

635/D-56A

ADDENDUM TO
LAND PROTECTION PLAN
GULF ISLANDS NATIONAL SEASHORE

1989

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This addendum serves as part of the update of the Seashore's land protection plan. National Park Service policies call for the updating of land protection plans every two years to ensure that they remain current. This plan was initially approved on July 19, 1984 and updated on August 15, 1986. The following material relates to changes made in the plan since the 1986 update.

Plan Implementation

A total of four tracts of privately owned land on Horn Island has been acquired since 1986. Of these, two tracts totaling 75.30 acres were owned outright and two, covering 52.43 acres, involved undivided partial interest in tracts where the United States had already acquired most or all of the remaining interest. These tracts were all in the group of tracts identified as Priority 1 in the plan. Fee title was acquired for each of these tracts.

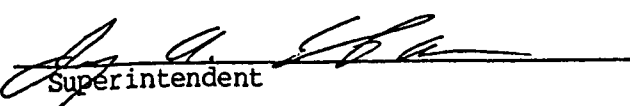
Changes to Plan

This update has made no substantive changes in the land protection plan. The Priority 1 tracts acquired since 1986 have been deleted from appropriate sections and acreage figures have been updated accordingly. Section IV, Protection Alternatives, has been revised to discuss possible means of land protection in general terms.

Section III, Part A, Description of Ownerships Not Under NPS Administration, has been simplified and significantly shortened by summarizing these descriptions, rather than treating tracts individually. Some of the detailed material concerning specific tracts previously contained in Section IV has been moved to Section V, Part B, Rationales for Acquisition, and Part D, Land Now Adequately Protected. Section IV, PROTECTION ALTERNATIVES, has been expanded to provide information on methods by which fee title might be acquired and to discuss additional types of actions that can be effective in providing land protection.

Clarification of the Plan

General Accounting Office comments regarding Marsh Point, regulations of the State of Mississippi, and State of Florida submerged lands have been addressed.


Superintendent

7/21/89
Date

SUMMARY
LAND PROTECTION PLAN

1. Current Ownership	
Federal (NPS Jurisdiction)	94,264.51 acres
(Other Federal)	4,986.51
State or Local	22,249.00
Private (Wholly owned)	712.26
(Undivided partial interest)	85.40
2. Number of Tracts Remaining to be Protected	38
3. Methods of Protection Proposed	
Fee Acquisition (by NPS, includes transfer of other Federal lands)	8,228.43 acres
(by others)	N/A
Areas suitable for sellback or leaseback	N/A
Less-than-fee acquisition	N/A
Zoning	N/A
Cooperative Agreement	N/A
Regulation	N/A
Adequately protected (no action)	20,080.65
4. Statutory Acreage Ceiling	N/A
5. Funding Status (as of June 30, 1988)	
Authorized acquisition ceiling	\$22,462,000
Appropriated	24,133,232
Obligated	24,133,232
Unobligated balance	-0-
6. Top Priority	
Privately owned tracts within and adjacent to designated wilderness on Horn Island	479.57 acres
7. Special Considerations	N/A

GULF ISLANDS NATIONAL SEASHORE

LAND PROTECTION PLAN

UPDATE

Revised 26 Nov 90 JB

Recommended:

[Signature]
Superintendent

Date: 7/21/89

Approved:

[Signature]
Regional Director

Date: AUG 18 1989

GULF ISLANDS NATIONAL SEASHORE

LAND PROTECTION PLAN

UPDATE

Recommended: _____ Date: _____
Superintendent

Approved: _____ Date: _____
Regional Director

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LAND PROTECTION PLAN
GULF ISLANDS NATIONAL SEASHORE

I. INTRODUCTION

A. Summary of Departmental and National Park Service Land
Protection Policies

In May 1982, the Department of the Interior published in the Federal Register a policy statement for use of the Federal portion of the Land and Water Conservation Fund which requires each agency responsibility for land protection in Federally administered areas to:

--Identify what land or interests in land need to be in Federal ownership to achieve management unit purposes consistent with public objectives in the unit.

--To the maximum extent practical, use cost-effective alternatives to direct Federal purchase of private lands and, when acquisition is necessary, acquire or retain only the minimum interests necessary to meet management objectives.

--Cooperate with landowners, other Federal agencies, State and local governments, and the private sector to manage land for public use or protect it for resource conservation.

--Formulate, or revise as necessary, plans for land acquisition and resource use or protection to assure that sociocultural impacts are considered and that the most outstanding areas are adequately managed.

In response to this policy, the National Park Service (NPS) prepared a Land Protection Plan for Gulf Islands National Seashore. The purpose of the plan is to identify land protection alternatives; to assure the protection of the natural, recreational, scenic, cultural, or other significant resources; and to provide for adequate visitor use. The plan has been prepared in compliance with relevant legislation, other Congressional guidelines, Executive Orders, and Departmental and National Park Service policies.

The environmental consequences of the Land Protection Plan have been covered under the Final Environmental Statement for the General Management Plan (FES 78-18).

B. Major Issues

The Land Protection Plan addresses the minimum actions necessary to assure resource protection, provide visitor services, carry out management responsibilities, and provide essential public access to and use of Federal lands within Seashore boundaries. The plan will also establish priorities for these actions. Requests for expenditure of appropriated funds will be based on the approved plan. Eight tracts totaling 400.6 acres and one tract with undivided partial interests in 78.97 acres on Horn Island constitute the major concern of this plan. Privately-owned and State-owned submerged lands are also addressed. Also included are recommendations for the administrative transfer of lands now assigned to other Federal agencies.

C. The Plan as a Guide

This plan does not constitute an offer to purchase land or interests in land. It will generally guide subsequent activities, subject to the availability of funds and other constraints. This plan does not diminish the rights of non-Federal landowners.

II. PURPOSE OF THE SEASHORE AND RESOURCES TO BE PROTECTED

A. Seashore Purpose

Public Law 91-660, enacted January 8, 1971, authorized the establishment of Gulf Islands National Seashore "...to preserve for public use and enjoyment certain areas possessing outstanding natural, historic, and recreational values..."

B. Significance of the Seashore and its Resources

The Seashore is situated in the northeastern portion of the Gulf of Mexico and includes a widely spaced chain of barrier islands extending nearly 150 miles from West Ship Island in Mississippi to the eastern end of Santa Rosa Island in Florida. Other islands in the Seashore include Horn, Petit Bois and East Ship Islands in Mississippi and a section of Perdido Key in Florida. The Seashore also includes mainland tracts at Pensacola Forts and Naval Live Oaks Reservation near Pensacola, Florida, and Davis Bayou, adjacent to Ocean Springs, Mississippi.

The Seashore's most outstanding recreational resources are its wide, gently sloping beaches of unusually fine white sand and clear blue-green water, coupled with a mild climate.

The Mississippi islands within the Seashore provide a combined total of nearly 60 miles of sandy shoreline—including both the Gulf and Sound sides. These offshore barrier islands constitute virtually all of the naturally maintained sandy shoreline on Mississippi's Gulf Coast, since most mainland sandy beaches are maintained by periodic dredging.

Units of the Seashore in Florida also provide substantial lengths of sandy shoreline—over 40 miles facing the Gulf and about the same amount facing inland waters. A long history of accessibility of all these units by private auto has resulted in substantial private development as well as recreational use on lands adjacent to certain units, but still long stretches of the islands offer undeveloped, uncluttered solitude and extremely attractive, gently sloping Gulfside beaches.

Although substantial lengths of the United States' Gulf Coast are fringed by barrier islands, the islands in the Seashore are significant in a variety of ways:

Their east-west orientation, ample supplies of reworked sand, and susceptibility to hurricane attack combine to make them extremely dynamic, constantly changing environments.

The isolated nature of the Mississippi islands provides habitats and ecosystems which will remain undisturbed by man if properly cared for and can be natural laboratories for observing the impact of relatively rapid natural changes on populations of animals and plants, both genetics and behavior.

This same isolation has already meant a degree of protection for a variety of wildlife species which, although not necessarily rare, are facing rapid habitat reduction in other parts of their range or which are especially intolerant of human presence.

Santa Rosa Island provides a fine opportunity for geological interpretation. The succession of wave-built landforms is discernible at a single glance in the Pensacola-Santa Rosa landscape.

Non-Federal lands within the Seashore pose no concerns with either Federal or State listed or candidate rare, endangered, or threatened plant and animal species.

The Seashore includes important portions of the historic coastal defense system of the United States, covering the period from 1796 through World War II.

Naval Live Oaks Reservation is particularly significant in the conservation history of the United States. In 1828, President John Quincy Adams set aside a reserve as a part of the first federal timber conservation program to conserve the live oaks then used extensively for building naval vessels. The Naval Live Oaks Reservation is all that remains of the original reserve.

Specific areas within the Seashore which are listed on, or in process of nomination to, the National Register of Historic Places are:

- Fort Massachusetts
- Lighthouse Complex, West Ship Island
- French Warehouse, East Ship Island
- Quarantine Station Site, East Ship Island
- Fort Pickens District
- Naval Live Oaks Reservation District
- Perdido Key District
- Pensacola Forts District
- Pensacola Lighthouse and Lighthouse Keeper's Quarters District

C. Special Legislative, Administrative, and Congressional Directives and Authorities

The authorizing legislation (P.L. 91-660) provides for the acquisition of lands, waters, or interests therein within the boundaries of the Seashore by donation, by purchase with donated or appropriated funds, or by exchange. Property owned by a state or any of its political subdivisions can, however, be acquired only with the consent of the owner. Any Federal property within the boundaries may be transferred to the Department of the Interior, with the concurrence of the administering agency. The authorizing legislation, in Section 7, contained a transfer of the Horn Island and Petit Bois National Wildlife Refuges to the Seashore.

