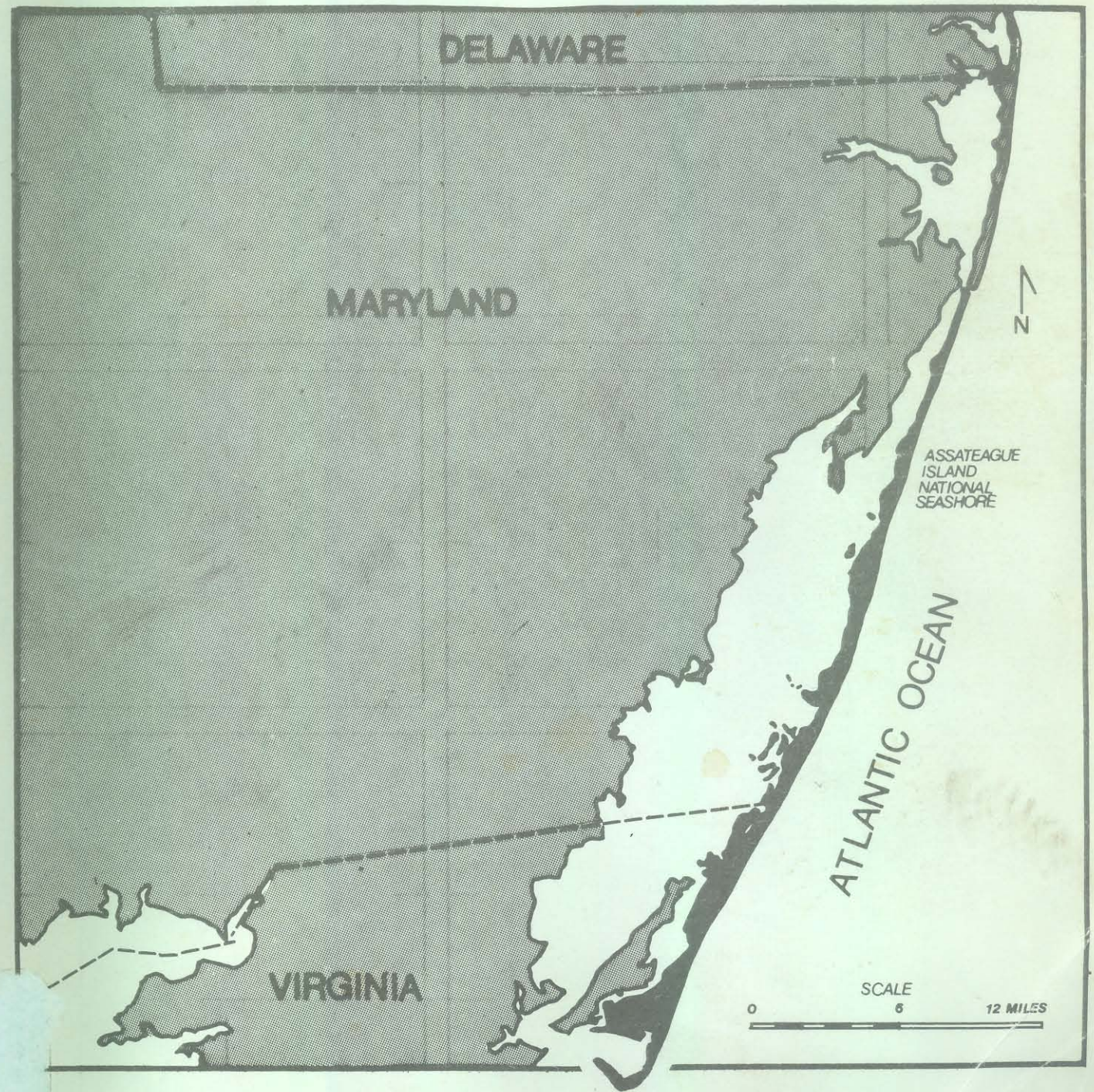
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Assateague Island National Seashore
An Administrative History

by Barry Mackintosh

JAN 19 1983



ASSATEAGUE ISLAND NATIONAL SEASHORE

AN ADMINISTRATIVE HISTORY

by

Barry Mackintosh

History Division

National Park Service

Department of the Interior

Washington, D.C.

1982

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"If you want to put all the problems of the Park Service in one place and go look at them, take a drive over to Assateague."

Secretary Rogers C. B. Morton to
the House Interior Subcommittee,
February 3, 1972.

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FOREWORD

In 1980 a decision was made that promises to have far-reaching ramifications for the National Park Service's history program. Involved was establishment of a bureau historian's position in the Washington office. The need for a talented and innovative person to manage and expedite the Service's administrative history program had become increasingly apparent during the expansion years of the late 1970s and the fluctuating policies resulting from changes in direction mandated by Congress and on the cabinet level.

The importance of having an institutional history program has long been recognized by many of our sister agencies and bureaus in the Federal Government and corporate America. Without such a program, they had found it increasingly difficult, if not impossible, to meet the complex challenges of management.

Some 30 years ago, in 1951, the National Park Service at the behest of Arthur Demaray embarked on an administrative history program. Loose guidelines were prepared and all areas (there were then only 170-odd parks) were encouraged to prepare and submit administrative histories. As oversight was minimal and the review process haphazard and ill-defined, the results were predictable. Several outstanding histories appeared, along with the usual quota of journeyman studies, and the disasters.

To encourage parks that hesitated to undertake a history, Region I circulated Charles E. Shedd's "A History of Shiloh National Military Park," and Region V made Walter Hugins' "Statue of Liberty National Monument: Its Origins, Development, and Administration" available to its areas.

These excellent reports failed to galvanize the anticipated response, because the administrative history program had been overtaken by the need of park and regional staffs to concentrate attention and resources on MISSION 66 planning.

My introduction to the administrative history program came in September 1955, when I entered on duty at Vicksburg National Military Park and reviewed a copy of the park's administrative history, prepared by the superintendent. A 20-page document, it was of no use to either a manager or an interpreter and left me with little enthusiasm or appreciation for the program. The distribution of Shedd's Shiloh report caused a reappraisal, and by the mid-1960s, I had seen the light and was convinced that an updated administrative history, as a management tool, should enjoy the highest priority in the park's research program.

In 1972, in George B. Hartzog's final year as Director, he revived the administrative history program on the Washington level. Two historians culled the files and amassed information on 16 key and innovative programs instituted during the exciting Hartzog years. Before the data could be assessed or reports written, Hartzog was ousted. Under Ron Walker, the program was phased out and the two historians were reassigned.

In the late 1970s, several key managers, long cognizant of the need to revitalize the administrative history program, took action. Involved were Jim Tobin, then Associate Director, Management and Operations; Denver Service Center Manager Denis P. Galvin; and F. Ross Holland, then Assistant Director, Cultural Resources Management. Jim Tobin articulated the need before he left Washington to become regional director in Seattle; Denis

Galvin made available a position to be designated bureau historian; and Ross Holland, in his perceptive and dynamic manner, followed through and implemented the program. Finally, Director Russell Dickenson endorsed the program and gave it high visibility.

Coincidentally, there was a revival of interest in the administrative history program at the park level. A number of histories were prepared. As in the mid-1950s the quality, because of the absence of guidelines and standards, varied from excellent to unsatisfactory. To improve the quality, to provide guidance, and to demonstrate that an administrative history must as its first priority be useful to management, it was determined to have Bureau Historian Barry Mackintosh research and draft a "model" history satisfying these criteria.

"Assateague Island National Seashore: An Administrative History" is the result. I believe you will agree that besides being an outstanding management tool, the story of Assateague, because of Barry's writing skills, makes an interesting and intriguing essay.

We hope that the Assateague administrative history will serve as a guide and incentive for the preparation of updated park histories for all units in the National Park System. Perhaps many superintendents have on their staffs persons eager to take up this challenge. If so we hope that they will be encouraged because these histories are living, timely, and valuable documents.

Edwin C. Bearss
Chief Historian

PREFACE

The assignment was to prepare an administrative history of a National Park System area as a model for future efforts by other historians (professional and amateur) in and outside the National Park Service. To overcome any notion that such histories were principally for historical parks, I wanted to address a predominantly natural or recreational area. Because time and travel money were limited, I needed a park within driving reach of Washington whose records were reasonably accessible. Assateague Island National Seashore appeared to fill the bill.

Having selected Assateague on such pragmatic grounds, I quickly discovered that this relatively recent and apparently unremarkable unit of the System has a background of controversy, complexity, and change equaled by few other national parklands of its vintage. The seashore is administered by no less than three agencies of government, and while I would necessarily focus on National Park Service management, I could hardly ignore the roles and relationships of the U.S. Fish and Wildlife Service and the Maryland Park Service. Authorization of the seashore followed a classic conservation-versus-development battle, which was settled only by compromises of lasting administrative consequence. After Congress first charted Assateague's course of development, changing public and political sentiment and new awareness of barrier island dynamics caused a radical shift of legislative direction in little more than a decade. The Federal appropriation of more than 4,000 island tracts from private landowners--many of whom had other preferences--and the protracted struggle between certain environmentalist and off-road vehicle forces would make long and colorful stories by themselves.

This complexity forced me to be selective rather than comprehensive. My perspective on Assateague was that of an outsider, previously unfamiliar with the topic, trying to determine and focus on what was most significant and consequential: what had brought the national seashore into being and what had most occupied those NPS personnel at the park, central offices, and service centers charged with its land acquisition, planning, development, and general management. My primary intended audience was Service employees who now have and will one day assume such responsibilities. But I also wanted to interest a broader public, including academic historians who might find the Park Service and its work sufficiently stimulating to undertake similar projects on other parks.

All this meant that my product would not be the administrative history of Assateague but an administrative history. Someone writing from a park staff perspective might produce something more descriptive of day-to-day park operations, which might be more immediately useful to the superintendent and division chiefs but perhaps less interesting to others. Someone outside the Service doing a graduate thesis would likely focus even less on such matters and relate Assateague more to the "big picture" of conservation and public policy.

Because of these different and equally valid approaches to park history--and also because there exist more than a few other good administrative histories of NPS areas--I offer this one as a "model" with some trepidation. If it deserves to be so regarded, it is because I have tried to focus on the park story without wandering afield into the early history of the region, the geology of the island, or other topics better treated

elsewhere; because I have organized most of the story topically, for ease of locating particular subject matter without having to scan the entire paper; because I have done a fairly thorough job of extracting and incorporating pertinent data from official files and reports, legislative documents, published articles, and persons most familiar with the park's past; because I have not refrained from including anything of relevance that might make the Service appear less than perfect; and because I have tried to write in a manner to encourage rather than discourage reading.

I could not have accomplished this project without much help. At Assateague Superintendent Mike Finley and his staff, especially including Larry Points, Lynn Pennewill, Anne Parker, Mel Olsen, Audrey Massey, and Chick Fagan, went out of their way to share personal knowledge, provide access to files and other data, and give me an essential feel for the place. In the Mid-Atlantic Regional Office I was aided most by Fred Eubanks, Chet Harris, John Karish, and Cliff Tobias. Particularly helpful in the Washington Office were Art Eck, Don Humphrey, and Jeanita Pressley.

The three former superintendents of Assateague, Bert Roberts, Tom Norris, and Dick Tousley, were generous with their time and information in telephone interviews. Other ex-Assateaguers who shared their recollections in this way were Harvey Wickware, Gordon Noreau, and Earl Estes. Former Director George Hartzog, expressing enthusiasm for the administrative history program, kindly gave me his insight into the seashore's origins and early years.

In contacts outside the Service (past and present), I profited much from the personal observations of John S. Gottschalk, former director of the

Bureau of Sport Fisheries and Wildlife; C. Richard Rohm, former superintendent of Assateague State Park; and Stewart L. Udall, who was instrumental in acquiring the seashore as Secretary of the Interior. Marvin J. Abernethy and William V. Krewatch offered the perspectives of former island property owners, Robert Phillips remembered recreating on Assateague in the 1920s and 30s, and Bill Shockley spoke eloquently for his Assateague Mobile Sportfishermen's Association.

Special thanks must go to my wife and editor, Gay Mackintosh, who repaired numerous infelicities of expression; to Janie McCullough, who efficiently typed the final product; and to Ed Bearss, that model for all Service historians, who conceived the project and whose formidable personal example and relentless interest insured its completion within the allotted time.

Barry Mackintosh
June 30, 1982

CHAPTER I

THE BECOMING OF THE SEASHORE

The Island Becomes

Assateague Island in approximately its present configuration dates from 1933. Approximately, because the island has ever been characterized by change: most dramatically the apparent erosion of the north end during the past 50 years and the extensive accretion at its southern extremity for more than a century. Nineteen thirty-three, because a storm in that year defined the present (more or less) island via the cutting of Ocean City Inlet, which severed its contact with the mainland to the north. The resulting landform, comparable to those lining much of the nation's Atlantic coast, is a low strip of variously vegetated sand, now some 37 miles long and from one-quarter to 2-1/2 miles across, comprising about 19,000 acres. The northern 22 miles are in Maryland, the southern 15 lie in Virginia.

In the natural course of events the 1933 inlet, like others preceding it up and down the barrier formation, would have silted in from sand borne by the prevailing littoral drift southward along the coast. To keep it open for navigation between the Atlantic and the bays separating Ocean City and Assateague from the mainland, jetties were soon constructed into the ocean from the south tip of Ocean City and the north tip of Assateague. The jetties, in addition to keeping the drifting sand from clogging the inlet, impeded its natural progress onto the north coast of Assateague. This "starvation" of the littoral drift has resulted in a pronounced westward

recession of the northern six miles of the island toward the mainland. To the south the unimpeded littoral drift has extended Assateague some six miles since the mid-19th century, forming Toms Cove Hook. With and without human intervention, Assateague has been and will continue to be a dynamic piece of real estate.

