or the National Marine Fisheries Service depending on the species. In addition, Section 9 of the ESA prohibits any person from harming protected species or their habitat.

We identify three key concerns regarding the Park Service’s ESA compliance below.

*First*, given the data gaps and analytical flaws identified above, we question the Park Service’s conclusion that the proposed actions are not likely to adversely affect any protected species. In particular, we are concerned about aggregate harms from the proposed VUMP policies to protected birds and turtle species on the Seashore.

*Second*, as discussed above (§ VI), the Park Service’s proposal to develop a bathhouse, campground, trail, and pavilion near Nightingale Beach poses an unacceptable threat to protected species in the area, particularly piping plover. As the VUMP recognizes, the proposed facilities would fall directly “within designated critical habitat for the piping plover.”<sup>105</sup> The Park Service acknowledges that piping plover are “threatened by destruction and degradation of habitat,” and that “human disturbance has been shown to limit local piping plover abundance” and “reduce[] the time piping plovers spend foraging, which has contributed to the long-term decline of migrating shorebirds at staging areas.”<sup>106</sup> Given this recognition of the adverse effects of development and disturbance on piping plover, we cannot accept the Park Service’s conclusion that the proposed development and consistent, ongoing use of this critical habitat is “not likely to adversely affect” piping plover and their critical habitat.

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<sup>104</sup> 16 U.S.C. § 1536(a)(2)).

<sup>105</sup> VUMP G-41.

<sup>106</sup> VUMP G-20-21.

*Third*, the Park Service’s decision not to identify any protections for shorebirds in the South End Beach area could violate Section 7 and 9 of the ESA. Under Section 7 of the ESA, an agency’s choice not to address known and ongoing harms to endangered species on land it controls rises above the level of mere inaction; it is an affirmative decision to allow continued adverse affects, which at a minimum triggers Section 7’s consultation requirement.<sup>107</sup> Such a decision to continue to authorize known takes of endangered species and harm to critical habitat may also trigger Section 9 liability.<sup>108</sup>

### ***C. Park Service Regulations.***

In addition to the aforementioned statutory requirements, the Park Service must follow its own regulations, including 36 C.F.R. §1.5(b). Section 1.5(b) requires that:

Except in emergency situations, a closure, designation, use or activity restriction or condition, or the termination or relaxation of such, which is of a nature, magnitude and duration that will result in a significant alteration in the public use pattern of the park area, adversely affect the park’s natural, aesthetic, scenic or cultural values, require a long-term or significant modification in the resource management objectives of the unit, or is of a highly controversial nature, shall be published as rulemaking in the Federal Register.

Even changes to single park rules or closures of single areas of parks can trigger the rulemaking requirement in §1.5(b).<sup>109</sup>

Changes proposed in the VUMP likely trigger the § 1.5(b) rulemaking requirement. For

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<sup>107</sup> See, e.g., *Fla. Key Deer v. Stickney*, 864 F. Supp. 1222, 1238 (S.D. Fla. 1994). Unlike in *Horses of Cumberland Island v. Haaland*, 2024 WL 5430835, at \*17 (N.D. Ga. Nov. 8, 2024), the final VUMP would constitute final agency action subject to Section 7 consultation and judicial review.

<sup>108</sup> See, e.g., *Loggerhead Turtle v. Cnty. Council of Volusia Cnty.*, 148 F.3d 1231, 1247-55 (11th Cir. 1998) (plaintiffs had established a “sufficient causal connection to seek to hold Volusia County liable for ‘harmfully’ inadequate regulation of artificial beachfront lighting” that allegedly resulted in harm to protected turtles by third parties not before the court).

<sup>109</sup> See *United States v. Barley*, 405 F. Supp. 2d 1121, 1124 (N.D. Cal. 2005) (invalidating a leash requirement for dogs in park areas where off-leash dogs had been allowed and the requirement was highly controversial); *Ft. Funston Dog Walkers v. Babbitt*, 96 F. Supp. 2d 1021, 1039 (N.D. Cal. 2000) (closure of a single bluff area in a park raised “serious questions” about whether the closure significantly affected the public use pattern of the park).

example, the VUMP proposes to more than double the 300-person limit identified in the 1984 General Management Plan. The VUMP also proposes to allow a host of commercial services, despite that the General Management Plan specifically prohibited all concessions on the island. These are, under any standard, “relaxations” of use restrictions on the Seashore. And they are undeniably “highly controversial” in nature.

Accordingly, § 1.5(b) requires the Park Service to publish the VUMP as rulemaking in the Federal Register.

### **Conclusion**

For these reasons, we encourage the Park Service to revisit the proposed VUMP, conduct the additional analysis and evaluation recommended above, and continue to work with the public to develop a plan that appropriately prioritizes the Park Service’s legislative mandate to preserve the Seashore in its undeveloped state.

We also ask that, going forward, the Park Service conduct more public outreach to engage the public in the VUMP process, including issuing press releases on the Seashore’s website and social media pages and posting relevant signage on the Seashore visitor center, ferries, and museum about relevant developments related to the VUMP and opportunities for public engagement.

If you have questions concerning these comments, please do not hesitate to reach out to me or any of the individuals copied below.

Sincerely,

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