Owners of improved residential property, involving year-round dwellings whose construction began prior to January 1, 1967, are permitted to retain a right of use and occupancy for life or for a period of 25 years. No tracts remaining to be acquired contain residential developments of any type.

Rights-of-way or easements for the transportation of oil and gas extracted from locations outside the Seashore shall remain in effect, notwithstanding the acquisition of any lands or waters in which such easements or rights-of-way exist. The only such easements within the boundaries are located off the east end of Horn Island, Mississippi and in the Mississippi Sound north of the barrier islands. There is also an authorization for the granting of additional oil and gas transportation easements, subject to protective regulations.

The original legislation authorized acquisition of not more than 135 acres of land outside the boundaries of the Seashore in the area of Biloxi-Gulfport, Mississippi. This land was to be used for an administrative site. This authorization was amended by P.L. 92-275 (April 20, 1972) to increase the authorized size of this site to 400 acres, thereby allowing acquisition, by donation, of the former Magnolia State Park at Ocean Springs. The authorized area of this site was increased to 1,000 acres by P.L. 95-625 (November 10, 1978) so that the Marsh Point area could be added to the Davis Bayou unit. Although technically not boundary changes, these acreage increases are the only change in areas authorized for the Seashore since enactment of the original legislation.

The enabling legislation for the Seashore and subsequent amendments contained the following ceilings for land acquisition and development:

<u>Public Law</u>	<u>Date</u>	<u>Land Acquisition</u>	<u>Development</u>
91-660	Jan. 8, 1971	\$ 3,120,000	\$14,779,000
92-275	Apr. 20, 1972	3,462,000	17,774,000
94-578	Oct. 21, 1976	22,162,000	No change
95-628	Nov. 10, 1978	22,162,000	24,224,000

In addition to the statutory ceiling actions listed above, Public Law 95-628 also authorized the expenditure of an additional \$300,000 for the acquisition of the Marsh Point area. The specific authorization, however, was not a general increase in the ceiling for Gulf Islands.

D. Land Classification

Seashore lands are classified in order to designate where various strategies for management and use will best fulfill management objectives and achieve the purpose of the Seashore. Classification is based on the inherent nature of Seashore resources and the suitability of the land for the proposed uses and management. The National Park Service land classification system has flexibility which permits adaptation to many different park situations.

In the Seashore, four major land classification zones - natural zone, historic zone, development zone, and special-use zone - have been utilized. The natural zone has been further divided into four subzones - wilderness, environmental protection, outstanding natural feature, and natural environment - to indicate in greater detail how the land or water will be managed.

1. Natural Zone (132,667 acres)

The natural zone has been divided into four subzones, all of which exist in a relatively natural state and will remain largely unaltered by human activity, except for approved developments essential for management, use, or appreciation of the Seashore.

Wilderness Subzone (5,116 acres)

These areas are managed to perpetuate an undisturbed environment that possesses an atmosphere of solitude as well as negligible evidence of resource impairment. Some recreation activities will be permitted in designated wilderness. Congress has directed that lands designated as potential wilderness are to be managed "insofar as practicable as wilderness, until such time as said lands are designated as wilderness."

designated areas - this classification encompasses all of Horn and Petit Bois Islands.

Environmental Protection Subzone (1,240 acres)

Lands and waters possessing particular value as wildlife habitat or for research are designated as environmental protection subzone areas. These areas are to be used for research, protection, and interpretation of the outstanding natural features which dominate the environment. Only minimal development is planned, permitting visitors to interact with the resource without interfering with ecological values.

designated areas - most of East Ship Island is classified as an environmental protection subzone area. A portion of the Naval Live Oaks Reservation unit dominated by a sand pine community is also designated in this subzone. All of the Marsh Point lands (south of Davis Bayou) are included in this classification.

Outstanding Natural Feature Subzone (875 acres)

Lands with geological and/or biological features which possess unusual intrinsic values or uniqueness. These areas are representative of the Seashore's principal attractions. Development in these areas will be minimal and natural components will continue to dominate the environment.

designated areas - most of West Ship Island, and land east of the day-use area within the Santa Rosa Island unit.

Natural Environment Subzone (125,436 acres)

These lands and waters will be managed to permit environmentally compatible recreational activities which might cause limited disruption of the natural environment. Development will not dominate the environment as in the development zone, but will be integrated into it.

designated areas - most of the eastern portion of the Fort Pickens unit; the Santa Rosa Island unit, west of the day-use-area; the Okaloosa area; and Perdido Key are designated in this category. These are the principal beach recreation attractions of the Florida District of the Seashore. A small area on western East Ship Island is classified as a natural environment area to accommodate a possible minimum facility camping area. Natural environment subzone designation also includes the day-use areas on West Ship Island. The undeveloped portion of Davis

Bayou is classified as natural environment because of the high-density recreation activities within the remainder of the unit. All Seashore submerged lands up to the mean low-tide line (approximately 120,458 acres) are also being classed as natural environment.

2. Historic Zone (2,110 acres)

These areas are managed primarily to preserve and interpret significant historic structures as well as to maintain the historic scene.

designated areas - In Mississippi there are two areas designated as historic zones; one on West Ship Island, and one on East Ship Island. The historic zone on West Ship Island includes Fort Massachusetts, the lighthouse complex, and all development in a wide strip extending from the Gulf to the Sound side of the island. The historic zone on East Ship Island incorporates the site of the French warehouse. In Florida there are four historic zones--the entire Pensacola Forts unit currently under National Park Service jurisdiction (located within the Pensacola Naval Air Station), most of the Fort Pickens unit west of the Coast Guard Station, most of the Naval Live Oaks Reservation unit, and a small site on the eastern tip of Perdido Key.

3. Development Zone (496 acres)

This zone includes lands and waters in which nonhistoric development and intensive use substantially alter the natural environment. This zone is managed to provide and maintain development that serves administrative needs and relatively large numbers of visitors.

designated areas - development zones include the three major beach recreational use areas in the Florida District--Perdido Key, Fort Pickens, and the Santa Rosa Island unit. Approximately half of Davis Bayou will continue to be utilized for intensive day and overnight use facilities and is classified as a development zone. A small development zone located in the Naval Live Oaks Reservation unit accommodates the visitor center, Seashore headquarters, and other developments.

4. Special-Use Zone (4,502 acres)

This category is used on lands not suited for any other classification by virtue of special legislative provisions and other valid prior commitments.

designated areas - all of the Navarre Beach and Fort Walton Beach units which are included by legislation in the Seashore will remain under jurisdiction of Eglin Air Force Base until no longer needed for defense purposes. Most of the land of the Pensacola Forts unit remains under jurisdiction of the Department of the Navy.

III. NON-FEDERAL OWNERSHIP AND USES

A. Description of Ownerships Not Under NPS Administration

This section of the Land Protection Plan deals with tracts within the boundaries which are privately owned, are owned by a State or political subdivision, or are Federally owned but currently administered by agencies other than the National Park Service.

1. Mississippi District - Fastlands

The Bureau of Land Management (BLM) administers two tracts (90 acres) on West Ship Island. The foundation of a historic lighthouse is contained within one of the tracts. Nine privately-owned tracts (approximately 408 acres), including one undivided interest, are located on Horn Island. These tracts consist of marsh, dunes, pine forests, and a low unvegetated sandspit which is sometimes submerged.

The 600 acres on Marsh Point, located on the mainland near Ocean Springs, consist entirely of salt marsh at a very low elevation.

2. Mississippi District - Submerged Lands

These ten tracts were formerly on land at the east tip of Horn Island, but erosion and movement of the island have left them submerged. Four tracts are administered by the BLM and the U. S. Fish and Wildlife Service (FWS). The remaining tracts are privately owned.

3. Florida District - Fastlands

Various Federal agencies (BLM, U. S. Army Corps of Engineers, U. S. Coast Guard, and U. S. Navy) administer six tracts totalling nearly 650 acres. They are located on Perdido Key, on an island between the east tip of Perdido Key and the Intracoastal Waterway, and at Pensacola Naval Air Station. Among the natural and cultural resources found on these tracts are marshes, dunes, pine scrub, dredged material, the Pensacola Lighthouse and adjacent quarters, and some Navy facilities.

The University of West Florida administers 152 acres of State land on Santa Rosa Island. This tract consists of marsh and dunes; a Federally owned and administered road and right-of-way cross the southern portion of the tract.

Approximately 3,300 acres of the seashore on Santa Rosa Island are part of Eglin Air Force Base. Two tracts stretch for 13 miles along the Gulf and consist of dunes, marsh, and beaches, with scrub forest in some areas. Another tract lies in the midst of the developed area of Fort Walton Beach. All three tracts are closed to public use. A fourth Eglin Air Force Base tract of approximately 950 acres lies at the extreme east end of Santa Rosa Island. Developments include U. S. Highway 98, several Air Force facilities, and a U. S. Coast Guard Station. Public use is limited but some access to the beach is permitted.

4. Florida District - Submerged Lands

The State of Florida owns approximately 22,100 acres of submerged lands within the Seashore. These tracts consist of an area surrounding Perdido Key, the portion of Pensacola Bay adjoining the Pensacola Forts Area, submerged lands on the north and south side of the Eglin Air Force Base property on Santa Rosa Island, and a number of small dredge spoil islands in Santa Rosa Sound.

B. Compatibility of Existing and Potential Uses.

1. Mississippi District - Fastlands

The two BLM tracts on West Ship Island (01-104,105) are now being used and managed in a manner indistinguishable from the remainder of the island. Uses are general outdoor recreation and preservation of a natural environment. These uses are compatible with management plans for this area.