Despite their location adjacent to the megalopolis of the northeastern United States, Assateague and most of the Delmarva Peninsula to which it belongs long escaped the burgeoning urbanization of the region. The north portion of the future island was subdivided in 1890 by the Synepuxent Beach Company, and a second subdivision under the name South Ocean City occurred about 1920.[1] Existing only on paper, these prospective developments came to naught. The southward expansion of the incipient resort of Ocean City was effectively halted by the cutting of the inlet in 1933, which left Assateague accessible only by boat. Several small settlements farther south had declined to the point of disappearance by that time, leaving the island occupied primarily by personnel of four small Coast Guard stations and seasonal users of several hunting lodges.

Early Federal Interest, 1934-1949

Long a favorite locale for fishing, hunting, and bathing among regional residents, Assateague first came to national attention for such recreational pursuits in 1934. In that year the National Park Service of the Department of the Interior undertook a survey of lands along the Atlantic and Gulf coasts to identify those with potential to be acquired by the Fed-

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[1]Legislative support data accompanying memorandum, Regional Director Chester L. Brooks, Mid-Atlantic Region, NPS, to Assistant Director, Legislation, Apr. 25, 1975, in NPS Office of Legislation, Washington, D.C. (hereinafter cited as WASO-170).

eral Government and administered by the Service as national seashore recreational areas. Assateague Island and the adjacent mainland comprised one of 12 areas found to qualify for such status by virtue of their natural qualities, recreational values, and propinquity to major populations. (Cape Hatteras, the first area subsequently established as a national seashore, was another.) In September 1938 Service representatives Victor H. Cahalane, Harry T. Thompson, Merel Sager, and Wendell Little prepared a specific report to NPS Director Arno B. Cammerer on the seacoast between Rehoboth, Delaware, and Chincoteague Island, Virginia. A year later Park and Recreation Planning Consultant T. H. Desmond flew over the area and relayed his favorable findings to Conrad L. Wirth, then Supervisor of Recreation and Land Planning for the Service. "One excellent feature of the area," Wirth stated on the basis of these reports, "is that all human use may be concentrated in the northern section between Ocean City, Maryland, and Rehoboth Beach, Delaware.... The 34-mile strip between Ocean City and Fishing Point [the south end of Assateague] could be preserved without any roads whatsoever."[2]

These explorations led Director Cammerer in April 1940 to recommend to Secretary of the Interior Harold L. Ickes the "particular suitability of the Rehoboth-Assateague area for establishment as a national seashore."

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[2]1934 seashore study transmitted by memorandum, NPS Director Arno B. Cammerer to Secretary of the Interior, Jan. 2, 1935, NPS Energy Conservation and Technology Division, Washington, D.C. (hereinafter cited as WASO-493); memorandum, Wendell Little to Director, Oct. 1, 1938, WASO-493; letter, Desmond to Wirth, Oct. 25, 1939, WASO-493; "Supplemental Report on the Proposed Rehoboth-Assateague National Seashore," NPS Region One Office, July 1947, copy in Mid-Atlantic Regional Office, Philadelphia, Pa. (Wirth statement, appended, dated Oct. 1, 1940).

Ickes approved further investigation of the proposal.[3] On the legislative front, Representative Schuyler Otis Bland of Virginia cooperated by introducing H.R. 9718 in the 76th Congress on May 9, 1940, to provide for the establishment of a Rehoboth-Assateague National Seashore in Delaware, Maryland, and Virginia. The bill called for Federal acquisition of up to 75,000 acres between Cape Henlopen, Delaware, and the south end of Assateague Island, one quarter of which could be on the mainland side of the bays and inlets west of the barrier islands. At least half the lands or funds for acquisition were to be donated from other than Federal sources. The towns of Rehoboth, Bethany Beach, Ocean City, and Chincoteague would be excluded from the national seashore.

Representative Bland introduced similar bills in the 77th, 78th, 79th, and 80th Congresses,[4] but the House took no action and no companion bills were introduced in the Senate. The Park Service continued to monitor the area. In July 1941 the prominent landscape architect Frederick Law Olmsted, Jr., accompanied by Ben H. Thompson, Chief, Land Planning Division, made a land and aerial survey of the proposed seashore. Olmsted's report selected stretches north of Ocean City as advantageous for seashore recreation and recommended a stabilization study for building up Assateague which was low and subject to overwash in several places. Pursuing this recommendation, Field Supervisor A. Clark Stratton of the Region One Office and Senior Engineer E.F. Preece of the Washington Office studied the

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[3]"Supplemental Report on the Proposed Rehoboth-Assateague National Seashore," p. 4.

[4]H.R. 16, 77th Congress, Jan. 3, 1941; H.R. 27, 78th Congress, Jan. 6, 1943; H.R. 27, 79th Congress, Jan. 3, 1945; H.R. 791, 80th Congress, Jan. 3, 1947.

lem in the spring of 1942 and recommended beach protection measures similar to those undertaken by the Service at Cape Hatteras.[5]

The National Park Service was not the only Federal bureau interested in Assateague. On May 13, 1943, the Fish and Wildlife Service of the Department of the Interior established Chincoteague National Wildlife Refuge on the south end of the island. The refuge lands, acquired with funds from the sale of Migratory Bird Hunting and Conservation Stamps ("duck stamps") under the Migratory Bird Conservation Act of 1929, came to include virtually all of the Virginia portion of Assateague (more than 9,000 acres) and just over 400 acres near the state line in Maryland. During the next decade sand flats were diked and water control structures installed to create 11 freshwater impoundments covering more than 2,800 acres. Established primarily to support the migration of the greater snow goose, the refuge has come to be occupied or visited by over 275 species of birds and is one of the showplaces of the National Wildlife Refuge System.

Outflanked on the south and cognizant of insufficient political support for the 75,000-acre Rehoboth-Assateague proposal, the Park Service lowered its sights in 1947. Its "Supplemental Report on the Proposed Rehoboth-Assateague National Seashore" that July recommended acquisition of only 12,700 acres in Delaware and 7,300 in Maryland, the latter to include Maryland's portion of Assateague Island and land north of Ocean City. The fact that the state of Delaware owned much of the ocean frontage there and would presumably donate its holdings to the Fed-

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[5]Memorandum, Olmsted to NPS Director, Aug. 12, 1941, WASO-493; "Supplemental Report on the Proposed Rehoboth-Assateague National Seashore," pp. 7-8.

eral Government was cited to justify the feasibility of the projec report noted, however, that "the feeling of members of the Delawar Park Commission toward this procedure was definitely not enthusias August, 1940"--a situation that apparently held.[6] Representative introduced a scaled-down Rehoboth-Assateague bill at the beginning 81st Congress in 1949, but it got no further than its predecessors Bland's death in office the following year ended legislative activ the subject for more than a decade.

Private Subdivision and Development, 1950-1962

The passing of Assateague's congressional champion coincided major new push for private development of the island. A group of and Washington investors headed by Leon Ackerman acquired 15 miles ocean side of Assateague north of the Virginia line. In February commissioned Robert C. Walker, an engineering consultant, to surve divide, and plat the area for recordation.[8] Ackerman paved a road timore Boulevard"--down the island, erected numbered street signs unbuilt lateral streets, and inaugurated a major sales campaign wi page advertisements in the metropolitan papers for his development Ocean Beach. The promoters ferried prospective buyers from South the tip of Sinepuxent Neck on the mainland to Assateague, where th enticed to purchase residential and commercial lots at prices from

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[6] Ibid., pp. 18-19.

[7] H.R. 1141, Jan. 7, 1949.

[8] U.S., Congress, Senate, Committee on Interior and Insular Af Assateague Island National Seashore, Hearings on S. 20 and S. 1121 Congress, 1st Session, Mar. 17, 18, 19, and 22, 1965, Part 2, p. 3 (hereinafter cited as Senate Hearings, 1965).

to $8,500 (as of September 1954). The opening of the Chesapeake Bay Bridge in 1955, easing access to the Eastern Shore from the Baltimore and Washington metropolitan areas, proved a boon to the venture. Visions of seaside vacation retreats and expectations of speculative profits from resale led some 3,200 parties to acquire 5,850 lots at Ocean Beach by the early 1960s, although fewer than 30 dwellings were constructed.[9]

As it had done 20 years earlier, the National Park Service undertook another survey of potential national seashores along the Atlantic and Gulf coasts. Among the 126 areas considered was Assateague. The survey report, issued in 1955 after an 18-month study funded by the Mellon Foundation, described the Maryland portion of the island as "the site of one of the largest seashore developments along the Atlantic coast." It concluded that "the advanced stages of real estate development appear to preclude the possibility of this area being set aside for public recreational use," while suggesting that the Virginia portion had potential for recreation compatible with its status as a wildlife refuge.[10]

In 1957 Atlantic Ocean Estates, Inc., acquired much of the northern end of Assateague from the Delaware Mortgage Company and subdivided it into 1,740 lots. An intensive sales promotion featured radio broadcasts in which listeners were offered "down payments" of up to $1,000 if they could identify familiar "mystery tunes" like "You Are My Sunshine" and "The Missouri Waltz." Many sales followed, although there was no legal access to the

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[9] Ibid., Part 1, p. 215; National Park Service, Assateague Island National Seashore: A Proposal (24 p. brochure, Washington, 1965), p. 3.

[10] National Park Service, "A Report on a Seashore Recreation Area Survey of the Atlantic and Gulf Coasts," pp. 106-07.

subdivision across the private 671-acre McCabe tract to the south, no streets or utilities were ever installed, no lot was ever improved, and the rapid westward migration of that end of the island--frequently overwashed by the ocean--resulted in the permanent inundation of many tracts, which quite literally became "Atlantic Ocean Estates." (John T. Moton, the principal of this operation, was jailed in the unrelated Maryland savings and loan scandal of 1962.)[11]

During and after the early Federal interest in a national seashore encompassing Assateague, the state of Maryland found the island worthy of consideration for a state park. State planners proposed such a park on Assateague in 1940 and again in 1952, each time without result. Then in 1956 Leon Ackerman's North Ocean Beach, Inc., donated its interest in 540 Assateague acres to the state.[12] The donation was not entirely altruistic. Those with a financial stake in the island wanted nothing more than a bridge link to the mainland, for ease of access and for the increase in property values that would surely follow. The landowners and other interested private investors attempted to finance and build their own bridge, but this venture got no further than the construction of a causeway stub out from the bay side of the island. A bridge built by the state would solve the problem. To justify such a public expenditure, there had to be a comparable public interest on Assateague--ergo, the contribution of land

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[11]Legislative support data accompanying memorandum, Regional Director Chester L. Brooks to Assistant Director, Legislation, Apr. 25, 1975, WASO-170; Wendell P. Bradley, "Assateague Island," 41 p. typescript, 1966, copy at Assateague Island National Seashore headquarters (hereinafter cited as ASIS).

[12]National Park Service, "Preferred Planning Alternative for Assateague Island Comprehensive Plan," August 1979, p. 17.

for the state park.

The Maryland Board of Public Works accepted the donation, following which the Maryland General Assembly authorized establishment of the Assateague State Park and appropriated $750,000 for additional land. The private Assateague interests were repaid when the General Assembly authorized construction of a bridge to the island park in 1961 and appropriated $1,500,000 for the purpose the following year. (The bridge and its approaches ultimately cost the state $1,709,026.)[13]

Just as prospects looked brightest for the island's landowners, a storm on March 6, 1962, devastated Assateague. The protective dunes were severed in many places, and high winds and water destroyed all but the sturdiest structures. Only about 16 cottages, 17 gun clubs, and a few other buildings remained in the Maryland portion, many of them older structures on the relatively sheltered bay side outside the Ocean Beach subdivision.[14] The road down the island was variously washed out and buried. The suitability of the shifting barrier reef for private development, always a matter of doubt, was called much more widely into question.

Renewed Federal Interest, 1962-1963

Just two months before the great March 1962 storm, the federally sponsored Outdoor Recreation Resources Review Commission had issued yet another report on the need for additional shoreline recreation areas to serve America's growing, mobile, urban population. The storm, which had undone much of

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[13] Ibid.

[14] Letter, Stewart L. Udall to Sen. Henry M. Jackson, Mar. 15, 1965, in Senate Report 331, 89th Congress, 1st Session, June 15, 1965.

the development for which Assateague had been discounted in the 1955 National Park Service survey report and which augured ill for future private investment, galvanized Secretary of the Interior Stewart L. Udall to revive the prospect of Federal acquisition. Udall enlisted the support of Maryland Governor J. Millard Tawes for "a joint study to determine the best use of Assateague" (as if the Federal position were not predetermined).[15]

The "joint study" was in fact an Interior Department product, with its new Bureau of Outdoor Recreation (BOR) receiving top billing in the resulting report and its National Park Service and Bureau of Sport Fisheries and Wildlife (Fish and Wildlife Service) playing supporting roles. Issued in April 1963, the report recommended establishment of an Assateague Island National Seashore under the Park Service, encompassing the entire island. To avert opposition from the Maryland Department of Forests and Parks and the Bureau of Sport Fisheries and Wildlife, Assateague State Park and Chincoteague National Wildlife Refuge would retain their individual identities under their separate administrations. The island would be developed for both intensive (concentrated) and extensive (dispersed) day use; off-island private enterprise would be depended on for food, lodging, and other such facilities. All private holdings would be acquired with limited tenure for owners of improved properties. The state park could expand to cover the northern nine miles of Assateague unless the state were willing to relinquish this area to the Federal Government.

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[15]Interview with Udall, June 2, 1982; U.S., Congress, House, Committee on Interior and Insular Affairs, Assateague Island National Seashore, Hearings on H.R. 2701 et al., July 22, 23, and Aug. 16, 1965, p. 55 (hereinafter cited as House Hearings, 1965).