No developments are present on any of the privately owned tracts on Horn Island. Since it is not possible for the public to identify these tracts on the ground, they are lightly used for public recreation in the same manner as adjoining NPS lands. Public Law 95-625 established the Gulf Islands Wilderness in 1978 and designated all lands then Federally owned on Horn and Petit Bois Islands as wilderness, with the exception of a small exclusion at the Horn Island ranger station. All non-Federal lands were designated as potential wilderness additions, to be designated as wilderness upon their acquisition. Since some of these privately owned tracts are sizable, there is a slight potential for their development for residential or commercial uses. Such uses would, of course, be incompatible with the concept of wilderness and would adversely impact not only these lands but adjoining NPS lands.

The privately-owned Marsh Point area (Tract 03-142) is undeveloped natural environment. The addition of this area to the Seashore was proposed in order to protect the view from the Davis Bayou Area toward the Mississippi Sound and to preserve the natural conditions of the bayou. Development of any type on this tract would be incompatible with the purpose. It is uncertain whether there is any potential for development of the Marsh Point tract, since the entire area is wetlands, but it is possible that construction could be permitted, through variances or exemptions.

2. Mississippi District - Submerged Lands

The submerged tracts off the east end of Horn Island are, of course, not developed and are not recognizable on site. Current uses for sport and commercial fishing and water-based recreation are identical to the use of other waters within the boundaries.

3. Florida District - Fastlands

The BLM tracts on Perdido Key (05-106,111) are managed in the same manner as adjoining NPS lands. General public recreation and preservation of natural and cultural features are the objectives of management plans for these tracts. As long as they remain in Federal ownership, use will not be incompatible with NPS objectives.

The spoil island administered by the U. S. Army Corps of Engineers off the east end of Perdido Key (Tract 05-139) is used for public recreation and as a continuing location for the deposition of dredged material. These activities are compatible with management plans, and it appears that there is little potential for any change in use.

Tract 05-108, the Pensacola Lighthouse area administered by the U.S. Coast Guard, is generally being managed in a manner which preserves its historic resources, which would be the objective under NPS administration.

The U.S. Navy lands adjoining the Pensacola Forts (Tracts 05-109, 149) are used for a variety of purposes which have no significant adverse impact on the historic resources of the forts or visitor use of them. The only potential uses for these lands which could be incompatible with NPS objectives would be large-scale industrial type facilities close to the forts or structures of any type built on the Pensacola Bay shoreline which would obstruct the view from Fort Barrancas to the bay.

The University of West Florida property (Tract 07-108) is not developed and is used for public recreation at the present time. Most of this recreation is compatible with NPS objectives, but largely uncontrolled use of off-road vehicles is damaging some natural features. The University is considering several long-term alternatives for use of this land, including University recreational facilities, a research facility, or a convention/meeting facility. Properly planned, none of these alternatives would be incompatible with NPS objectives.

The Santa Rosa Island properties administered by Eglin Air Force Base (Tracts 08-101, 102, 103, 104) are now used primarily for military purposes. The nature of this use is such that public recreational activities cannot be permitted on most of this land. However, the basic natural resources are being preserved while under Air Force control and, with the exception of Tract 08-103, will be suitable for NPS management purposes should these tracts ever become surplus to Air Force needs.

4. Florida District - Submerged Lands

Although wide in extent, the non-Federal submerged lands surrounding the land areas of the Seashore in Florida are generally similar. All are the property of the State of Florida and are undeveloped. Uses are primarily boating, swimming, and other water sports, with both sport and commercial fishing taking place in most areas. Resource and visitor protection are hampered by a lack of NPS authority in these areas.

C. Impacts of External Activities

In most areas, activities or conditions outside the boundaries of the Seashore are not likely to have serious impacts on land protection efforts. In Florida, increasing private development of beach areas on the islands is having an effect on Seashore use by reducing the opportunities for beach recreation other than on Seashore lands. The heavier use which is resulting may ultimately produce potential adverse impacts through overuse. The mainland units at Naval Live Oaks and Davis Bayou are also affected by increasing residential developments on and near the boundaries. This sometimes creates a "spillover" effect involving vandalism, fires, and trash disposal which adversely affect Seashore lands.

Other external activities which may adversely impact Seashore resources, such as channel dredging and oil and gas exploration, production, and transportation, are outside the scope of this plan and are considered under the Seashore's Resource Management Plan.

The Service will work with state and local agencies to ensure the protection of waters beyond the boundaries of the Seashore. These efforts will be aimed at prevention of actions that may have harmful effects on the Seashore's beaches and other resources.

D. Federal, State, and Local Laws and Authorities Which Provide Resource Protection

A variety of laws and regulations governing both Federal and State government operations are of importance in considering protection of land tracts which are within the boundaries of Gulf Islands National Seashore but are not under NPS administration. The legal jurisdiction for all areas of the Mississippi District of Gulf Islands is proprietorial. Within Florida, concurrent jurisdiction over Federal lands under National Park Service administration was ceded to the United States in 1986. The only exception to this is the Pensacola Forts unit, which remains under exclusive Federal jurisdiction.

For tracts of fastlands administered by other Federal agencies, the National Environmental Policy Act and the Historic Sites Act are very strong in their protection of natural and cultural resources. These legislative requirements provide a high level of protection to the resources found in the tracts in Florida administered by the Departments of Defense and Transportation.

The Coastal Zone Management Program of the State of Mississippi is a significant factor in the protection of the privately owned tracts on Horn Island and Marsh Point. This is particularly true of the marshes, lagoons, and other wetlands included in these tracts. Jackson County also has subdivision ordinances which would have an effect on whether or not a particular tract could be developed. However, these authorities do not totally preclude the possibility of developments which would be contrary to NPS management objectives for these lands. Developmental activities could be permitted, through variances or exemptions.

Submerged lands, tidal areas, and wetlands in all ownerships are protected in both states through the Federal Water Pollution Control Act and the Rivers and Harbors Act of 1899. Within Florida, the submerged lands owned by the States are subject to a wide range of protective regulations which are similar in scope to NPS protections. A portion of the waters surrounding Perdido Key and under State ownership are included in the Fort Pickens Aquatic Preserve, a designation which affords an even higher level of protection than on other State waters.

E. Land Protection Status

1. Acquisition Ceiling and Expenditures:

(a) Original Ceiling (PL 91-660)	\$ 3,120,000
(b) Changed by PL 92-275	3,462,000
(c) Changed by PL 94-578	22,162,000
(d) Appropriated through June 30, 1988	24,133,232
(e) Expended through June 30, 1988	24,133,232
(f) Unobligated balance	-0-
(g) Ceiling not yet appropriated	-0-

An additional \$300,000 was authorized by PL 95-625 specifically for the acquisition of the Marsh Point area. This amount is not included in the acquisition ceiling figures shown above.

2. Lands Acquired through September 30, 1988:

<u>Method of Acquisition</u>	<u>Number of Tracts</u>	<u>Acreage</u>
(a) Purchase	73	2,162.47
(b) Condemnation	10	38.23
(c) Declaration of Taking	2	717.42
(d) Donation	17	86,072.32
(e) Exchange	2	289.15
(f) Transfer	11	4,712.06
(g) Condemnation of tracts claimed by both Federal government and private owners.	226	[2,497.49]
(h) Total acquisitions	341	93,991.65

F. Sociocultural Impacts

No residences of any type are located on any of the non-Federal lands considered under this plan. Private landowners are absentee owners whose use of these tracts is minimal or lacking, so there would be no significant sociocultural impacts if these lands were acquired by the Federal government. No impact would result from the acquisition of any submerged lands from the State of Florida, since activities now practiced in these waters would continue.

The only foreseeable social impact from the acquisition by the NPS of any of the lands considered in this plan would be the increased opportunities for public recreation in the eastern portions of Santa Rosa Island, should these lands ever be transferred from military use to the Seashore. Such a transfer would result in a near doubling of available barrier island beach area in the Florida District and would provide significantly more recreation opportunities to residents of the Fort Walton Beach area.

IV. PROTECTION ALTERNATIVES

A variety of methods can be used to protect lands within the boundaries of a unit of the National Park System. The following briefly describes the methods most commonly used and having possible applicability to Gulf Islands.

A. Fee Acquisition

When all of the rights in property are acquired, the "fee interest" is transferred from one party to another. Advantages of this type of acquisition are permanent assurance of NPS control over all uses of the land, ability to develop necessary facilities, lack of access restrictions for public use and management purposes, and clear authority to enforce Federal laws and regulations for the protection of resources. The primary disadvantage is the cost of acquiring fee interest, if purchase is required.

Fee acquisition is generally necessary and most cost effective when requirements for resource management or protection or for public use encompass the entire tract. This is particularly appropriate for lands designated as potential wilderness, since Congressional intent clearly precludes continued private use of these lands. Fee acquisition is also appropriate in any case where direct NPS manipulation or protection of natural or cultural resources is required.

There are five primary methods of acquisition of fee and less-than-fee interests in lands: donation, purchase, exchange, transfer, and the exercise of the power of eminent domain.

Donation Landowners may be motivated to donate their property or interests in the land to achieve conservation objectives. Tax benefits of donation also may be an important incentive. Donations of fee are deductible from taxable income. Easement donations also may provide deductions from taxable income, but are subject to certain IRS requirements to qualify as a charitable contribution.

Landowners are encouraged to consult their accountants or attorneys to discuss the detailed advantages of donations. The National Park Service may be able to provide some general examples of tax advantages, but cannot provide tax advice or commitments of what deductions will be allowed by the IRS.

Purchase Acquisition by purchase requires funds to be appropriated by Congress or donated from private sources. Further funding for purchases depends primarily on future appropriations. Potential donations of funds or purchases by individuals or organizations interested in holding land for conservation purposes will be encouraged.

Exchange Land or interest in land may be acquired by exchange. Land to be traded must be of approximately equal value. Differences in value may be equalized by making cash payments, subject to the availability of funds.

Transfer Other Federal lands that become surplus to agency needs would normally go through disposal procedures, including public sale. However, the authorizing legislation for Gulf Islands specifically provides for transfer of other Federal lands within the boundaries to the National Park Service. This provision affects primarily the Eglin Air Force Base lands, among tracts not yet acquired.

Exercise of Power of Eminent Domain Through its power of eminent domain, the Federal government has the authority to acquire property through the Federal court system when that property is required for governmental purposes, as in establishment of a unit of the National Park System. Where land or interests in land are to be purchased, every effort will be made to reach agreement with the owner based on the appraised fair market value. However, condemnation authority may be used to clear title, establish just compensation, or prevent imminent harm to resources when other methods are inadequate. This judicial process assures the landowner of just compensation when private land is acquired for NPS purposes. Condemnation actions may take one of the following two forms:

Complaint Process Through this process, title does not transfer to the Federal government until the court action is complete and judgment is rendered.

Declaration of Taking Through this process, the government obtains immediate title, control, and possession of the land in order to prevent resource damage. A declaration of taking vests title to property in the United States immediately upon filing papers in the court and the deposit of an estimate of just compensation. A portion of this deposit may be withdrawn by the owner as approved by the court.

B. Easements

Land ownership may be seen as a package of rights. Easements can convey some of those rights from one owner to another. Easements can be positive - conveying a right of access, or negative - limiting specific uses of the land.

Specific easement terms may be adjusted to fit the topography, vegetation, visibility, and character of existing or potential developments. Specific easement terms can be a cooperative effort to assure that developments follow traditional land use patterns or avoid any unnecessary disturbance of the natural system.

Because easements are enforceable interests in property, they provide greater assurances of permanent protection than do agreements, educational approaches, or local zoning ordinances. Easements "run with the land" and are binding on future owners.

Advantages of easements include:

- Continued private ownership and use subject to the terms of the easement;
- Lower initial acquisition costs than fee, and therefore the potential to protect more land;
- Reduced impact on local property taxes; and
- Reduced costs for NPS operation and maintenance.

Disadvantages of easements as compared to fee include:

- Potential difficulty in enforcement of easement terms;
- Relatively high costs of acquisition on undeveloped properties where no further development is compatible; and
- Easement purchase costs may approach the fair market value of a property on undeveloped lands.

C. Agreements

An agreement between the NPS and another public agency, Federal, State, or local, may be an appropriate means of protecting land in some cases. This could occur in situations where the owning agency's uses of the land were compatible with NPS purposes but transfer of ownership to the NPS was not feasible. Such agreements have the advantage of establishing management parameters consistent with NPS policies at no cost. They are, however, not permanent in nature and are subject to revocation or revision if the needs of the owning agency change.

D. Regulations

In some situations, zoning ordinances or other regulations issued by State or local agencies may provide adequate protection for non-Federal lands within seashore boundaries. If effective, such regulations may eliminate the need for acquisition of fee interest to protect lands, but they may be insufficiently comprehensive to protect the full spectrum of resources and have the additional disadvantage of being subject to frequent change. Priority 6 is the submerged lands around Perdido Key now owned by the State of Florida. Historically the State of Florida has been reluctant to donate submerged lands to the Federal Government until the uplands were placed under the ownership of the National Park Service. The process to request transfer by donation of the ownership of submerged lands to the Federal Government began after the uplands were brought into the Federal estate. Acquisition of this tract would not alter the heavy recreational use of these waters, but would allow the NPS to enforce boating and other water use regulations (and thus provide important visitor protection) and protect submerged cultural resources (the site of Fort McRee and associated features and several known or suspected shipwrecks). Concurrent jurisdiction would be sought in order to ensure the applicability of both Federal and State laws and regulations. Currently the National Park Service conducts informal patrols over these waters, but it has no authority to enforce the law. Rather it reports violations to State authorities. Over the years, the State has been able to perform cursory and infrequent patrols in the area. This situation is not expected to change. Too, the State is not empowered to enforce important

Federal laws applicable to cultural resources. This acquisition would also place these waters in the same status as the waters around all of the islands in the Seashore, in both Mississippi and Florida. Deputizing NPS employees to allow them to enforce State laws to protect visitors and resources in this area has been considered, but such arrangements are unwieldy and raise questions concerning the legal status of any enforcement actions taken. Under concurrent jurisdiction and Federal ownership, NPS enforcement personnel would be able to use both Federal laws and State laws, assimilated as Federal laws, as protective management tools.

E. Technical Assistance and Education

Technical assistance involves providing information about land protection requirements and encouraging voluntary actions to reduce adverse impacts by non-Federal landowners. Such approaches depend entirely upon the willingness of landowners to cooperate and cannot provide any permanent assurance that resources will be protected. Advantages of educational approaches include low cost, building of community support, and potential for voluntary cooperation by landowners.

B. Rationales for Acquisition

The group of tracts in Priority 1 is comprised of tracts on Horn Island and designated as potential wilderness additions. Acquisition of fee title to these lands is necessary to implement Congressional intent that all of this island be maintained under wilderness conditions.

Priority 2 tracts are the submerged privately owned tracts near Horn Island. Acquisition of these will avoid any questions concerning NPS operations on the waters above these tracts and will eliminate the possibility of future claims, should island movement ever again create fastlands in this area.

The tract identified as Priority 3, Marsh Point, should be acquired in fee to provide permanent assurance that it will remain in an undisturbed natural condition and available for public use in the future.

Tracts in Priority 4 are technically under the administration of other bureaus of the Department of the Interior but are treated as NPS lands in terms of day-to-day management. These tracts include lands on West Ship Island and Perdido Key and submerged lands adjacent to Horn Island. Transfer to the NPS is needed to fulfill the intent of the enabling legislation and provide clear authorization to the NPS to manage these tracts in the same manner as other Interior Department lands within the Seashore.

Priority 5 is the island adjacent to Perdido Key used for deposition of dredge spoil by the U. S. Army Corps of Engineers. Transfer to NPS administration would make it possible for the Seashore to provide resource protection and management of recreational use on this island. The transfer of administration between agencies could be accomplished in a manner that would allow continued use of the island for deposition of dredged material.

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C. Methods of Acquisition

The donation of private fastlands and submerged lands in Priorities 1 and 2 would be the desirable method of acquisition. If the owners do not choose to donate, these lands could be purchased, subject to the availability of funds.

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C. Methods of Acquisition

The donation of private fastlands and submerged lands in Priorities 1 and 2 would be the desirable method of acquisition. If the owners do not choose to donate, these lands could be purchased, subject to the availability of funds.

In some situations in the past, condemnation has been exercised to acquire property within the Seashore that could not be acquired by other means. Condemnation of these tracts, if required, would be through the power of eminent domain.

Marsh Point would be acquired through negotiated purchase if funds were available or by donation.

All of the properties now administered by other Federal agencies and listed in Priorities 4 and 5 would be acquired through transfer of administrative control to the NPS.

A request will be made to the State of Florida for donation of the Perdido Key submerged lands. This is the method of acquisition previously used for all other submerged lands in Florida.