In accordance with recent legislation authorizing compatible recreational use of national wildlife refuges, Chincoteague National Wildlife Refuge would be managed for appropriate general recreation as an integral part of the national seashore. The Federal Government would acquire the interests of the existing Chincoteague-Assateague Bridge and Beach Authority, which had built a bridge to the south end of Assateague and a road thence to the beach at Toms Cove Hook under Federal lease in 1962. This bridge and the Sandy Point (Sinepuxent Neck) bridge under construction in Maryland would serve for public access to the seashore. The original edition of the report called for a limited-capacity road down the island linking the bridges; reference to this road was deleted in a subsequent printing.[16]

Appended to the BOR report was a contract study by Robert R. Nathan Associates, "Impact of Development of Assateague Island." The Nathan report argued against the feasibility of private development. It noted that the construction of sufficient protective dunes would obliterate most oceanfront lots where private equity was greatest and would be unaffordable by the landowners. (With private ownership, the Army Corps of Engineers would pay no more that half the cost of such protection.) It pointed up the need for an expensive sewer system, as septic tanks would be unacceptable. Anticipating a major concern of local government, it forecast little if any loss of net revenue to Worcester County, Maryland, in the expectation that increased development on the mainland would offset foregone property taxes on the island.

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[16]Bureau of Outdoor Recreation, "Assateague Island and Vicinity: A Study of Recreational Values and Potential Use," April 1963.

Most Worcester County officials and Assateague property owners were averse to the proposed Federal takeover. The county, envisioning a more residential but comparably lucrative version of Ocean City on Assateague, was unconvinced by the federally commissioned Nathan report and vigorously opposed the perceived threat to its tax base. Its planning commission, aided by the Maryland State Planning Department, commissioned a counter-report by Julian Tarrant, a Richmond consultant, titled "A Plan for Private Development on Assateague Island, Maryland." In fact, the Tarrant report was less than encouraging. It found that 84 percent of the subdivided lands would require from one to seven or more feet of fill, totaling some 17 million cubic yards, to bring them up to the minimum level recommended for permanent construction. Hydraulic filling from the floor of the bay, the most economical method, would deepen the shallows there with a probable adverse effect on water life. The estimated cost of filling alone was from $6.8 to $8.5 million; utilities, dune construction, and other expenses to bring the subdivided lands to a buildable state would boost the total to between $10.5 and $19 million. As the Nathan report had observed, necessary dune construction would eliminate the platted oceanfront lots. "Private development on at least a good part of Assateague Island is altogether possible," the Tarrant plan concluded, "but it will be expensive."[17]

Assateague property owners, who might have been expected to welcome Government purchase of their lots after the daunting 1962 storm and the evident difficulties of development on the island, for the most part did not. Construction of the Sandy Point bridge, finally proceeding in 1963, rekindled

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[17] "A Plan for Private Development of Assateague Island, Maryland," Julian Tarrant, Planning Consultant, Richmond, Va., Sept. 1, 1963.

the owners' dreams of island pleasures and profits. The preceding June, Interior Secretary Udall had told Maryland officials that he had no objection to their schedule for the bridge; in May 1963, however, he urged Governor Tawes to defer its construction for a year until Congress had considered the national seashore proposal. His principal concern was the certain inflation in island property values that would result. A "Governor's Committee on Assateague Island" appointed to review the matter rejected Udall's plea (construction bids had already been received), and the bridge went forward. This Federal intervention did nothing to lessen private hostility to the seashore plan, which Udall, other Federal and state officials, and congressional representatives witnessed firsthand on a June 24 trip to Assateague. There lot owners led by Philip King, president of their Ocean Beach Club association (and a retired assistant to the director of the National Park Service), verbally assaulted the delegation for threatening their property rights. "If your attitude had prevailed there would be no National Park System," the Washington Post reported Udall as shouting in response.[18]

The national seashore proponents gained an unlikely ally in Leon Ackerman. Having grossed some $4.5 million from lot sales there, he now declared Assateague unsuited for private development. (Ackerman had moved on to another real estate venture in Florida, Indian Lake Estates, which collapsed. Despondent over financial and legal difficulties, he committed

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[18]Letter, Udall to Tawes, May 2, 1963, William E. Green Papers, ASIS; Governor's Committee on Assateague Island, "Assateague Island: A Report," May 1973, Green Papers, ASIS; "Landowners Argue Over Assateague's Future," Washington Post, June 25, 1963, ASIS clipping file.

suicide in April 1964.)[19]

The state of Maryland was also more inclined to favor the Federal plan for Assateague. The Maryland Board of Public Works held a public hearing at the Baltimore Civic Center in August 1963 at which a majority of those testifying supported the national seashore. The Maryland Department of Economic Development concluded that Federal recreational development of Assateague would be preferable to private development. By early September the Board of Public Works and other state officials had received 936 letters and telegrams on the issue; most were from island lot owners opposing the Federal plan, but a majority of non-owners favored it. After reviewing the Nathan and Tarrant reports and considering all views, the Board in September came out in support of joint Federal-state development, with appropriate compensation to Worcester County for its contribution to the Sandy Point bridge and its loss of island tax revenues. Economic considerations played no small role in the state's position: responsible officials contrasted the tourism income from a national seashore with the specter of major state investment to protect private property on Assateague.[20]

Senator Daniel B. Brewster of Maryland relayed to the Interior Department several questions raised at the state hearing. Would Interior consider taking the beach front only, leaving the remainder of Assateague to private development? Noting that the cost of dune stabilization would soar if it

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[19]William Chapman, "Assateague Promoter Now Favors Park," Washington Post, July 28, 1963, in 109 Congressional Record 13532; Ackerman obituary, Evening Sun, Baltimore, Apr. 16, 1964, clipping in Green Papers, ASIS.

[20]Memorandum, Chairman Harry A. Boswell, Jr., Economic Development Commission, and Director George W. Hubley, Jr., Department of Economic Development, to Gov. J. Millard Tawes, July 22, 1963, in U.S., Congress,

were necessary to protect landward private development, Assistant Secretary John Carver squelched this idea: "We believe that all of the stable land is required to develop the full potential as a Federal seashore." Would the Government ever want mainland property across the bay for park purposes? No, Carver replied, just a small headquarters and service area by the bridge approach. Would Interior furnish Maryland with a plan and timetable for its proposed development? Yes, a plan and tentative timetable were in progress, but development would necessarily be contingent on appropriations. Would the Federal Government compensate Maryland for a portion of the Sandy Point bridge costs? Again necessarily avoiding commitment, Carver found the proposal proper: "The fact that, except for the State park, the entire island would be in Federal ownership under the proposal, would justify a substantial Federal contribution to the cost of the bridge, in our opinion."[21]

Congressional Deliberations and Local Developments, 1963-1964

With most of Maryland--outside Worcester County--behind the national seashore, cooperation was readily forthcoming from the state's congressional delegation in the matter of authorizing legislation that September and October in the 88th Congress. Representatives Clarence D. Long, Carleton R. Sickles, and Rogers C. B. Morton introduced H.R. 8371, H.R. 8385, and H.R. 8755 respectively in the House; Senators Brewster and J. Glenn Beall cosponsored S. 2128. Introduced pursuant to executive communication, the

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Senate, Committee on Interior and Insular Affairs, Assateague Island National Seashore, Hearing on S. 2128, 88th Congress, 2d Session, Aug. 11, 1964, p. 19 (hereinafter cited as Senate Hearing, 1964); State of Maryland Board of Public Works Statement, Assateague Island, Sept. 9, 1963, WASO-170.

[21]Letter, Carver to Brewster, Sept. 4, 1963, WASO-170.

Long and Beall-Brewster bills closely reflected Interior's position. Representative Morton, in whose district Worcester County lay, was most directly affected by the local opponents of Federal acquisition. Submitted a month after the others, his bill incorporated "The Morton Plan--Assateague's Reach for Greatness," as heralded by a press release from his office. The "Morton Plan" featured three "stylized communities" of private residential and commercial development approximately 10 miles apart: the northern one, at the Sandy Point bridge, containing a cultural center for the fine and performing arts; the middle one, at Green Run, centering on an "Olympic Village" with sports facilities; the southern one, at Toms Cove Hook, Virginia, including a wildlife center with a museum and auditorium. Owners of existing properties would trade their holdings for lands in the new communities.[22]

The complexity of Morton's scheme drew fire from landowners and conservationists alike. The Interior Department was equally unenthusiastic. Retreating from the multiple village concept but not from the need to placate Worcester County by retaining some taxable development on Assateague, Morton introduced a new bill, H.R. 11117, on May 4, 1964. This provided that an area of up to 600 acres south of the Sandy Point bridge would be set aside for commercial concessions for overnight and other public accommodations. The 600-acre concession area was accepted by Interior as an unpalatable but necessary compromise with local interests.[23]

The Subcommittee on Public Lands of the Senate Committee on Interior

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[22]Morton press release, Sept. 19, 1963, in Green Papers, ASIS.

[23]"Designation of Concession Area," attachment to letter, Max N. Edwards, Assistant to the Secretary and Legislative Counsel, to Sen. Alan Bible, June 2, 1965, WASO-170.

and Insular Affairs held a hearing on the Beall-Brewster bill August 11, 1964. As the 88th Congress would shortly adjourn, it was understood that new legislation would have to be introduced the following year, at which time public testimony would be heard. The 1964 hearing was thus reserved for members of Congress and Interior witnesses to present their advocacy of the national seashore.

"The drawing power of a national seashore at Assateague, promoted with all of the skill and good taste that is typical of all of our national parks, will attract visitors to Maryland from every State in the Union," Senator Brewster glowingly forecast in his testimony. "As the Nation goes to the Grand Canyon, so the Nation will come to Assateague." Brewster recognized the public support represented by the Citizens Committee to Preserve Assateague Island, organized early that year under the chairmanship of C. A. Porter Hopkins, and favorable editorials in the Baltimore Sun, Washington Post, and Washington Evening Star. To justify the proposed Federal payment to Maryland for the Sandy Point bridge of up to $1 million, from which the state would reimburse Worcester County for its contribution, Brewster declared that "the great majority of the traffic using the bridge will be going to the Federal park."[24]

Representative Morton appeared in support of the national seashore with the 600-acre concession development area in his House bill. Reviewing his original "Morton Plan" and its demise, he described the concession area as a practical means of achieving maximum public utilization of Assateague and tax revenue for Worcester County. "The Department of the Interior assured

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[24]Senate Hearing, 1964, pp. 33-41.

me that this was a suitable arrangement for which there was precedent in other national parks," he announced.[25]

By letter, Secretary Udall had already recommended that the Senate committee amend the Beall-Brewster bill to incorporate the concession area. The sponsoring senators accepted the amendment at the hearing, and Udall testified to the local benefits expected therefrom: "The property that would be constructed, the buildings and everything, would, as is explicitly provided in the language, be taxable...by the State and local governments." He estimated that tax revenues of $30-35,000 after full development of the 600 acres would provide "a substantial replacement of the real property taxes that would be lost as a result of the acquisition." The only dissenting note was sounded by Representative Thomas N. Downing of Virginia, in whose district Accomack County, the town of Chincoteague, and the southern end of Assateague lay. Although Virginia had supported the original Interior plan for the island, there was concern that the proposed concession development in Maryland would promote tourism there at Virginia's expense. If Maryland were to have such a development, Downing thought, so should Virginia.[26]

A statement presented by National Park Service Director George B. Hartzog, Jr., outlined the Service's "preliminary development plans" for Assateague, from north to south:

--The Inlet Jetty Area, adjacent to the Ocean City Inlet, would offer fishing and picnicking facilities with access by foot trails and boat.

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[25] Ibid., pp. 80-81.

[26] Letter, Udall to Sen. Henry M. Jackson, Aug. 10, 1964, in Senate Hearing, 1964, pp. 8-11; Senate Hearing, 1964, pp. 85-86, 94-95.

--The Assateague State Park would provide for intensive use, with a restaurant, marina, riding stables, and other facilities in addition to the existing camping and bathing.

--The Concession Area, occupying 1-1/2 mile of beach frontage below the state park, would include overnight accommodations, a marina, outdoor game courts, and a recreation building constructed and operated by private capital under concession contract.

--The Lumber Marsh Area, with bathing and picnicking facilities, would be the first of three major NPS-operated recreational areas.

--The Sugar Point Area would be similar to Lumber Marsh.

--The Green Run Bay Area, at the end of the road down the island from the Sandy Point bridge, would resemble the two preceding but with the addition of a visitor contact station, marina, camping, and interpretive trails.

--At Chincoteague National Wildlife Refuge, the Bureau of Sport Fisheries and Wildlife would provide a "major development" near the existing restaurant concession at the head of Toms Cove Hook and beach shelters along the hook. A visitor center and interpretive services would be provided at the refuge headquarters near the Chincoteague-Assateague bridge.

On the mainland by the Sandy Point bridge, the seashore administrative headquarters and a visitor center would occupy a 10-acre tract.[27]

A month after the Senate hearing, in September 1964, the Sandy Point bridge was opened to traffic. Completion of the bridge sharpened the issue of public versus private development of Assateague. The state, having come down on the side of the former, refused to let Worcester

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[27]Copy of Hartzog statement in WASO-170.

County build a road from the bridge through the state park land to the Ocean Beach subdivision. Previously, Maryland health authorities had denied clearance for septic tanks on the island. Robert C. Walker, Leon Ackerman's former associate, appealed the state's refusal to allow water and septic tank permits for his planned construction. A court decision ordering the permits was appealed by the state but the Maryland Court of Appeals sustained the decision on May 4, 1965.[28]

The Seashore Succeeds, 1965

With this renewal of private development pressure, there was no time to lose if Assateague were to be acquired for public use. Early in 1965 the National Park Service published an attractive 24-page promotional brochure, Assateague Island National Seashore: A Proposal. The brochure described Assateague as the largest undeveloped seashore between Cape Cod and Cape Hatteras. It publicized the endorsement of national seashore status by the Secretary of the Interior's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments in September 1963 and Assateague's compliance with the criteria for national recreation areas established by the President's Recreation Advisory Council.[29] Three million visitors

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[28] "Holding the Line," Evening Sun, Baltimore, Dec. 1, 1964, in 111 Congressional Record 453; memorandum, C. A. Harpine, Assistant Chief, Division of Land Acquistion, to Chief, Division of Land Acquisition, Feb. 5, 1971, in NPS Washington Office file L1425, Washington National Records Center, Suitland, Md.