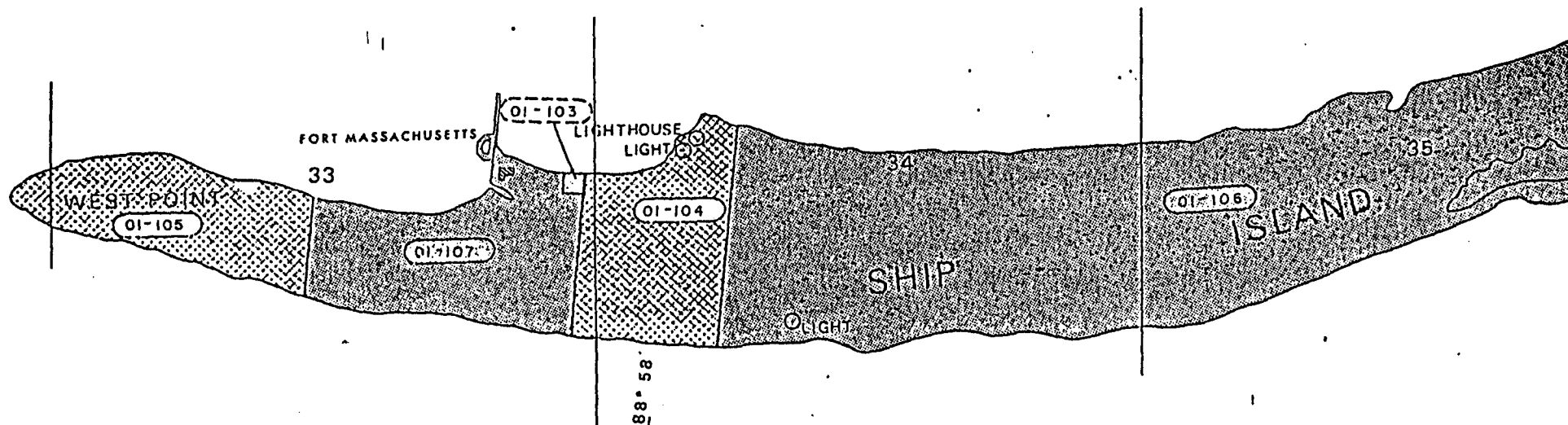
D. Land Now Adequately Protected

Pensacola Naval Air Station

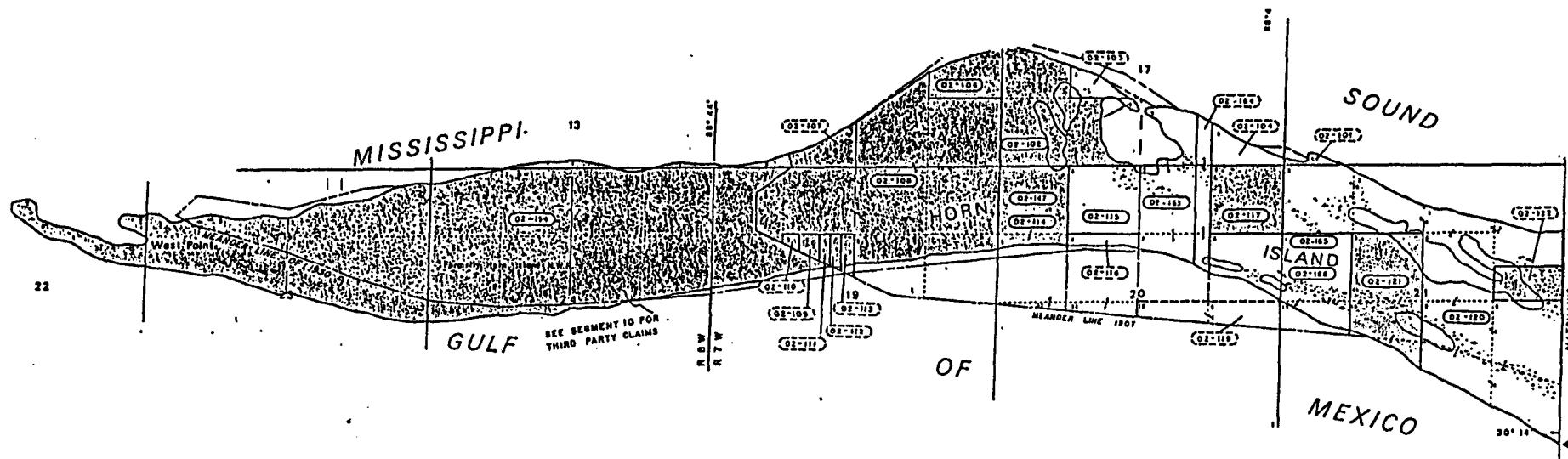
The U.S. Navy lands in the Pensacola Forts area (Tracts 05-109 and 149) are being adequately protected under Navy administration. These tracts include areas and facilities necessary to Navy operations and in which the NPS has no real interest. The "viewscape" from Fort Barrancas should be adequately protected by a commitment from the Navy contained in the memorandum of agreement which transferred the fort lands to the NPS. This pledges the Navy to not undertake any developments between Fort Barrancas and the bay which would obstruct this view. The memorandum of agreement is available from the Superintendent. No alternatives other than continued Navy administration of these tracts are being considered.

The historic features of the Pensacola Lighthouse site (Tract 04-108) are being protected and used jointly by the Navy and Coast Guard. Concerns have been expressed that a lack of expertise in techniques for historic preservation may be hindering the ability of these agencies to fully protect these structures from deterioration. Under these circumstances, there may be a need for the NPS to provide at least advisory or cooperative services in this field. If this alternative is not feasible, transfer of administrative control to the NPS can be sought, with appropriate use rights for the structures retained by the Navy and Coast Guard.

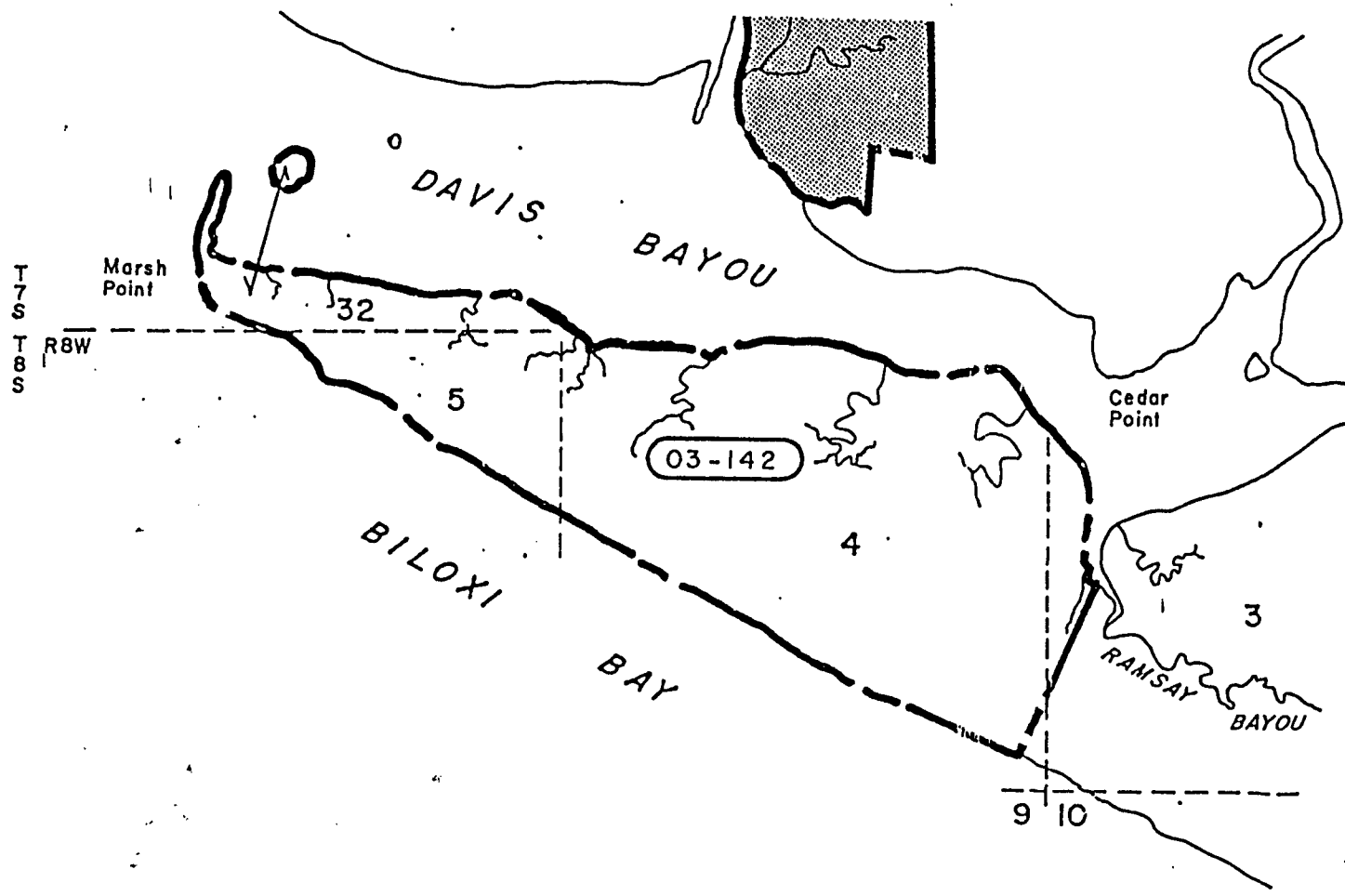
The State owned submerged land in Pensacola Bay which is adjacent to the upland tracts of the Pensacola Forts Area is Tract 05-107. Inasmuch as the NPS does not now administer the shoreline in this area and does not contemplate transfer of the Navy tracts, there appears to be no reason to consider any change for these submerged lands.