[29] See statement by Assistant Director John F. Shanklin, BOR, Dec. 1964, "Relationship of the Proposed Assateague Island National Seashore the Recreation Advisory Council Policy Circular No. 1, 'Federal Executive Branch Policy Governing the Selection, Establishment, and Administration of National Recreation Areas,' of March 26, 1963;" NASO-170. The criteria required that a national recreation area be "a spacious area developed for high carrying capacity, offering significant recreational opportunities in answer to high priority needs, and conveniently

were predicted annually by 1975.

The proposal called for the national seashore to encompass 39,630 acres, including all of Assateague Island, the small adjoining bayside islands, marshes, and submerged lands, a 1000-foot strip of the Atlantic, and the 10-acre headquarters tract on the mainland. The Government would acquire the Chincoteague-Assateague bridge and compensate Maryland for construction of the Sandy Point bridge if the state operated it free of tolls. Maryland would be assured the right of acquiring additional land for its state park from the Federal Government at the north end of the island.

Assateague would be developed for "maximum public recreation use," with the Federal portion generally augmenting the high-density use facilities planned for the state park. In addition to the facilities suggested earlier, the 600-acre concession area was now envisioned to include a pavilion with a large restaurant and snack bar, a gift shop, a saltwater pool and bathhouse, and a 500-unit motel in 20 buildings. The road down the island would extend to "within a few miles" of the wildlife refuge; it was stressed that it would not connect with the Virginia bridge. Recreational activities would include swimming, surfing, sunbathing, skin diving, water skiing, boating, clamming, crabbing, fishing, and hunting, the last to be permitted under applicable Federal and state laws in the Maryland portion of the seashore.[30]

The Park Service promotional brochure was preceded by the reintroduc-

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to urban areas in an area requiring Federal involvement."

[30]National Park Service, Assateague Island National Seashore: A Proposal, 1965.

tion of national seashore legislation in the new 89th Congress. Interior's proposal was consistent with S. 20, introduced January 6, 1965, by Senator Brewster with the cosponsorship of Joseph D. Tydings, Maryland's new junior senator, and 14 others. On February 11 Senator A. Willis Robertson of Virginia introduced a different version, S. 1121, which matched Representative Downing's H.R. 4426 in the House. Other House bills with other differences were submitted by Representatives Morton (H.R. 2071), Long (H.R. 2101), Sickles (H.R. 1730), and Samuel N. Friedel (H.R. 2607) of Maryland, and John P. Saylor of Pennsylvania (H.R. 6986).

The Interior Department was asked for its position on the Senate bills before resumption of the Interior and Insular Affairs subcommittee hearings in March. Secretary Udall's report to Chairman Henry M. Jackson, advocating passage of S. 20 and opposing S. 1121, pointed up the key differences in the bills. Senator Robertson (and Representative Downing), reflecting Virginia interests, would require the national seashore to be kept open at all times (a reaction to local complaints that Chincoteague National Wildlife Refuge was often closed), designation of sufficient grazing areas for the wild ponies on Assateague, establishment of a concession accommodations area comparable to that proposed in Maryland, and a road down the island linking the Maryland and Virginia bridges. The Interior response argued that the seashore, for reasons of public safety, should not be precluded from closure (as during storms); that a specific requirement for grazing areas could conflict with wildlife habitat protection and was unnecessary; that overnight public accommodations in the refuge would be incompatible; and that a connecting road through the refuge "would all but eliminate the fine waterfowl habitat which the Department has devel-

oped through the years at considerable expense."[31]

The Senate hearings ran for four days, indicative of the widespread and intense interest in the Assateague legislation. Among the first day's witnesses was Governor Tawes, who stressed the urgency of congressional action in the face of the pending court suits to force private building permits. "We in Maryland are doing everything legally possible to prevent residential and commercial development on the island...," he stated. "We are doing our very best to hold the line but I don't know how long we can prevail." Subcommittee Chairman Alan Bible pressed Tawes and other Maryland officials to justify the unusual retention of a state park within a unit of the National Park System, which Interior had been forced to support as a price for Maryland's advocacy of the national seashore. The state witnesses remained firm on the issue, contending that Assateague State Park's intensive use facilities would complement the lower-profile development elsewhere.[32]

Following the testimony of the congressional sponsors and Federal and state government officials, all of whom advocated one or more of the bills, a great array of local officials, interest group representatives, Assateague property owners, and others came forth to speak or inserted statements in the record. Favorable to the national seashore (although in some cases opposed to particular development proposals) were such organizations as the Pocomoke City Chamber of Commerce, the Izaak Walton League, the American Automobile Association, the Wilderness Society, the Sport

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[31]Letter and attachment, Udall to Jackson, Mar. 15, 1965, in Senate Report 331, 89th Congress, 1st Session, June 15, 1965.

[32]Senate Hearings, 1965, Part 1, pp. 27 ff.

Fishing Institute, the National Parks Association, the Travel Trailer Clubs of America, the Canoe Cruisers Association of Greater Washington, and the Audubon Naturalist Society of the Central Atlantic States. Although some lot owners submitted supporting letters, a majority of those voicing their views were displeased. Worcester County officials were uniformly unhappy.

Philip King, the property owners' association leader who had accosted Secretary Udall on Assateague, claimed the backing of more than 80 percent of Ocean Beach owners. He urged the establishment of a national seashore elsewhere on Assateague and on Parramore and Hog islands to the south in Virginia. (Parramore, still undivided and unimproved, had been favorably mentioned in the 1955 Park Service seashore survey.) Several owners, identifying themselves as military veterans, characterized the confiscation of their property as un-American. Others decried the unfairness of taking lands from those who had purchased after the 1955 NPS study had ruled out the prospect of a naional seashore on Assateague. The concession area, devised to placate Worcester County, was no comfort to those who viewed it as a means for other private interests to profit from their loss. "Why should Mr. Udall want to spend millions of dollars of tax money on Assateague Island and remove this land from the tax rolls when private citizens are willing to spend millions of dollars of private funds in developing the island and then pay additional millions in taxes as the years go by?" asked J. Thomas Stanley, owner of seven lots. "We think that it is completely unfair for the Government to take our land and then lease any part of it to private developers as has been proposed."[33]

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[33] Ibid., Part 2, pp. 353-82.

State Senator John L. Sanford, Jr., Delegates Russell O. Hickman and Mark O. Pilchard, and L. Hollingsworth Pittman, attorney for the Worcester County Commissioners, appeared to present the county's position. Refusing to accept that revenues from the concession area and increased private development on the mainland would offset the loss of property tax revenues from Assateague, they portrayed the national seashore as strangling local growth. They would agree to having the north eight miles of the island acquired by either the Federal or state government for a day-use park, with the island's entire beach open for public use. If the proposed legislation were to go forward, they wanted it amended to grant the county a payment in lieu of taxes on Assateague's projected development to a level of parity with Ocean City. "We beseech you, if necessary we will get on our knees and beg you, to leave us alone, to not take Assateague Island, to not impair our credit standing or our future," Pittman implored the committee. "Please do not bury us in the golden sands of Assateague."[34]

A document prepared by the county, "Assateague--Worcester's Answer," summarized the local viewpoint for the record. Describing the great mass of the public as favoring commercially developed seaside resorts of the Atlantic City-Ocean City variety with hotels, shopping, and nightclubs, it saw only a tiny minority--"the magnifying-glass nature lover and the bird watcher"--being drawn to the proposed national seashore, which would but duplicate facilities already provided at Cape Cod, Chincoteague National Wildlife Refuge, and Cape Hatteras.

> Worcester County does not believe that it is necessary or that it is warranted that the Federal Government condemn Assateague Island for a Federal recreation project, and does not believe that it would become

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[34] Ibid., Part 2, pp. 233-47.

anything but a barren wilderness useful only to bird watchers. It feels that if the public needs the services proposed, they can be acquired nearby in the State park to the north or in the wildlife refuge to the south. Worcester County believes that the Federal condemnation of Assateague Island will detrimentally affect its local economy with no ensuing benefits. Worcester County believes that the 3,200 lot owners who have waited 10 years or more to see their dreams of a seaside home come true should be protected in their private holdings. And Worcester County believes that Assateague Island should be privately developed with private capital, initiative, and energy in the American way, and not by socialistic bureaucrats desiring public ownership for the satisfaction of those few who do not have the industry and energy to provide for themselves.[35]

Aside from the basic issue of whether or not there should be an Assateague Island National Seashore, the biggest controversy revolved around the extent of development to be allowed or required. The proposed road connecting the Maryland and Virginia bridges was most controversial of all. First officially mentioned in the original April 1963 report by the Bureau of Outdoor Recreation, it was deleted following strong objection from the Bureau of Sport Fisheries and Wildlife (which claimed it had not been consulted), but copies of the report containing the road proposal were released.[36] With Senator Robertson as their most influential and insistent spokesman, Virginia interests embraced the road as a means of drawing tourism to their end of the island and the adjacent town of Chincoteague. Robertson and Representative Downing pushed strongly for the road, prescribed in their bills, at the Senate hearings and submitted for the record resolutions of endorsement by the town of Chincoteague, the Accomack County Board of Supervisors, the Eastern Shore of Virginia Chamber of Commerce,

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[35] Ibid., Part 2, pp. 270-78.

[36] Memorandum, Director John S. Gottschalk, BSFW, to Legislative Counsel, Mar. 5, 1965, in Assateague Island National Seashore Legislative History, Interior Law Library.

the Chincoteague Volunteer Fire Company, and other local groups. They acquired an important ally in Representative Morton, who had included the road in his bill as well. (A road had been implicit in the original "Morton Plan" but was not part of his revised legislation in the preceding Congress.) Undoubtedly motivated primarily by the need to cultivate Virginia support, Morton publicly justified the road as a means of dispersing Assateague visitors along the island rather than leaving them concentrated at the bridgeheads.[37]

Secretary Udall remained opposed to the road requirement. "It may very well prove in the long run, after we get established, that we can construct a road that will not do serious damage to the wildlife values and the recreational values...," he testified at the hearing. "My belief is that if we put a road in [the bill] now we are going to arouse opposition and controversy that may very well defeat or delay the bill." He recommended that Interior instead be directed to study the matter and report back to Congress at a future date (a favorite delaying tactic). Director John S. Gottschalk of the Bureau of Sport Fisheries and Wildlife was more forthright in condemning this threat to Chincoteague National Wildlife Refuge: "I would like to state quite unequivocally that we feel that a road in this section of the Assateague Seashore would have some very detrimental effects from the standpoint of our management of our national waterfowl resources."[38]

Gottschalk, whose bureau already had its part of Assateague, was a

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[37]Interview with George B. Hartzog, Jr., June 2, 1982; Senate Hearing, 1965, Part 1, pp. 18, 32, 35-37, 125.

[38]Ibid., Part 1, pp. 135, 162.

somewhat reluctant player on the Interior team promoting the national seashore. He and his staff foresaw difficulties with both the seashore development proposals and coexistence on the same territory with the competitive National Park Service. Outsiders with doubts about including a wildlife refuge in a recreation area could voice them openly. Daniel A. Poole of the Wildlife Management Institute in Washington testified against the road through the refuge and incorporation of the refuge in the seashore, viewing each as detrimental to wildlife values. He suggested that a road could be built bypassing the refuge via a causeway from the Maryland portion of Assateague to the north end of Chincoteague Island. The National Wildlife Federation, on the other hand, favored placing the refuge in the seashore.[39]

On June 15, 1965, the Senate Interior and Insular Affairs Committee favorably reported S. 20 with certain perfecting and clarifying amendments, a new Section 9 prescribing a connecting road, and a new Section 10 containing land acquisition and development appropriations ceilings of $16,250,000 and $7,765,000 respectively. These figures, supplied by Interior from local land appraisals and other estimates, included $1 million to partially compensate Maryland for the Sandy Point bridge but nothing for acquisition of the Chincoteague-Assateague Bridge and Beach Authority interests in Virginia and nothing for the connecting road. Whereas Senator Robertson's S. 1121 had specified the road to go "immediately west of the existing dunes and connect with the existing public parking area on the beach," the reported bill was less restrictive:

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[39]Interview with Gottschalk, June 2, 1982; Senate Hearings, 1965, Part 1, pp. 89, 99.

"The Secretary of the Interior shall construct a suitable road on Assateague Island from the Chincoteague-Assateague Bridge in the State of Virginia to the existing public beach and through the Chincoteague National Wildlife Refuge to connect with the Sandy Point-Assateague Bridge in the State of Maryland." In its accompanying report the committee made clear its intent "that this road not bypass the wildlife refuge through the use of a causeway or other alternate course."[40]

The committee characterized its reported bill, especially the taxable concession area provision, as a compromise with Interior's 1963 seashore proposal, evidently seeking to mollify Worcester County and the dissident lot owners. "The committee was very sympathetic to their position, particularly in view of the fact that in 1955, the Department of the Interior had apparently abandoned its original plans for Federal acquisition," the report noted. "Despite all this and in view of the very limited development that existed on the island it was the unanimous position of the members of the committee that the public interest could best be served by the creation of the national seashore."[41]

The full Senate acted expeditiously, passing the committee bill on June 17. Hoping for comparable expedition from the House but concerned about the road prescribed by the Senate, NPS Director George Hartzog met with Chairman Wayne N. Aspinall of the House Interior and Insular Affairs Committee on June 22. A followup letter to Representative Aspinall over Secretary Udall's signature urged greater leeway for administrative dis-

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[40]Senate Report 331; letter, Acting Director Jackson E. Price, NPS, to Sen. Alan Bible, Apr. 21, 1965, WASO-170.

[41]Senate Report 331.

cretion:

> The Department is agreeable to a road connecting Maryland and Virginia in this vicinity. However, a suitability study for the location of such a road has not been made at this time.... In our opinion, the location of such a road to serve the several values in the area, and especially to preserve the ecological environment within the wildlife refuge requires the most careful study of a suitable location. We, therefore, strongly urge that this provision be amended to provide for...the location of the road by me following appropriate studies.

The letter promised prompt action on the studies, followed by consultation with the congressional committees before funding would be sought for construction.[42]

The National Parks and Recreation Subcommittee of the House Interior Committee held its Assateague hearings on July 22-23 and August 16. Secretary Udall testified to his induced change of heart on the road through the wildlife refuge:

> In testifying before the Senate committee last winter, I took a very strong position against a road.... In the meantime we have had some of our people who were most familiar with the refuge study this proposal. We have come to the conclusion that a connecting road of the kind that some of the Virginia and Maryland Congressmen proposed can be worked out, provided that we can locate the road. We do not know at this moment where it should be located, although we would run it through that portion of the wildlife refuge where it could do the least damage to refuge values.[43]

Representative Morton expressed general agreement with the Senate-passed bill but strongly urged that the 600-acre concession development area, discretionary in the Senate bill, be made mandatory. He foresaw the development as dispersed rather than concentrated and suggested an amendment to permit but not require this. Assistant Regional Director Allen T. Edmunds of the Park Service's Northeast Region spoke against dispersal of the con-

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[42] 111 Congressional Record 14011; letter, Udall to Aspinall, June 26, 1965, WASO-170.

[43] House Hearings, 1965, p. 57.

cession area on the grounds that more extensive water and sewer service and dune protection would be required.[44]

On August 31 the House committee favorably reported H.R. 2071, Morton's bill, with amendments. The committee's language on the connecting road mandated its construction but was permissive as to its location:

> The Secretary of the Interior is authorized and directed to construct a road, and to acquire the necessary land and rights-of-way therefor, from the Chincoteague-Assateague Island Bridge to the Sandy Point-Assateague Bridge in such manner and in such location as he may select, giving proper consideration to the purpose for which the wildlife refuge was established and the other purposes intended to be accomplished by this Act.

The accompanying report elaborated on the committee's intention in the matter:

> The location of the road is left to the discretion of the Secretary of the Interior under the amendment to the bill, the language of which is sufficiently broad so that if, instead of traversing nearly the full length of the island, it is found desirable to avoid most of the wildlife refuge by crossing its northern end and continuing the road down Chincoteague Island to connect with the southern bridge at its Chincoteague Island end, this can be done.[45]

The committee requested an opportunity to review the Secretary's plans before funding for the road was requested.

The response to the insistence of Senator Robertson and Representative Downing, the reported House bill mandated the provision of "suitable overnight and other public accommodations" by private concession in "the public use area in the Chincoteague National Wildlife Refuge now operated by the Chincoteague-Assateague Bridge and Beach Authority of the Commonwealth of Virginia." Siding with Representative Morton, the House committee also

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[44] Ibid., p. 34; memorandum, Fritz Kessinger to Chief, Division of Legislation and Regulations, NPS, Aug. 18, 1965, WASO-170.

[45] House Report 893, 89th Congress, 1st Session, Aug. 31, 1965, p. 7.

made the Maryland concession development area mandatory in the bill and recommended in its report that the development "be not concentrated in one place." Other changes from the Senate-passed bill included deletion of the appropriations ceiling for development, because the figure supplied by Interior had not included the cost of the connecting road.[46]

The House committee was clear in its intent that Assateague Island National Seashore be managed primarily as a public recreation area, with natural resource preservation secondary: "It will also serve the further purpose--though, except in the national wildlife refuge area, this is not of prime importance--of preserving and keeping available for oncoming generations samples of unspoiled natural areas for study and enjoyment."[47]

On September 7 the full House passed S. 20 after having amended it to match the reported H.R. 1071. The Senate concurred in the House amendments on September 15, clearing the bill for the White House. Secretary Udall, noting that the controversial road could be located by Interior following appropriate study, recommended the President's approval. At a White House ceremony on September 21, 1965, attended by Udall, Governor Tawes, Maryland and Virginia legislators, and representatives of the Citizens Committee to Preserve Assateague, President Lyndon B. Johnson spoke of the importance of acquiring more land for public recreation. He then signed the bill, making it Public Law 89-195.[48]

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[46] Ibid., p. 9.

[47] Ibid., p. 6.

[48] 111 Congressional Record 22997, 23893; letter, Udall to Director Charles L. Schultze, Bureau of the Budget, Sept. 20, 1965, WASO-170; Alan R. Dessoff, "President Signs Assateague Seashore Bill," Washington Post, Sept. 22, 1965, ASIS clipping file.

Although P.L. 89-195 is reproduced in full in the appendix to this history, a summary of its major provisions beyond those discussed fully above may be useful at this point. The act called for the establishment and administration of Assateague Island National Seashore, comprising Assateague and the adjacent marsh islands with the waters up to one-half mile beyond the mean high waterline, "for public outdoor recreation use and enjoyment." The Secretary of the Interior was authorized to acquire the lands within the identified boundaries, up to 10 acres on the Worcester County mainland for an administrative site, and the interests of the Chincoteague-Assateague Bridge and Beach Authority within and outside the seashore boundary. Properties owned by Maryland and Virginia could be acquired only with their consent. Owners of improved property, defined to include noncommercial residences on up to three acres and bayside lands used chiefly for hunting, could reserve rights of use and occupancy for up to 25 years; however, the Secretary could take full possession of portions deemed necessary for public use or access. Maryland was given the right of acquiring from the Federal Government, upon payment of the Federal investment therein, lands north of Assateague State Park that it determined necessary for state park purposes. Hunting and fishing in accordance with state laws were to be permitted at appropriate times and places outside Chincoteague National Wildlife Refuge, which would continue to be administered for refuge purposes in accordance with applicable laws and regulations. The Secretary of the Interior and the Secretary of the Army (responsible for the Corps of Engineers) were to cooperate in planning for beach erosion control and hurricane protection, with any protective works to be acceptable to Interior. The Secretary was authorized to purchase public

utility facilities rendered valueless by the national seashore (a provision in the Robertson-Downing bills to aid the Virginia electric utility). In lieu of a dollar ceiling, the act authorized the appropriation of "such sums as may be necessary" for development.

The act gave the Secretary of the Interior "through the National Park Service" general administrative responsibility for the national seashore. The Park Service, however, would have to share the island with Interior's Bureau of Sport Fisheries and Wildlife, which had been assured of continuing responsibility for the wildlife refuge,[49] and the Maryland Department of Forests and Parks, whose park could remain and even expand as long as the state wished. This multiple management arrangement, without which the two agencies already present on Assateague would have bitterly resisted the seashore legislation, virtually guaranteed future management difficulties. Secretary Udall and his Park Service director, George Hartzog, were well aware of the potential problems stemming from this compromise; but as Hartzog would later reflect, he and the Secretary then thought that the important thing was saving the resource--"time would straighten out the administration."[50]

More than time would prove necessary. In the realm of administrative relationships and in the whole array of management concerns--land acquisition, master planning, development, resources management, public use--the National Park Service had its work cut out for it at Assateague.

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[49]Gottschalk interview.

[50]Udall and Hartzog interviews.

CHAPTER II

NATIONALIZING THE SEASHORE: LAND ACQUISITION

As President Johnson's signature on the Assateague bill signaled the end of the legislative effort to authorize the national seashore on paper, it marked the beginning of the administrative effort to bring this new unit of the National Park System into reality. Land, people, planning, facilities, programs--these were among the major ingredients needed to effect the transformation. Although much of necessity occurred simultaneously, ease of comprehension requires separate examination of the several activity areas. Because the seashore was and is, at bottom, a venture in land management by a land managing bureau, it seems most appropriate to begin with the first priority of the Park Service at Assateague: land acquisition.

Acquisition in Maryland

When Bertrum C. Roberts arrived from the superintendency of Castillo de San Marcos National Monument, Florida, to assume the top job at Assateague Island National Seashore on December 5, 1965, he faced a formidable challenge in establishing a land base for the new park. Such publicly owned land as the seashore then contained was, with a few minor exceptions, in the hands of the Bureau of Sport Fisheries and Wildlife and the Maryland Department of Forests and Parks. These lands totaled some 10,000 acres. It was Roberts' task to acquire the balance of about 9,000 acres on Assateague from some 3,500 owners, many of them hostile to the idea. Fortunately he was joined by a Park Service realty officer

experienced in such matters, Allen C. Staggers. For their initial base of operations Roberts and Staggers rented an office seven miles inland at 8 Main Street, Berlin, Maryland.[1]

The pair shared four immediate goals: to acquire the authorized administrative headquarters site on the mainland; to provide a temporary visitor contact station on the site; to assemble key park staff; and to establish and staff a land acquisition office in Snow Hill, site of the Worcester County Courthouse where the county's land records were filed.[2]

Progress was made on the first goal early the following month when Ross F. Sweeny and James W. Stewart of the Service's Eastern Office of Design and Construction met with Roberts, Staggers, and Regional Park Planner Richard Wittpenn of the NPS Northeast (Philadelphia) Regional Office (to which Roberts reported) to locate a suitable 10-acre tract. They were guided by several criteria: position on the right side of the highway approaching the Sandy Point bridge; distance from the bridge sufficient to permit vehicles to exit and gain cruising speed before reaching the bridge, without being so far away that intervening commercial development might intrude; property not adjacent to any of the three established accesses to the limited access highway along the stretch approaching the bridge, so that a special access might be obtained from the state that would not have to be shared with neighboring owners; land

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[1]Memorandum, Allen C. Staggers to Director, NPS, June 6, 1966, file A2621, Assateague Island National Seashore headquarters (hereinafter cited as ASIS); Gordon U. Noreau, "History of Assateague Island National Seashore" (ASIS typescript, 1972, rev. 1974), p. 12. (Administrative titles hereinafter may be presumed to identify NPS officials unless otherwise noted.)

[2]Memorandum, Allen C. Staggers to Director, June 6, 1966, file A2621, ASIS.

of sufficient elevation to escape flooding; property in single ownership for ease of acquisition.[3] The team found a tract owned by Elizabeth P. Woodcock of Salisbury, Maryland, that met these criteria. It was purchased in July 1966, fenced, and occupied the following year.

The land acquisition office in Snow Hill was established March 7, 1966. There Staggers assembled a substantial staff for title work, appraisals, mapping, and negotiations for what Donald E. Lee, chief of the Service's Division of Land and Water Rights, called "this largest of undertakings to date from a negotiation and workload standpoint." In July the initial lands appropriation, $3,860,000 for fiscal year 1967, became available, and $113,385 of it went to Knoerle, Bender, Stone and Associates of Baltimore for a boundary, property, and topography survey of Assateague Island.[4]

The money and survey contract came none too soon for Superintendent Bert Roberts. He had been approached by many owners who considered their lands in effect condemned by the seashore authorization act but who were still liable for property taxes and were anxious to sell. He feared that delays in survey and appraisal would jeopardize the public support he was working to build and maintain. Logistical difficulties aggravated the first year stresses. The Snow Hill lands office was 16 miles from the superintendent's office in Berlin and 21 miles from the Sandy Point bridge to Assateague. The result was frequent poor communications between

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[3]Memorandum, Ross F. Sweeny and James Stewart to Chief, Eastern Office of Design and Construction, Jan. 21, 1966, file A2623, ASIS.

[4]Noreau, "History of Assateague," pp. 12-13; memorandum, Lee to Director, July 29, 1966, in NPS Washington Office file L1425, Washington National Records Center, Suitland, Md. (hereinafter cited as WASO file _____, WNRC).

Roberts and Staggers and frustration for landowners visiting Assateague to discuss the sale of their property with distant Service personnel.[5] This situation was resolved when the two offices were united at the acquired headquarters area in July 1967.

The first land purchase on Assateague was negotiated December 9, 1965, four days after Roberts and Staggers arrived on the scene. Daniel Trimper IV, an Ocean City realtor, had thrown up motel units on two commercial lots in the Ocean Beach subdivision. The purchase agreement, negotiated as an emergency measure to halt further construction, pledged Trimper $27,950 for his hastily improved properties upon receipt of the first lands appropriation. Trimper's advantageous settlement was broadcast to other lot owners in newsletters circulated by the Ocean Beach Club, which publicized the $13,975-per-lot sales price without mentioning that the lots had been improved. The club advised owners to refuse the Government's inevitably lower first offers. Trimper himself circulated a letter on November 9, 1966, implying personal influence with the Government from his transaction and urging owners to employ his services in their negotiations. Responding to a congressional inquiry critical of this apparent impropriety, NPS Assistant Director Harthon L. Bill deplored the Trimper solicitation but declared the Service could do nothing to stop it.[6]

Another development threat came from John T. Moton, president of the Atlantic Ocean Estates subdivision north of Assateague State Park and

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[5]Memorandum, Roberts to Regional Director, Northeast Region, June 1967, WASO file L1425, WNRC; memorandum, Donald E. Lee to Director, July 29, 1966, WASO file L1425, WNRC.