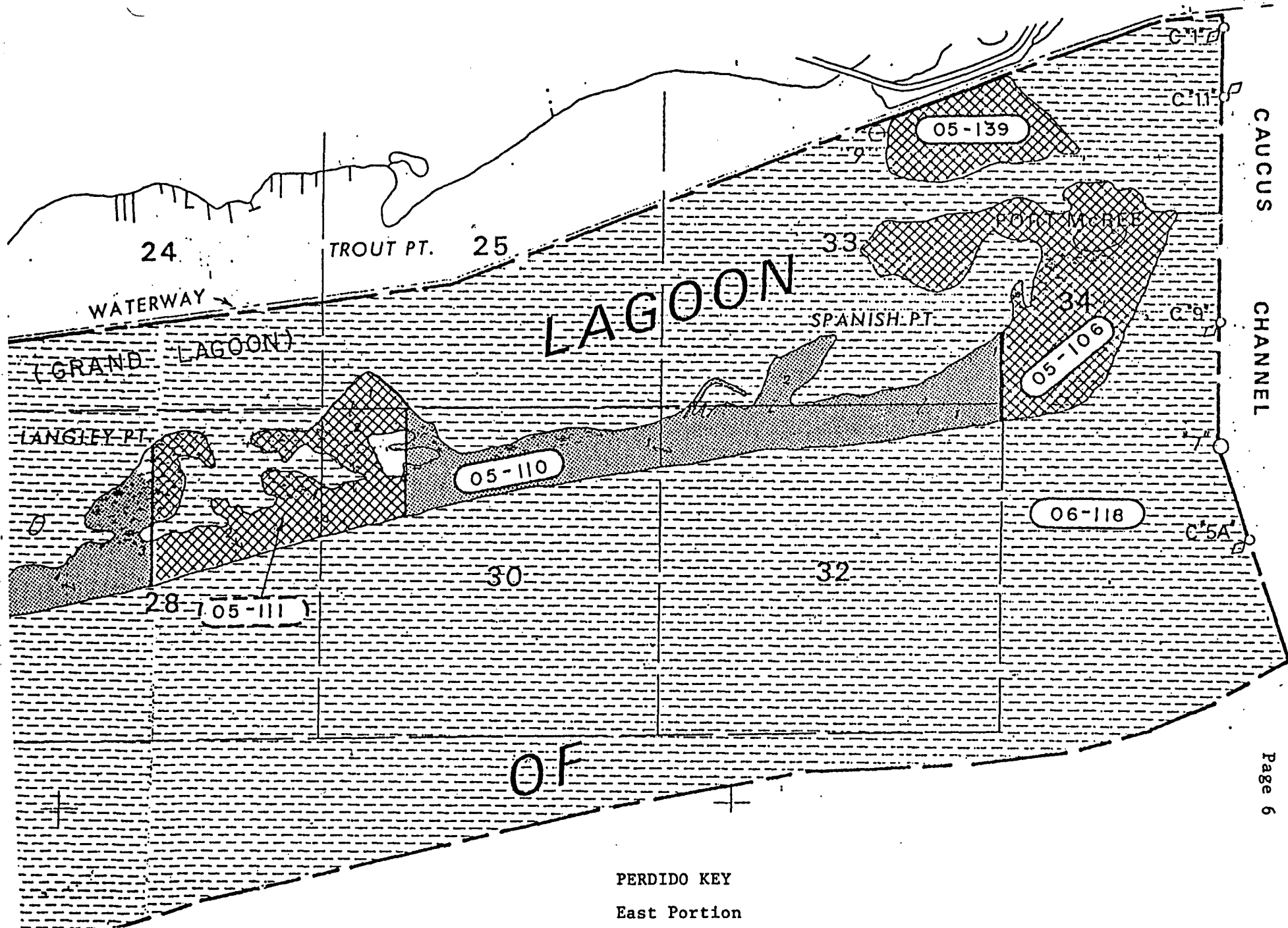
SHIP ISLAND
West Portion

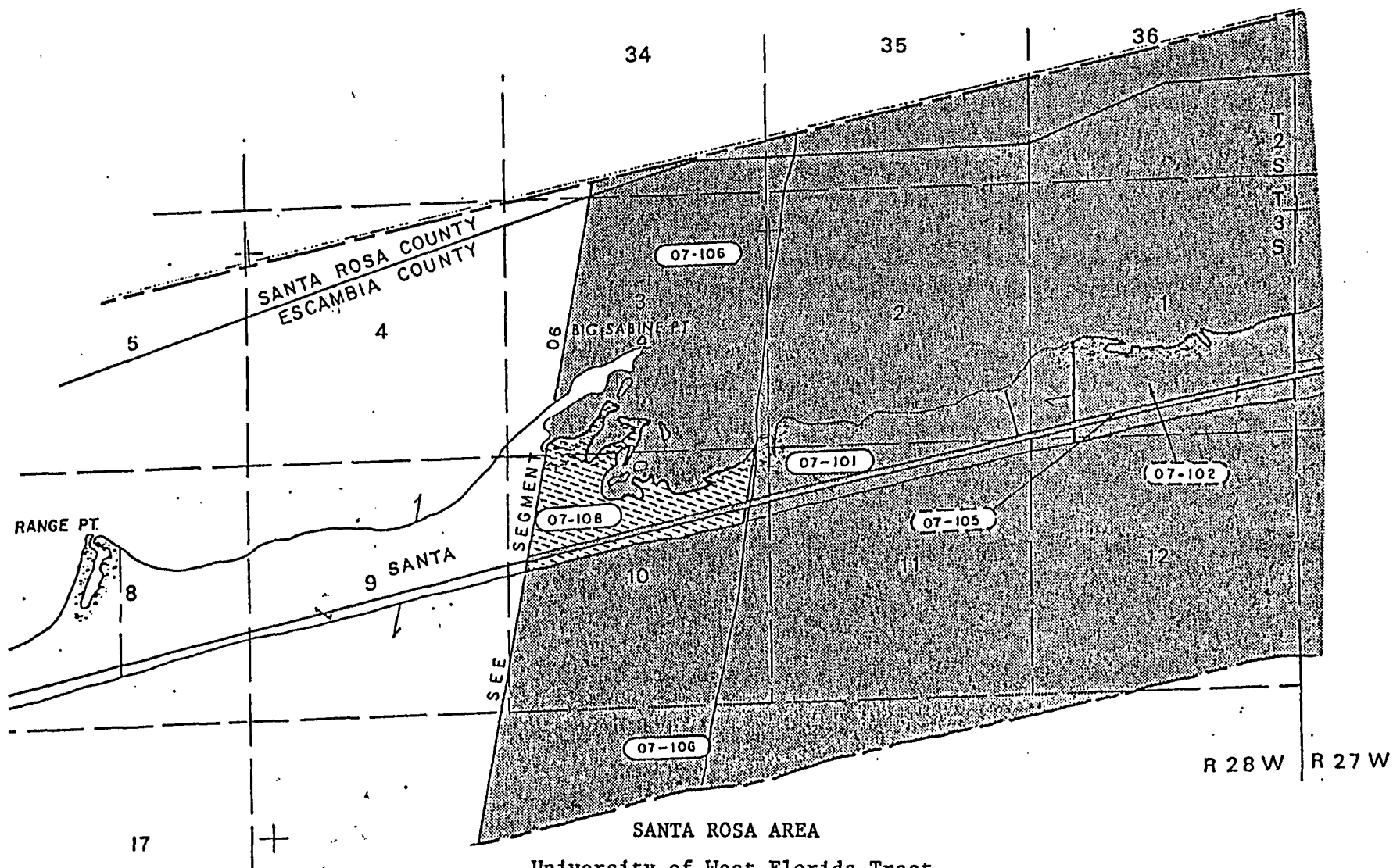


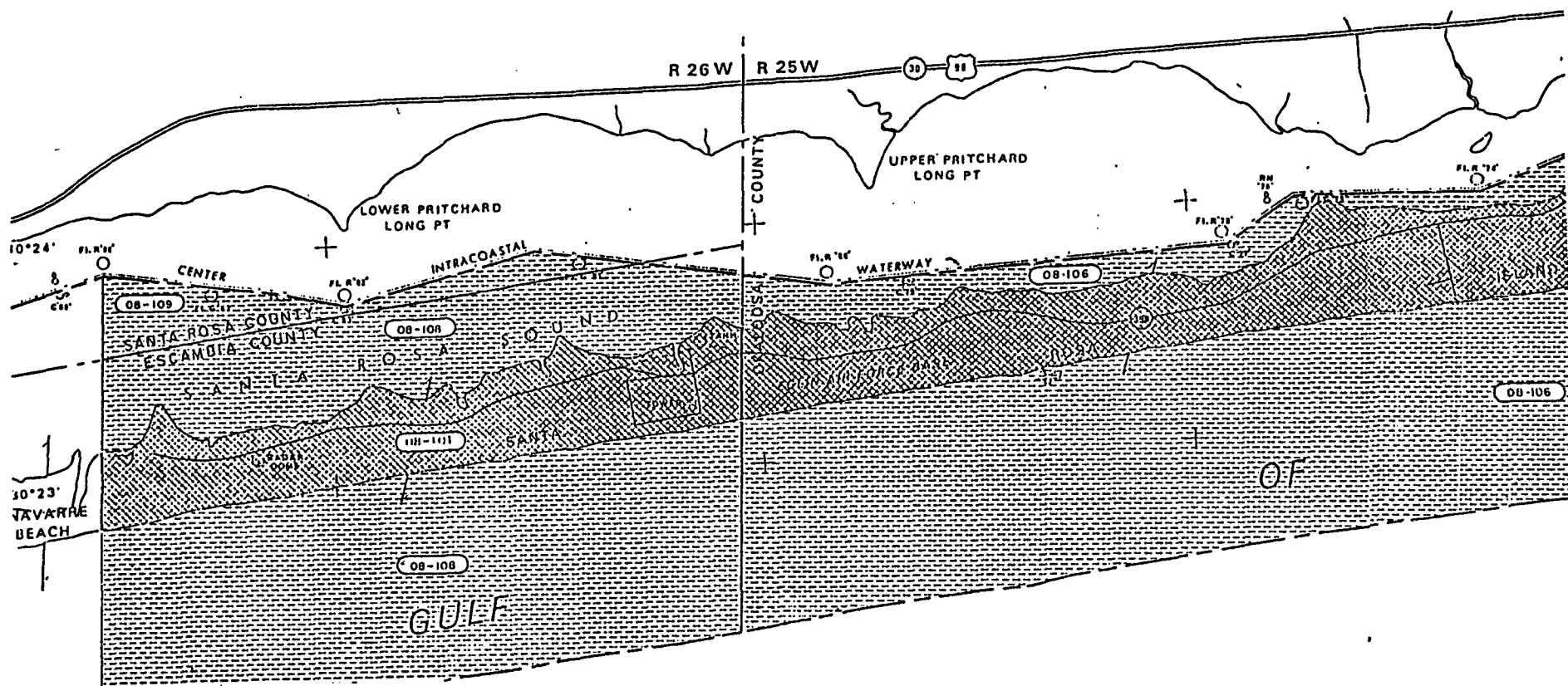
HORN ISLAND
West Portion



DAVIS BAYOU AREA
Marsh Point

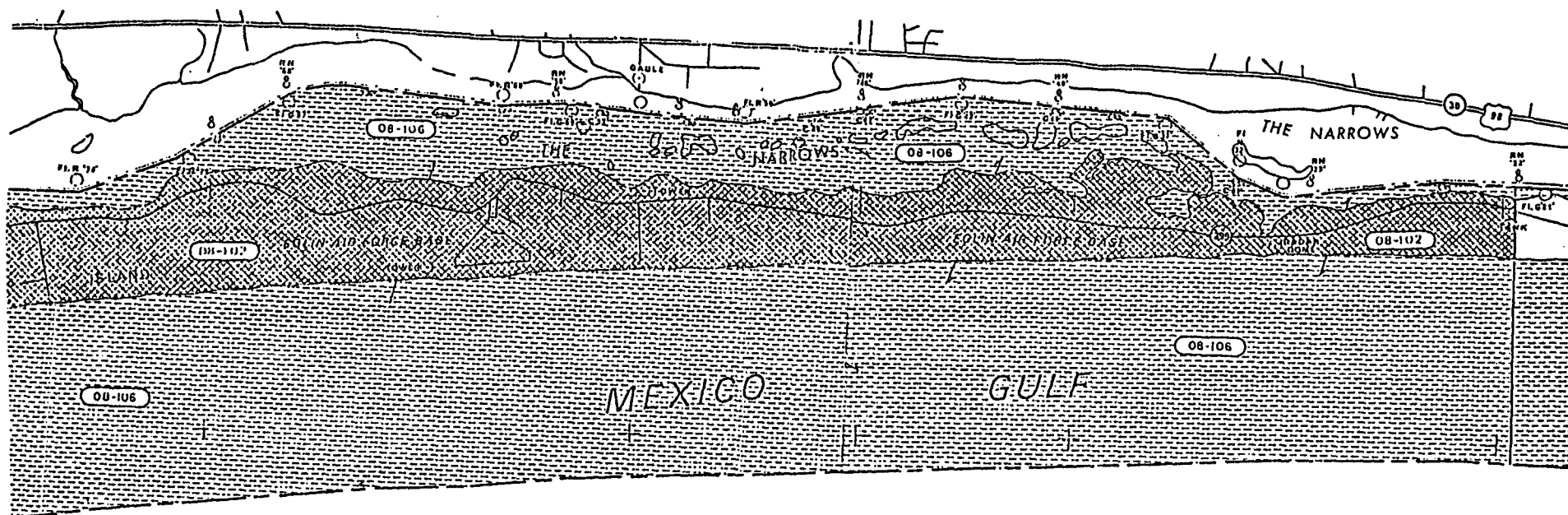




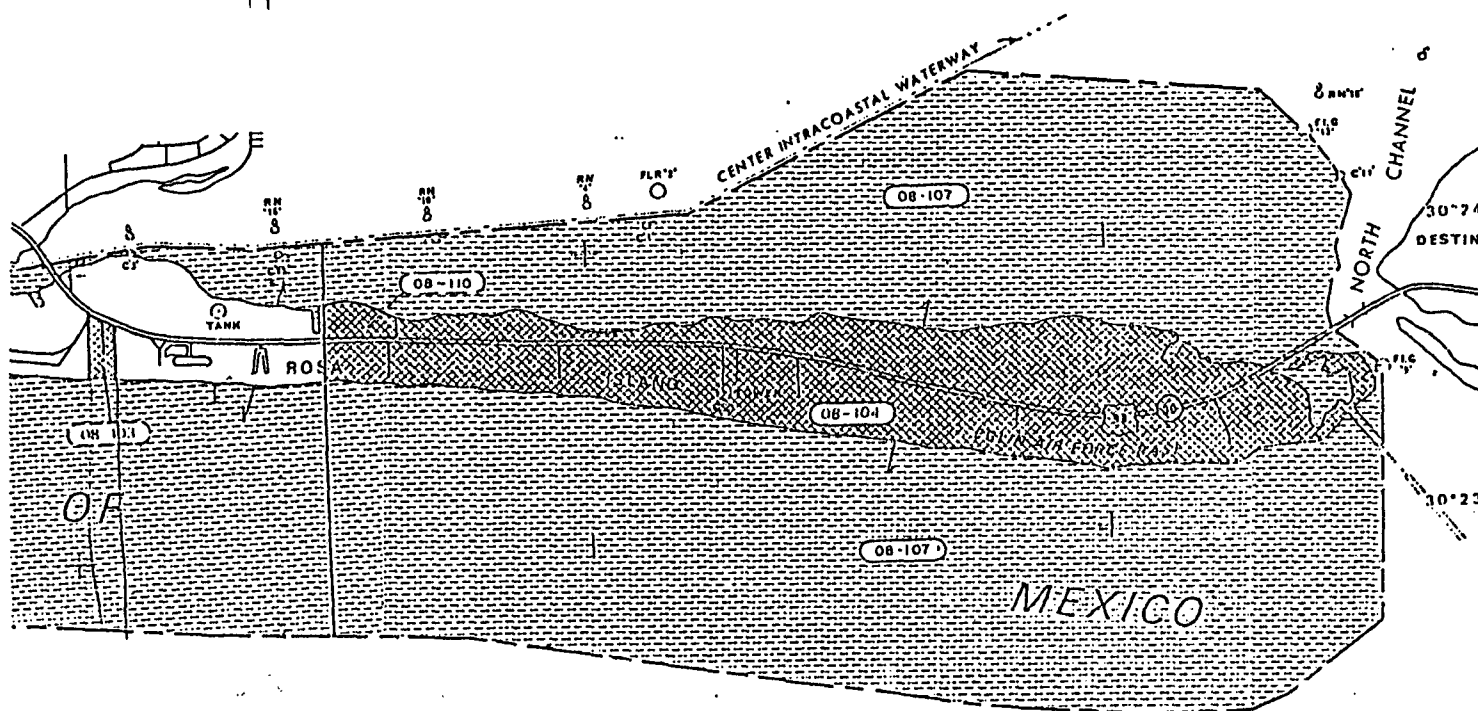


EGLIN AIR FORCE BASE LANDS

West Portion



EGLIN AIR FORCE BASE LANDS
Central Portion



EGLIN AIR FORCE BASE LANDS
East Portion

PRIORITIES AND RATIONALES

<u>PRIORITY</u>	<u>TRACT NO.</u>	<u>OWNER</u>	<u>ACREAGE</u>	<u>INTEREST TO BE ACQUIRED</u>	<u>RATIONALE</u>
1	02-101	Frank O'Rourke	1.84	Fee	Protection
1	02-103	Gauche heirs/OKC Dredging	9.18	Fee	
1	02-104	Gauche heirs/OKC Dredging	15.61	Fee	of
1	02-115	Myratt Button, <u>et al</u>	39.70	Fee	
1	02-116	Ralph Hopkins	6.43	Fee	
1	02-120	Gauche heirs/OKC Dredging	257.12	Fee	Wilderness
1	02-163	Martha Ann Curtis	52.42	Fee	
1	02-164	Charles Green	18.30	Fee	
1	02-166	J. S. Delmas, <u>et al</u>	78.97*	Fee	
2	02-137	Rodger Day, <u>et al</u>	(Subm.)	Fee	Provide
2	02-139	W. W. Dibble, <u>et al</u>	(Subm.)	Fee	
2	02-140	Minerals Management, Inc.	(Subm.)	Fee	Visitor
2	02-141	Rena Ford, <u>et al</u>	(Subm.)	Fee	
2	02-149	Armand Weilbacher, <u>et ux</u>	(Subm.)*	Fee	
2	02-162	Arthur Baker, <u>et al</u>	(Subm.)	Fee	Use
3	03-142	Louis Frierson	600.00	Fee	Protect Scenic View
4	01-104	BLM	42.00	Fee	Clarify
4	01-105	BLM	50.00	Fee	Federal
4	05-106	BLM	135.00	Fee	Management
4	05-111	BLM	195.26	Fee	Responsi-
4	02-142	BLM	(Subm.)	Fee	bilities
4	02-144	USF&WS	(Subm.)	Fee	
4	02-145	BLM	(Subm.)	Fee	
4	02-146	BLM	(Subm.)	Fee	
5	05-139	Corps of Engineers	70.60	Fee	Visitor Use
6	06-118	State of Florida	6,653.00	Fee	Protection of Resources & Visitor Safety

*Undivided partial interest.

<u>PRIORITY</u>	<u>TRACT NO.</u>	<u>OWNER</u>	<u>ACREAGE</u>	<u>INTEREST TO BE ACQUIRED</u>	<u>RATIONALE</u>
-	05-108	USCG/United States	43.50	No action	Lands
-	05-109	USN/United States	31.50	No action	not
-	05-149	USN/United States	173.94	No action	currently
-	05-107	State of Florida	37.00	No action	required
-	07-108	State of Florida	152.00	No action	for
-	08-101	USAF/United States	767.68	No action	operation
-	08-102	USAF/United States	2,499.70	No action	of
-	08-103	USAF/United States	17.00	No action	the