[6]Ocean Beach Club, Inc., newsletters and Trimper letter in WASO file L1425, WNRC; letter, Bill to Rep. Hervey G. Machen, Dec. 16, 1966, WASO file L1425, WNRC.

the large undivided McCabe tract adjoining it. In early November 1966 Moton called to tell Bert Roberts that he was planning to replace his street signs, seek a road access through the McCabe tract, and resume sales promotional activities the following spring. In response to this evident attempt to hurry the Government into a lucrative (for Moton) settlement, Roberts wrote his regional director, "We are inclined to believe this is a bluff, but we will step up surveillance of this part of the Island for indications of activity."[7]

The preceding month, responding to the misinformation broadcast by the Ocean Beach Club and general inquiries from property owners, Roberts issued a "Status of Land Acquisition on Assateague Island" newsletter of his own. First to be acquired, it stated, were those lands essential for initial park development, access, and use: Sections A and B of Ocean Beach (from the state park south to the platted South 17th Street) and the north tip of the island above Atlantic Ocean Estates. Here and in other correspondence with lot owners and concerned legislators, the Service explained its acquisition policies. Two qualified real estate appraisers, Mac Gardiner of Baltimore and E. Philip Williamson of Cambridge, Maryland, had evaluated the subdivision lots under contract. On the basis of their appraisals, reviewed by Park Service specialists, firm, non-negotiable offers were made to owners.[8]

Inevitably there were complaints. Landholders eager to sell whose

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[7]Memorandum, Roberts to Regional Director, Northeast Region, Nov. 3, 1966, WASO file L1425, WNRC.

[8]"Status of Land Acquisition on Assateague Island" newsletter, Oct. 7, 1966, WASO file L1425, WNRC; letter, Assistant Director Robert B. Moore to Sen. Charles McC. Mathias, Feb. 4, 1969, WASO file L1425, WNRC.

properties were not in the areas of high management priority were displeased with the delay, although the Service repeatedly defended its case for orderly acquisition from the state park down to the Virginia line: "To proceed in any other fashion would result in a scattering effect with funds expended on isolated tracts rather than the solid blocks needed for public use." Hardship pleas became common. "Earlier in the acquisition, planning consideration was given to acquiring tracts out of order in hardship cases," a response to one such appeal declared in mid-1967. "However, there have been such a very large number of hardship applications that to comply with all of them would have completely disrupted the orderly acquisition and development process."[9] In answer to protests against the single-offer policy, it was argued that the circumstance of numerous identical unimproved lots rendered the firm fixed price appropriate and more equitable than if neighboring owners were allowed to bargain for different compensation.[10] This response did not mollify many who remained dissatisfied with the Government's take-it-or-leave-it stance, especially those whose investments (including taxes) were not covered by the offer. They found it difficult to accept that their lots could have declined in value over the years while those in seemingly comparable areas such as North Ocean City had increased.

Condemnation suits were brought for lands whose owners could not come to terms with the Government or convey clear title. Until mid-1968 the Service filed declarations of taking in condemnation proceedings, which

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[9]Letter, Assistant Director Edward A. Hummel to Rep. Joel T. Broyhill, June 9, 1967, WASO file L1425, WNRC.

[10]Letter, Director George B. Hartzog, Jr., to Sen. Alan Bible, Apr. 12, 1967, WASO file L1425, WNRC.

vested title in the United States immediately. This procedure required the Government to deposit a sum equal to the appraised value of the land with the court, enabling the owner to draw upon it. The problem with this arrangement was that the final judgment of the court could and often did exceed the appraised value, obligating the Government to come forth with the balance. An accumulation of such cases could result in compensation commitments exceeding the appropriations ceiling set by Congress.

In mid-1968 the Interior committees asked the Service to discontinue declarations of taking and go to "straight condemnation," whereby title would not be taken until the court judgment was rendered. This permitted the option of abandoning the transaction if the amount awarded were considered too high; on the other hand, it increased the likelihood that the Government's comparability appraisals would be made obsolete by the passage of time and inflation and that the award would indeed be higher, being based on value at judgment rather than at the time the suit was filed. Since straight condemnation afforded no immediate compensation, it also led to many complaints from owners whose court cases were slow in being heard and payments slow in coming.[11]

A sore point with landowners generally was the fact that they had to keep paying county taxes until their properties were taken by the Government. To placate them and improve his public relations, Roberts had

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[11]Memorandum, Philip O. Stewart, Chief, Division of Land and Water Rights, to Acting Land Acquisition Officer, Assateague, Nov. 7, 1968, WASO file L1425, WNRC; letter, Assistant Attorney General Shiro Kashiwa to Interior Solicitor Mitchell Melich, July 24, 1970, WASO file L1425, WNRC. The congressional policy on straight condemnation replacing declarations of taking stemmed from land acquisition at Biscayne National Monument and is found in Senate Report 1597, 90th Congress, 2d Session, Oct. 1, 1968.

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sought to intercede with the Worcester County Commission for tax relief on lands destined to be acquired. The money forthcoming to the county from the Federal payment for the Sandy Point bridge, he argued, would offset the forgiven taxes. In January 1969 the Washington Office squelched this effort:

> With regard to the matter of tax relief to Assateague landowners, this was never more than a matter of accommodation, and perhaps we were ill-advised to consider this since our Solicitor has indicated that involvement in such matters is an undesirable posture for the National Park Service to participate in any arrangement that will take lands off local tax rolls. We feel now that a considerable part of the property has already been removed from the rolls, and the fact that most owners are non-residents, the adverse influence on community relations is less critical than at the beginning of the land acquisition phase.[12]

"Acquisition of land for this national seashore has been enormously complicated," Assistant Director Robert B. Moore told Maryland Senator Charles McC. Mathias the following month.[13] If anything, he understated the case. In addition to the sheer numbers of tracts and owners involved, the personal dealings, the legal caseload, and the escalating costs, there developed internal dissension about the conduct of the program. John E. Ritchie had succeeded Allen Staggers as Assateague land acquisition officer in the spring of 1967, to be followed by Joseph W. Fehrer in late 1968. Policy direction came from the lands office in Washington headed by Philip O. Stewart. The primary objective of Stewart and his field office was to spend the annual lands appropriations, to maintain program momentum and justify retention of the large field staff. To do this they were more agreeable to making opportunity purchases from

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[12]Memorandum, Assistant Director Robert B. Moore to Regional Director, Northeast Region, Jan. 17, 1969, file L1425, ASIS.

[13]Letter, Moore to Mathias, Feb. 4, 1969, WASO file L1425, WNRC.

willing sellers without close regard for the locations of their tracts. Bert Roberts, on the other hand, was most anxious to stick with the priorities established for acquiring manageable blocks of land and felt that his needs were being subordinated.[14]

"From the management point of view, we have lost control of the Assateague land acquisition program," Roberts wrote Regional Director Lemuel A. Garrison in August 1969. Two months later he repeated his complaints:

> We have no knowledge of why it was determined to set up the 1970 fiscal year funds opposite of how we would have recommended at the field level. We have no knowledge of why, even now, we are continually acquiring land that we do not need and that can only cause us additional management problems. We have no knowledge of why we cannot get on with acquisition of some tracts that are in priorities of 2 years ago. We have no accounting of expenditures against the limitation as related to outstanding obligations in order to intelligently look toward the future.

"Our patchwork pattern of land acquisition becomes more discouraging every day," Roberts wrote Garrison again in January 1970. "It is additionally alarming in that we believe we may be close enough to the statutory limitation that boundary adjustments, deletions from the acquisition plan, and possibly corridor or strip acquisition to provide access and connections may be in order.... For several years now, we at the area have been worried about the emerging ownership pattern, which may be the most unsatisfactory in the Service."[15]

The first Assateague condemnation suit, concerning 122 properties

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[14]Memorandum, Roberts to Associate Regional Director George A. Palmer, May 27, 1969, file L1415, ASIS; memorandum, Roberts to Regional Director, Northeast Region, Aug. 22, 1969, file L1425, ASIS; interview with Roberts, May 21, 1982.

[15]Memorandums, Roberts to Garrison, Aug. 8, 1969, Oct. 6, 1969; Jan. 30, 1970, file L1425, ASIS.

acquired by declarations of taking in 1967-68, came to trial in the U.S. District Court in Baltimore in December 1970. The landowners argued that the 1961-65 Assateague sales prices used by the Government for comparability were artificially low because of the state's efforts to discourage development in response to the seashore proposal. They contended that their lots should have been appraised as if an improved road existed through Ocean Beach Section A, claiming that one would have been built in the normal course of events. The much higher lot sales in North Ocean City, where government had not intervened, were cited as the appropriate basis for compensating Assateague owners. The Government asserted the comparability of the 1961-65 island sales, contending that development would have been discouraged in any event by the 1962 storm and the adverse press publicity following from it. The bridge access did not greatly increase values, it was argued, because island sales during the period took completion of the bridge into account. North Ocean City sales were not truly comparable because of the access and higher elevations there.[16]

On March 25, 1971, Judge Roszel C. Thomsen rendered the court's decision and awards in the form of deficiency judgments (i.e., amounts due the owners beyond the Government's appraised values deposited when the declarations of taking were filed). The court awarded totals of between $2,250 and $8,500 (depending on location) for the unimproved residential lots, which were closer to the Government's valuation of $2,000-6,000

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[16]U.S.A. v. Certain Land in the County of Worcester, State of Md., Assateague Island Reality Corp., et al., Civil Nos. 18283, 18585, 19510, 19884 (consolidated) in the U.S. District Court for the District of Maryland; memorandum, Assistant Chief C. A. Harpine, Division of Land Acquisition, to Chief, Division of Land Acquisition, Feb. 5, 1971, WASO file L1425, WNRC.

than the owners' demands for $8,000-12,000. Less to the Government's liking were the larger deficiencies awarded for certain commercial properties; Dorothy V. Walker, for example, got $49,5000 instead of the Government's valuation of $27,500 for Tract 1-1. In the absence of an appeal by the defendants, however, the Service decided to accept the generally favorable overall judgment rather than subjecting itself to the costs and risks of an appeal.[17]

Following Judge Thomsen's decision, some former lot owners who had parted with their properties at the Government's price wrote to complain that they had been shortchanged. The Service politely responded that those holding out for condemnation subjected themselves to legal fees and the risk of lower judgments, and that there was no recourse for the willing sellers.[18]

Judge Thomsen also provided a formula for compensating lot owners in subsequent condemnation actions based on his $2,250-8,500 judgment in the initial suit. By August 1971, of the $16,250,000 authorized for Assateague land acquisition, only $819,182 remained for the outstanding 2,737 acres. The application of Thomsen's formula to remaining lots and other purchases would result in costs of $3.5 million; additional funds would be needed to cover escalation of values and interest since appraisals and takings. Alternatives to abiding by the formula, including requests for jury trials in the hope of getting lower judgments, were considered

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[17]Letter, Assistant Attorney General Shiro Kashiwa to Interior Solicitor Mitchell Melich, Mar. 30, 1971, WASO file L1425, WNRC; memorandum, Assistant Director Edward A. Hummel to Assistant Solicitor, Branch of Parks, Apr. 6, 1971, WASO file L1425, WNRC.

[18]See, e.g., letter, Assistant Director Edward A. Hummel to Louis G. Norris, Apr. 29, 1971, WASO file L1425, WNRC.

and generally rejected by the Service in consultation with the congressional authorization and appropriations committees (although one jury verdict the following year proved favorable to the Government). More money was obviously needed.[19]

In September and October 1971, following discussions with Interior and Service officials, Senator Alan Bible and Representative Wayne N. Aspinall, chairmen of the Senate and House Interior subcommittees, introduced legislation to raise Assateague's ceiling to $20,650,000.[20] The increase, declared necessary to acquire the remaining lots in Ocean Beach and South Ocean Beach, the Atlantic Ocean Estates subdivision, and private hunting lands, was justified on the grounds of adverse court awards and the higher-than-anticipated costs of the individual hunting clubs. On April 11, 1972, the omnibus bill containing the increased authorization--raised now to $21,150,000--was approved by President Richard M. Nixon.[21]

Yet another ceiling increase was found necessary by October 1974. A proposal for wilderness designation in the southern portion of the Maryland part of Assateague required early acquisition of the Popes Island Gun Club for a total of $526,000; $824,000 was still needed for Atlantic Ocean Estates. In all, the Service sought an additional $1.9 million.

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[19]Status report by Philip O. Stewart, "Assateague Island National Seashore," Aug. 19, 1971, WASO file L1425, WNRC; letters, Assistant Director Lawrence C. Hadley to Rep. Julia B. Hansen, Rep. Roy Taylor, Sen. Alan Bible, Sept. 15, 1971, WASO file L1425, WNRC; letter, Attorney Philip M. Zeidner, Land Acquisition Section, Justice Department, to Interior Solicitor Mitchell Melich, Nov. 16, 1972, WASO file L1425, WNRC.

[20]S. 2601, 92nd Congress, Sept. 28, 1971; H.R. 11339, 92nd Congress, Oct. 19, 1971.

[21]Letter, Assistant Secretary Nathaniel P. Reed, Interior, to Rep. Wayne N. Aspinall, Nov. 10, 1971, in NPS Office of Legislation, Washington, D.C. (hereinafter cited as WASO-170); P.L. 92-272, 86 Stat. 120.

A year later the request had been lowered to $1,350,000. Congress again supported the increase, which was approved October 21, 1976, placing Assateague's final authorization for lands at $22,400,000.[22] The total thus exceeded by 50 percent the amount originally forecast for the national seashore.

Several factors figured in the lower acquisition priority given Atlantic Ocean Estates, Assateague's northern subdivision. It comprised about 3,657 lots, 195 of which had been sold to individuals. The National Park Service did not plan to actively develop the area, and despite John Moton's stated intentions to revive real estate activity there, little threat of private development existed in the absence of land access. Because that end of the island was moving westward, partially or fully submerging many platted oceanfront lots, time was clearly on the Government's side. Thomas B. McCabe, the wealthy and influential owner of the island from ocean to bay north of the state park, let it be known that he was not anxious for the Service to acquire above him so long as he retained occupancy; he foresaw unwanted pressures for public access across his property from such acquisition. Even with willing sellers, widespread condemnation was judged necessary because the shifting of the land precluded many from obtaining title insurance and conveying clear title.[23]

Interior asked the Justice Department to file a condemnation suit for Atlantic Ocean Estates in October 1970, but at NPS request the filing

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[22]Letter, Assistant Secretary Nathaniel P. Reed, Interior, to Sen. Henry M. Jackson, May 9, 1975, WASO-170; P.L. 94-578, 90 Stat. 2732.

[23]Letter, Assistant Director Robert M. Moore to Sen Charles McC. Mathias, Feb. 4, 1969, WASO file L1425, WNRC; interview with Harvey D. Wickware, May 21, 1982; Roberts interview.

was delayed indefinitely. In early 1972 the Service proceeded to offer $100 to lot owners who could show good title while informing Dr. James P. Murphy, Moton's successor as president of Atlantic Ocean Estates, that it would not seek general condemnation because of the area's low acquisition priority and the increased expenses resulting from the court judgment on Ocean Beach.[24] This was unwelcome news to the land company, which was anxious to sell at a court-determined price and railed against the delay.

In March 1971 about 50 owners of lots in the subdivision accompanied Service appraisers to view their lands. Many had purchased sight unseen or had not visited since the 1962 storm. As reported by seashore staff, "Practically all were suprised to find that the northern end of the island had moved so far to the west and that a substantial portion of the Atlantic Ocean Estates area is now in the ocean."[25] Many owners who refused the nominal Government offer because it was lower than their purchase price subsequently lost all prospect of compensation when their lots became totally submerged, especially after a storm in 1974, and title passed to the state. Some facing a losing battle with the Atlantic put up a bold front. One complained to his congresswoman that the Service was offering him only $500 for a lot he had paid $1,750 for in 1957. "This lot is now what would be considered ocean front property," he

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[24]Memorandum, Assistant Director Edward A. Hummel to Associate Solicitor, Parks and Recreation, Nov. 20, 1970, WASO file L1425, WNRC; memorandum, Assistant Director Lawrence C. Hadley to Associate Solicitor, Parks and Recreation, Jan. 11, 1982, WASO file L1425, WNRC; letter, Deputy Associate Director Joseph C. Rumberg, Jr., to Murphy, May 12, 1972, WASO file L1425, WNRC.

[25]Squad Meeting Minutes, Mar. 22, 1971, file A40, ASIS.

wrote, neglecting to mention why: The intervening lots had become inundated and a quarter of his was already below the mean high water line! The Service response called attention to this detail, noted that the Service offer was based on an eight-year-old appraisal when the ocean was still 110 feet distant, and tactfully suggested that the complainant might want to take the $500 rather than undergo a reappraisal based on the current relationship of the waterline to his property.[26]

Acquisition of the 671-acre McCabe tract south of Atlantic Ocean Estates and the other undivided lands on the bay side of the island proved relatively simple, although in most cases the owners of these improved or hunting properties chose to retain rights of use and occupancy as allowed by the authorizing legislation. Thomas B. McCabe, board chairman of the Scott Paper Company in Philadelphia, had a substantial beach house, boathouse, and other improvements on his land. Bert Roberts informed him in March 1966 that the Service would purchase his property in one piece but at a late date, because it posed no threat of adverse development and was not needed for seashore development or use.

The Maryland Department of Forests and Parks, eager to expand its territory on Assateague, contacted McCabe that October about buying 87 of his acres between Assateague State Park and the Sandy Point bridge. McCabe wrote Roberts to alert him to this move, enabling Roberts to invite himself to join Deputy Director William A. Parr of the state agency at a meeting the following month in McCabe's office. There McCabe, unenthusiastic about Maryland's development plans for its land, said he would stand by his

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[26]Letter, Leonard T. Herbert to Rep. Marjorie S. Holt, Nov. 6, 1975, WASO-170; letter, Acting Associate Director Philip O. Stewart to Rep. Marjorie S. Holt, Dec. 5, 1975, WASO-170.

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[26]Letter, Leonard T. Herbert to Rep. Marjorie S. Holt, Nov. 6, 1975, WASO-170; letter, Acting Associate Director Philip O. Stewart to Rep. Marjorie S. Holt, Dec. 5, 1975, WASO-170.

agreement to sell his entire property to the Federal Government.[27]

The state competition led the Service to advance its dealings with McCabe for the tract sought by Parr. "It is my firm belief that the State Department of Forests and Parks believes that ownership of this tract of land is necessary for them to use as a club to prevent the Park Service from overriding them or vetoing plans for their park when the Seashore road is constructed and to guarantee that the State Park can expand north and west in the future and again without National Park Service approval of the type of development," Associate Regional Director George A. Palmer wrote Regional Director Garrison in April 1967 after another meeting with Parr. "...[I]f we have not acquired the land by May 1 the State Park people are positive that they will condemn it. This action could lead to all kinds of trouble...." On April 14 McCabe accepted a Service offer of $65,000 for the 87-acre tract at the island's bridgehead. At that time he balked at taking $1,150,000 for his entire property, which his appraiser, Mac Gardiner, had valued at more than $2 million.[28]

Still concerned about Maryland's designs on McCabe's remaining 584 acres, Roberts in January 1968 urged acquisition of the tract ahead of schedule in fiscal year 1969. The Washington Office, guided by Phil Stewart, opposed this action, stating that the property would not be adversely developed in McCabe's hands, that the Service was committed to buying out the small landowners first, that fiscal 1969 land acquisition

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[27]Letter, Parr to McCabe, Oct. 13, 1966, file L1415, ASIS; letter, McCabe to Roberts, Oct. 26, 1966, file L1415, ASIS; letter, Roberts to McCabe, Nov. 1, 1966, file L1415, ASIS.

[28]Memorandum, Palmer to Regional Director, Northeast Region, Apr.3, 1967, file D18, ASIS; memorandum for the record, John E. Ritchie, Apr. 14, 1967, file L7019, ASIS.

appropriations were unlikely to be adequate, and that the state was legally authorized to purchase the property from either McCabe or the Federal Government in any event.[29]

On November 7, 1969, Roberts finally achieved his objective. McCabe took $1,600,000 for the balance of his property and retained rights of use and occupancy for 10 years. (The proceeds from his 87 acres had gone to Swarthmore College; the $1.6 million he donated to the University of Pennsylvania.)

One of the largest properties south of the state park remaining to be acquired in 1972 was owned by Wyle Maddox, a Chincoteague, Virginia, developer. It consisted of 489 acres, 110 of which were in subdivision lots. Part was within the Pope Bay area then proposed for development by the Service. Joseph W. Fehrer, Assateague's last land acquisition officer, estimated the value of Maddox's property at $369,410 and obtained approval from Phil Stewart to negotiate a sale at up to $370,000. In March 1972 a deal was struck at $400,000 and the purchase was subsequently consummated.[30]

Acquisition in Virginia

Because Chincoteague National Wildlife Refuge covered most of the Virginia portion of Assateague, there was relatively little land acquisition activ-

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[29]Memorandum, Roberts to Regional Director, National Capital Region, Jan. 8, 1968, WASO file L1425, WNRC; memorandum, Assistant Director Edward A. Hummel to Regional Director, National Capital Region, Jan. 17, 1968, WASO file L1425, WNRC.

[30]Memorandum, Fehrer to Chief, Land Acquisition Office. Feb. 2, 1972, WASO file L1425, WNRC; memorandum, Stewart to Chief of Land Acquisition, Northeast Region, Feb. 15, 1972, WASO file L1425, WNRC; memorandum, Assistant Director Lawrence C. Hadley to Assistant Solicitor, Branch of Parks, Mar. 31, 1972, WASO file L1425, WNRC.

ity at the south end of the island. The major transaction involved the interests of the Chincoteague-Assateague Bridge and Beach Authority, on which some background is appropriate.

On March 16, 1955, the town of Chincoteague applied to the Army Corps of Engineers for permission to construct a bridge from Chincoteague Island (site of the town) to Assateague. Permission was granted two months later. Because that end of Assateague was occupied by the Federal refuge, additional Federal authority was necessary to permit the access to and across the island to the ocean beach for recreational purposes, the object sought by the promoters of the venture. Public Law 85-57, approved June 17, 1957, took care of this matter by enabling the Secretary of the Interior to grant to an agency of the State of Virginia easements and rights for construction of a bridge, access road, and public conveniences on the southeastern shore of Assateague Island.[31] The requisite state agency, the Chincoteague-Assateague Bridge and Beach Authority, had already been established by the Virginia Assembly on February 27, 1956. An agreement of April 1, 1959, between the Authority and the Bureau of Sport Fisheries and Wildlife assigned to the Authority the south four miles of the island for 40 years, renewable for two 15-year periods. There on Toms Cove Hook the Authority would provide a restaurant, bathhouses, restrooms, service buildings, a small boat marina, parking lots, picnic facilities, roads, trails, and utilities.[32]

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[31] 71 Stat. 175. Public Law 87-714 of Sept. 28, 1962 (76 Stat. 653), subsequently provided a general authority for recreational use of national wildlife refuges when compatible with their primary purposes.

[32] Memorandum, Resource Management Specialist G. Gordon Bruce, Northeast Region, to Director, Northeast Region, Sept. 3, 1971, file A2623, ASIS; CABBA-BSFW agreement in WASO-170.

The nonprofit Authority floated bonds to finance its development. In 1962 it acquired a four-span steel truss bridge built in 1915 over the Mullica River in New Jersey and reerected it between Chincoteague and Assateague. From the bridge to the head of Toms Cove Hook it built a road, for which the Secretary of the Interior had deeded a 100-foot easement on April 28, 1959. A 100-foot right of way was obtained from private sources for a half-mile road approach to the bridge on the Chincoteague side. By 1964 the Authority had added a concession restaurant, bathhouse, and parking area at the hook. A round-trip toll of $1.25 was charged at the bridge.[33]

On October 17, 1966, in accordance with the Assateague authorizing legislation, the National Park Service acquired all the Authority's interests for some $600,000, the estimated amount of its obligations. Included were the bridge, for which the Service assumed full responsibility, and the road right of way on Chincoteague. The Service had no wish to retain this road; it was outside the national seashore boundary, the lands adjacent were unzoned and subject to commercial development, and it constituted an additional maintenance burden. Accordingly, after delay caused by legal questions of comparability, the Service on April 26, 1972, deeded the access road to Accomack County, Virginia, in belated exchange for the former Popes Island Coast Guard Station property on Assateague. The latter property, an enclave in Chincoteague National Wildlife Refuge just south of the Maryland line, had been deeded by the county to the Service on

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[33]Memorandum, Regional Director Chester L. Brooks, Mid-Atlantic Region, to Associate Director, Administration, Mar. 19, 1976, Resource Preservation Division files, NPS Mid-Atlantic Regional Office; memorandum, G. Gordon Bruce to Director, Northeast Region, Sept. 3, 1971, file A2623, ASIS.

April 20, 1967, upon transfer from the state, which had acquired it following its decommissioning in 1953.[34]

The Assateague Beach Coast Guard Station, on the bay side of Toms Cove Hook, was still in Coast Guard possession when the seashore legislation was enacted, but it had outlived its original purpose. The Service acquired it directly from the Coast Guard in January 1967 "after a somewhat involved skirmish with the Army 10th Corps who wanted it for reserve training purposes."[35]

Thirty-three tracts on the bay side of Assateague in Virginia had escaped acquisition for the national wildlife refuge and were in private hands. Following their scheduled purchase during the 1969 fiscal year, the Service proposed to trade them to the Bureau of Sport Fisheries and Wildlife for refuge lands in Maryland. Such an exchange was still under consideration in early 1980 but has not occurred to date. At that time the Service explicitly excluded from the proposed exchange the Assateague Beach Coast Guard Station, signaling its intention of maintaining a land base--however small--in Virginia.[36]

Completion

By the beginning of 1974 land acquisition at Assateague had advanced

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[34]Memorandum, G. Gordon Bruce to Director, Northeast Region, Sept. 3, 1971, file A2623, ASIS; letter, Associate Director Edward A. Hummel to Paul B. Merritt, June 6, 1969, file A3815, ASIS; letter, B. C. Roberts to George N. McMath, Apr. 27, 1967, file L1425, ASIS.

[35]Memorandum, B. C. Roberts to Director, Feb. 7, 1967, file A2621, ASIS.

[36]Memorandum, Regional Director Russell E. Dickenson, National Capital Region, to Regional Director, Southeast Region, BSFW, May 7, 1968, file A4415, ASIS; Draft Land Acquisition Plan, Assateague Island National Seashore, Feb. 11, 1980, WASO file L1425.

to the point where a special staff at the park for the purpose was no longer necessary. At that time some 3,600 tracts measuring more than 8,300 acres had been purchased for $21 million. The remaining purchases were handled by specialists in the Mid-Atlantic (formerly Northeast) Regional Office in Philadelphia.[37]

As of April 1982 the Service had all but 4.5 acres of the land proposed for acquisition when the seashore was authorized in 1965 (excluding submerged tracts claimed by Maryland). The small outstanding acreage was in 30 individually owned tracts in Atlantic Ocean Estates. A land acquisition plan for Assateague routinely prepared in 1980 declared that the remaining properties would not be acquired by condemnation unless they posed a threat of incompatible development. Development of these lots was most unlikely, because they were not staked or otherwise identifiable on the ground and legal land access existed only along the beach between the mean high and low water lines. This was fortunate for the Service, because all but about $48,000 of Assateague's 22.4 million lands authorization had been obligated by mid-1982.[38]

A private presence remained in the seashore in the form of retained rights of use and occupancy. At the end of 1981 such arrangements were still in effect with 11 former owners of improved or hunting lands. Fifty-five acres in the seashore were subject to residential occupancy, 742 acres

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[37]Superintendent's Annual Report, Jan. 23, 1974, file A2621, ASIS.

[38]Interview with Michael V. Finley, Apr. 21, 1982; memorandum, Willis P. Kriz, Chief, Land Acquisition Division, to Regional Director, Mid-Atlantic Region, June 30, 1980, WASO file L1425; memorandum, John T. Hanson, Acting Chief, Land Acquisition Division, Mid-Atlantic Region, to Chief, Land Acquisition Division, Oct. 27, 1980, WASO file L1425; interview with Bernard C. Fagan, Sept. 13, 1982.

were subject to private hunting use, and a combination of residential and hunting rights encumbered 283 acres. The last retained rights agreement would expire in the year 2002.[39]

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[39]National Park Service, "Draft General Management Plan, Assateague Island National Seashore," September 1981, p. 31.