-	08-104	USAF/United States	951.33	No action	Seashore
-	08-106	State of Florida	8,219.00	No action	
-	08-107	State of Florida	4,206.00	No action	
-	08-108	State of Florida	2,720.00	No action	
-	08-109	State of Florida	262.00	No action	

LEGISLATION - GULF ISLANDS NATIONAL SEASHORE

PUBLIC LAW 91-660

An Act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes. (84 Stat. 1967) .

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for public use and enjoyment certain areas possessing outstanding natural, historic, and recreational values, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish and administer the Gulf Islands National Seashore (hereinafter referred to as the "seashore"). The seashore shall comprise the following gulf coast islands and mainland areas, together with adjacent water areas as generally depicted on the drawing entitled "Proposed Boundary Plan, Proposed Gulf Island National Seashore," number NS-GI-7100J, and dated December 1970:

- (1) Ship, Petit Bois, and Horn Islands in Mississippi;
- (2) the eastern portion of Perdido Key in Florida;
- (3) Santa Rosa Island in Florida;
- (4) the Naval Live Oaks Reservation in Florida;
- (5) Fort Pickens and the Fort Pickens State Park in Florida; and
- (6) a tract of land in the Pensacola Naval Air Station in Florida that includes the Coast Guard Station and Lighthouse, Fort San Carlos, Fort Barrancas, and Fort Redoubt and sufficient surrounding land for proper administration and protection of the historic resources. *

SEC. 2. (a) Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that property owned by a State or any political subdivision thereof may be acquired only with the consent of the owner. The Secretary may also acquire by any of the above methods not more than one hundred thirty-five acres of land or interests therein outside of the seashore boundaries on the mainland in the vicinity of Biloxi-Gulfport, Mississippi, for an administrative site and related facilities for access to the seashore. With the concurrence of the agency having custody thereof, any Federal property within the Seashore and mainland site may be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the seashore.

(b) With respect to improved residential property acquired for the purposes of this Act, which is beneficially owned by a natural person and which the Secretary of the Interior determines can be continued in that use for a limited period of time without undue interference with the administration, development, or public use of the seashore, the owner thereof may on the date of its acquisition by the Secretary retain a right of use and occupancy of the property for noncommercial residential purposes for a term,

as the owner may elect, ending either (1) at the death of the owner or his spouse, whichever occurs later, or (2) not more than twenty-five years from the date of acquisition. Any right so retained may during its existence be transferred or assigned. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less their fair market value on such date of the right retained by the owner.

(c) As used in this Act, "improved residential property" means a single-family year-round dwelling, the construction of which began before January 1, 1967, and which serves as the owner's permanent place of abode at the time of its acquisition by the United States, together with not more than three acres of land on which the dwelling and appurtenant buildings are located that the Secretary finds is reasonably necessary for the owner's continued use and occupancy of the dwelling: Provided, That the Secretary may exclude from improved residential property any marsh, beach, or waters and adjoining land that the Secretary deems is necessary for public access to such marsh, beach or waters.

(d) The Secretary may terminate a right of use and occupancy retained pursuant to this section upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this Act, and upon tender to the holder of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

SEC. 3. The Secretary shall permit hunting and fishing on lands and waters within the seashore in accordance with applicable Federal and States laws: Provided, That he may designate zones where, and establish periods when, no hunting or fishing will be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations issued by the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

SEC. 4 Any acquisition of lands, waters, or interests therein shall not diminish any existing rights-of-way or easements which are necessary for the transportation of oil and gas minerals through the seashore which oil and gas minerals are removed from outside the boundaries thereof; and, the Secretary, subject to appropriate regulations for the protection of the natural and recreational values for which the seashore is established, shall permit such additional rights-of-way or easements as he deems necessary and proper.

SEC. 5 Except as otherwise provided in this Act, the Secretary shall administer the seashore in accordance with the Act of August 25, 1916 (30 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.). In the administration of the seashore the Secretary may utilize such statutory authorities available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act. With respect to Fort Redoubt, Fort San Carlos, Fort Barrancas at Pensacola Naval Air Station, Fort Pickens on Santa Rosa Island, and Fort McRee on Perdido Key, Florida, and Fort Massachusetts on Ship Island, Mississippi, together with such adjacent lands as the Secretary may designate, the

Secretary shall administer such lands so as to recognize, preserve, and interpret their national historical significance in accordance with the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467), and he may designate them as national historic sites. The Act of July 2, 1948, (62 Stat. 1220), which provided for the establishment of the Pensacola National Monument, is hereby repealed.

SEC. 6 The Secretary of the Interior and the Secretary of the Army may cooperate in the study and formulation of plans for beach erosion control and hurricane protection of the Seashore. Any such protective works or spoil deposit activities undertaken by the Chief of Engineers, Department of the Army, shall be carried out within the seashore in accordance with a plan that is acceptable to the Secretary of the Interior and that is consistent with the purposes of this Act.

SEC. 7 There are hereby transferred from the National Wildlife Refuge System to the seashore the Horn Island and Petit Bois National Wildlife Refuges to be administered in accordance with the provisions of this Act.

SEC. 8 Within four years from the date of the enactment of this Act, the Secretary of the Interior shall review the area within the Gulf Islands National Seashore and shall report to the President, in accordance with subsection 3 (c) and 3 (d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), and recommend as to the suitability or unsuitability of any area within the 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.

SEC. 9 No provision of this Act, or of any other Act made applicable thereby, shall be construed to affect, supersede, or modify any authority of the Department of the Army or the Chief of Engineers, with respect to navigation or related matters except as specifically provided in section 6 of this Act.

SEC. 10 There is hereby established a Gulf Islands National Seashore Advisory Commission. The Commission shall terminate ten years after the date the seashore is established, pursuant to this Act. The Commission shall be composed of three members from each county in which the seashore is located, each appointed for a term of two years by the Secretary as follows:

- (1) one member to be appointed from recommendations made by the county commissioners in the respective counties;
- (2) one member to be appointed from recommendations made by the Governor of the State from each county; and
- (3) one member to be designated by the Secretary from each county.

Provided, That two members shall be appointed to the Advisory Commission in each instance in counties whose population exceeds one hundred thousand.

The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

Members of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

The Secretary or his designee shall, from time to time, consult with the Commission with respect to the matters relating to the development of the Gulf Islands National Seashore.

SEC. 11 There are authorized to be appropriated not more than \$3,120,000 for the acquisition of lands and interests in lands and not more than \$14,779,000 (1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

Approved January 8, 1971

PUBLIC LAW 92-275

An Act to amend the Act of January 8, 1971 (Public Law 91-660; 84 Stat. 1967), an Act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes. (86 Stat. 123)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of January 8, 1971 (Public Law 91-660; 84 Stat. 1967) is amended as follows:

- (1) In section 2(a) revise the second sentence by deleting "one hundred thirty-five" and inserting in lieu thereof "four hundred" and
- (2) In section 11 delete "\$3,120,000" and insert in lieu thereof "\$3,462,000" and delete "\$14,779,000 (1970 prices)" and insert "\$17,774,000 (June 1970 prices)".

Approved April 20, 1972

PUBLIC LAW 94-578

An Act to provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System and for other purposes (90 Stat. 2732)

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

TITLE I - ACQUISITION CEILING INCREASES

SEC. 101. The limitations on appropriations for the acquisition of lands and interests therein within units of the National Park System contained in the following Acts are amended as follows:

* * * * *

(6) Gulf Islands National Seashore, Florida and Mississippi: section 11 of the Act of January 8, 1971 (84 Stat. 1967), is amended by changing "\$3,462,000" to "\$22,162,000".

* * * * *

Approved October 21, 1976

PUBLIC LAW 95-625

An Act to authorize additional appropriations for the acquisition of lands and interests in lands within the Sawtooth National Recreation Area in Idaho. (92 Stat. 3467) (P.L. 95-625)

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

TITLE I - DEVELOPMENT CEILING INCREASES

SEC. 101. The limitations on funds for development within certain units of the National Park System and affiliated areas are amended as follows:

* * * * *

(13) Gulf Islands National Seashore, Florida and Mississippi: section 11 of the Act of January 8, 1971 (84 Stat. 1967), is amended by changing "\$17,774,000" to "\$24,224,000", and by deleting the phrase "(June 1979 prices) for development, plus such amounts, if any, as may

be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indices applicable to the types of construction involved herein.", and inserting in lieu thereof "for development."

* * * * *

TITLE III - BOUNDARY CHANGES

SEC. 301. The boundaries of the following units of the National Park System are revised as follows, and there are authorized to be appropriated such sums as may be necessary, but not to exceed the amounts specified in the following paragraphs for acquisition of lands and interest in lands within areas added by reason of such revisions:

* * * * *

(9) Gulf Islands National Seashore, Mississippi-Florida: To add approximately six hundred acres as generally depicted on the map entitled "Boundary Map, Gulf Islands National Seashore, Mississippi-Florida", numbered 20,006, and dated April 1978: \$300,000.

* * * * *

SEC. 302. Within twelve months after the date of the enactment of this Act, the secretary shall publish in the Federal Register a detailed map or other detailed description of the lands added or excluded from any area pursuant to section 301.

SEC. 303. (a) Within the boundaries of the areas as revised in accordance with section 301, the Secretary is authorized to acquire land and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. Lands and interests therein so acquired shall become part of the area to which they are added, and shall be subjected to all laws, rules, and regulations applicable thereto. When acquiring any lands pursuant to this title, the Secretary may acquire any such land subject to the retention of a right of use and occupancy for a term not to exceed twenty-five years or for the life of the owner or owners. Lands owned by a State or political subdivision thereof may be acquired only by donation.

* * * * *

TITLE IV - WILDERNESS

SEC. 401. The following lands are hereby designated as wilderness in accordance with section 3(c) Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), and shall be administered by the Secretary in accordance with applicable provisions of the Wilderness Act:

* * * * *

(5) Gulf Islands National Seashore, Florida and Mississippi, wilderness comprising approximately one thousand eight hundred acres and potential wilderness additions comprising approximately two thousand eight hundred acres, depicted on a map entitled "Wilderness Plan, Gulf Islands National Seashore, Mississippi, Florida", numbered 635-20,018-A and dated March 1977, to be known as the Gulf Islands Wilderness.

* * * * *

SEC. 403. Any lands which represent potential wilderness additions in this title, upon publication in the Federal Register of a notice by the Secretary that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness. Lands designated as potential wilderness additions shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

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SEC 405. Nothing in this title shall be construed to diminish the authority of the Coast Guard, pursuant to sections 2 and 81 of title 14, United States Code, and title 1 of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221), or the Federal Aviation Administration to use the areas designated wilderness by this Act within the Everglades National Park, Florida; and the Gulf Islands National Seashore, Florida and Mississippi, for navigational and maritime safety purposes.

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Approved November 10, 1978