CHAPTER III

PLANNING FOR ADMINISTRATION, DEVELOPMENT, AND USE, 1966-1976

Although the act authorizing Assateague Island National Seashore was a significant conservation victory, it was widely recognized as a compromise. As with most compromises, none of the parties involved was entirely happy with it. "We felt we had to sell--oversell--economic benefits to the local communities," Stewart L. Udall later confessed, characterizing the connecting road and concessions development requirements as "a trap we built for ourselves to get the legislation enacted."[1] When there is dissatisfaction there tends to be resistance, sometimes to the point where --if circumstances have changed sufficiently--the compromise is discarded for a new beginning. This was what happened with Assateague.

If Secretary Udall had built a trap, he was determined to keep out of it as long as possible. "I think it important...to make it clear to the people on the Virginia end that the actual building of this road has a low priority in our development program," Udall wrote George Hartzog in August 1966. "It is my own feeling that it would be improvident to build a road until a successful dunes stabilization program is well under way. There are other reasons why the road should have a low priority, but it seems to me that the absence of a protective barrier dune is a most compelling argument for the present." The Park Service director in turn pleased Director John S. Gottschalk of the Bureau of Sport Fisheries and Wildlife (BSFW) by confiding that he had no intention of requesting

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[1]Interview with Udall, June 2, 1982.

appropriations for the connecting road from Congress. In this position he was fortunate to have the sympathetic understanding of Representative Julia Butler Hansen, chairman of the House subcommittee on Interior appropriations.[2]

The One-Sheet Master Plan

Despite this intended and actual foot-dragging, the Service nevertheless had to come forth with a master plan for administration, development, and use of Assateague encompassing all the requirements of Public Law 89-195. A planning team headed by Ben Howland began field studies in the spring of 1966; it ultimately included Phil Smith, Gene Smith, and Jesse Grove from BSFW and William Smith and Bertrum C. Roberts from the Park Service.

In response to the concerns of BSFW and others opposing the connecting road through Chincoteague National Wildlife Refuge, early planning consideration was given to running the road across a causeway to the north end of Chincoteague Island. At the insistence of Senator A. Willis Robertson of Virginia, the Senate committee report on the seashore legislation had explicitly opposed such a bypass of the refuge, and Senator Robertson now forcefully reminded Secretary Udall of his position: "In order that I may not be put to the rather unpleasant task of making an issue of this matter with colleagues in both the House and Senate, I would appreciate a letter from you saying that you intend to carry out the Senate plan to give Virginia a direct access to the new Park and not

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[2]Memorandum, Udall to Hartzog, Aug. 31, 1966, file D18, Assateague Island National Seashore headquarters (hereinafter cited as ASIS); interview with Gottschalk, June 2, 1982; interview with Hartzog, June 2, 1982.

waste several million dollars for the construction of a road and bridge that would give Virginia access in name only, merely to humor a few Biologists who are opposed to a public highway through a waterfowl refuge." Robertson and Representative Thomas N. Downing had wanted the road to follow an oceanfront alignment behind the dune line. On June 28 Udall approved a compromise alignment down the bay side of the refuge that appeared to satisfy the Virginians.[3]

It did not take long for the two Interior bureaus to disagree about administrative responsibilites for maintenance of barrier dunes, management of recreation on the refuge beach, and development of support, information, and interpretation facilities in Virginia. Shortly after the Assateague bill was signed, John Gottschalk made clear his intention that BSFW should acquire and manage the recreational holdings of the Chincoteague-Assateague Bridge and Beach Authority with funds transferred to his bureau from the Park Service. Superintendent Bert Roberts, representing Park Service interests at the seashore, felt otherwise. "As I try here to visualize the possibilities of a separate operation of recreation facilities and activities by each Bureau, the inconvenience to the visitor, the duplication, the expense, and the lack of flexibility, the need to work out a division of responsibilities agreement similar to that at Cape Hatteras-Pea Island Refuge seems imperative," he wrote George Hartzog in March 1966. "I believe we should make every effort to convince the Bureau of Sport Fisheries and Wildlife of this...."[4]

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[3]Letter, Robertson to Udall, May 31, 1966, file D18, ASIS; memorandum, Director John S. Gottschalk, BSFW, to Secretary of the Interior, June 17, 1966, signed as approved by Udall June 28, 1966, file D18, ASIS.

[4]Memorandum, Gottschalk to Director, NPS, and Director, Bureau of

Because BSFW was unequipped to take over the functions of the Authority, the Service acquired them that October. Meanwhile Assistant Secretary of the Interior Stanley A. Cain, who had jurisdiction over BSFW and the Park Service, attempted to resolve the differences between them on the planning issues. In a memorandum of September 2, 1966, he recommended that the proposed seashore visitor center in Maryland be operated by the Park Service and give 75 percent of its focus to the seashore as a whole and 25 percent to Chincoteague National Wildlife Refuge; that the proposed visitor center in Virginia be operated by BSFW with reversed percentages of focus; and that the Service undertake all road patrol and supervision of intensive recreation areas.[5]

This compromise did not appeal to George Hartzog, who shared his Assateague superintendent's aversion to a joint recreational and interpretive role with BSFW. Responding to Cain's memorandum, he reminded the assistant secretary of a prior policy of assigning recreation responsibilites to the Service where two or more bureaus were involved, as at Cape Hatteras. He enclosed an advance copy of a task force report revealing wasteful duplication with the U.S. Forest Service at Flaming Gorge National Recreation Area. "This duplication did not result from conflicts between our agencies," he wrote. "On the contrary, we have enjoyed the closest and most cordial of relationships with the Forest Service at Flaming Gorge, just as we have with the Bureau of Sport Fisheries and Wildlife at Cape

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Outdoor Recreation, Oct. 6, 1965, file A4415, ASIS; memorandum, Roberts to Director, NPS, Mar. 29, 1966, file A4415, ASIS; memorandum, Roberts to Regional Director, Northeast Region, NPS, Aug. 2, 1966, file D18, ASIS. (Administrative titles hereinafter may be presumed to identify NPS officials unless otherwise noted.)

[5]Cain to Director, BSFW, and Director, NPS, file A4415, ASIS.

Hatteras, and as I am sure we will at Assateague. The point is simply that bureaucracy has a tendency to duplicate no matter how well intentioned the people involved." He closed by suggesting that Cain might want to reconsider the sharing of recreational responsibilities at Assateague.[6]

As the two bureaus squabbled, the master planning effort bogged down. "We have found that the lack of a master plan is becoming increasingly cumbersome and embarrassing," Superintendent Roberts complained to the chief of the planning office in November. "Can this work be resumed soon?" The planning office chief relayed the plea to the Division of New Area Studies and Master Planning in the Washington Office:

> The park is badly in need of an approved plan not only to guide the overall management and development, but also for public relations with the local communities. We understand that local pressures are building for answers to questions of vital importance to these people and until the plan is approved Mr. Roberts can do nothing but fight an evasive delaying action.... Anything you can do to get the plan off dead center and moving toward approval would be greatly appreciated all around.

The Washington Office response attributed the delay to Assistant Secretary Cain's September 2 memorandum and the Director's efforts toward reconsideration.[7]

Cain made a second attempt to assign administrative functions in a memorandum of March 28, 1967, to the two bureau directors. The Park Service would manage all lands in the national seashore except Assateague State

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[6]Memorandum, Hartzog to Assistant Secretary for Fish and Wildlife and Parks, Dec. 26, 1966, file D18, ASIS.

[7]Memorandum, Roberts to Chief, Office of Resource Planning, Washington Service Center, Nov. 8, 1966, file D18, ASIS; memorandum, Edward S. Peetz, Chief, Office of Resource Planning, WSC, to Chief, Division of New Area Studies and Master Planning, Dec. 30, 1966, file D18, ASIS; memorandum, Raymond L. Freeman, Chief, New Area Studies and Master Planning, to Chief, Office of Resource Planning, WSC, Jan. 10, 1967, file D18, ASIS.

Park and Chincoteague National Wildlife Refuge above Toms Cove Hook, which would remain under BSFW. The Service would thus have sole responsibility for recreation at the hook. The bureaus would jointly operate the temporary visitor contact facility erected by the Service in the traffic circle on Chincoteague Island (where the access road acquired from the Chincoteague-Assateague Authority began), the entrance checking station at the Chincoteague end of the bridge to Assateague, and the visitor center in the wildlife refuge when built. The Service would construct, maintain, and patrol all roads and would be responsible for all dune construction and stabilization on Assateague; construction within the refuge would accord with specifications approved by BSFW. A plan for hunting in the Pope Bay area in Maryland comprising both NPS and BSFW lands would be jointly developed and managed. The bureaus would collaborate on brochures and other publicity.[8]

These instructions did not give the Service all it had hoped for, but they served to revive the planning effort. On June 1 Roberts forwarded to his regional director a large map of Assateague on which the development proposals had been drawn and an explanatory narrative "laboriously ground out by the...master plan team" over a week in May. "We believe that the plan generally follows the guidelines established by Assistant Secretary Cain's memorandum of March 28, 1967," he wrote. "A great deal of time was spent in knit picking words and ironing out interpretations of Secretary Cain's memo. The Bureau people obviously had instructions to take the tightest possible view; and even as the document is, they felt like they would receive criticism from their Regional Office for some

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[8]Cain to Director, BSFW, and Director, NPS, file A4415, ASIS.

of the items therein.... Our deliberations went to the detail of what letterhead to use."[9]

The "one-sheet master plan," as it came to be called, centered development (outside Assateague State Park) at North Beach, Fox Level, and Pope Bay in Maryland and Toms Cove in Virginia. The connecting road was shown in the alignment approved by Secretary Udall the preceding year. Motels, restaurants, trailer spaces, fishing piers, related recreational facilities, and parking for a total of 6,000 cars were indicated for North Beach and Toms Cove. Another 7,500 cars could be accommodated at Fox Level and Pope Bay, where snack bars and other concessions were planned. There would be 500 campsites at Fox Level and a boaters' campground on the bay side near North Beach. Two public waterfowl hunting areas were shown on the bay side of the Fox Level and Pope Bay areas. Beach buggy use zones were designated on the beach. The planners estimated the total development to cost $48,651,000, including about $4 million in private investment for concessions.

Two proposals for unconventional access to Assateague were rejected during the plan's formulation. The Fox Level area of the island had long been used for light aircraft landings, and the planning team, upon Bert Roberts' encouragement, originally included this use. A designated landing strip was deleted from the plan at the request of NPS Associate Director Howard W. Baker, who doubted the need for it. (Despite the issuance of warning citations to pilots, unauthorized landings continued, and Roberts continued to believe the practice "compatible with the intent

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[9]Memorandum, Roberts to Regional Director, Northeast Region, June 1, 1967, file D18, ASIS.

of this recreation area.")[10] Also discarded was the idea of a public transportation system in lieu of private automobile access to Assateague. "We reduced such a plan to feasibility and costs and found it to be out of the possible, not only because of congressional limitations, but because it was contrary to several of the explicit sections of the legislation," Roberts later explained. "These factors, combined with a very strong indication that visitors seeking barrier island recreation would not use a mass transportation system, led us to abandon this plan."[11]

The one-sheet master plan, bearing the date September 5, 1967, was approved by representatives of both Interior bureau directors in Washington September 19. It could not be circulated generally until its review by the interested committees and members of Congress. Roberts chafed at the further delay in bringing this about: "We have been making excuses to the press, to interested groups, to the public, and to the various governmental bodies as to why our master plan cannot be made public." In January 1968 Secretary Udall signed off on a memorandum from the two bureau directors approving submission of the plan to Congress "within the next month." The submission eventually occurred on June 4 at an open meeting of the Subcommittee on Parks and Recreation of the House Interior and Insular Affairs Committee, at which members of the Maryland and Virginia delegations were present or represented. There was no dissenting discussion, enabling Service officials to refer subsequently to the

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[10]Memorandum, Roberts to Regional Director, Northeast Region, May 12, 1969, file D18, ASIS.

[11]Letter, Roberts to Anthony Higgins, Dec. 17, 1968, file D18, ASIS.

plan as having received congressional approval.[12]

The Opposition Organizes

There was dissent aplenty in other quarters, particularly among those environmentalist and conservation groups who had opposed the development mandates in the seashore authorizing legislation. Representing this sentiment, the National Parks Association commissioned Jonas V. Morris of Morris Associates, Washington, D.C., to prepare a counter-plan. "Assateague Island, Maryland and Virginia: A Recreation Plan for a National Seashore and its Surrounding Region" appeared in December 1968 and was widely circulated. The Morris plan called for only a stabilized sand road on the island with visitors to be transported there by buses alone. The concession accommodations were limited to campsite and primitive lodge-type facilities. The absence of automobiles rendered parking facilities unnecessary.

The sponsors of the Morris plan did not hesitate to attack the National Park Service for proposing to despoil Assateague, frequently failing to note the legal requirements dictating the bureau's course. The attacks rankled Bert Roberts, who found them unfair and the attackers' counter-proposals infeasible and unrealistic. "Labeling us as 'precise and deliberate' despoilers is a little much," he responded to Anthony Wayne Smith, president and general counsel of the National Parks Association. "...[I]f everything in the master plan is built in future years at this recreation

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[12]Memorandum, Roberts to Regional Director, National Capital Region, Dec. 7, 1967, file D18, ASIS; memorandum, Acting Director Howard W. Baker, NPS, and Director John S. Gottschalk, BSFW, to Secretary of the Interior, Jan. 18, 1968 (Udall's signature Jan. 24), file D18, ASIS; memorandum, Roberts to Regional Director, Northeast Region, Jan. 30, 1970, file D18, ASIS.

area--and you know we do not want or expect this to happen--it will involve a very small percentage of the land...." To a fellow seashore superintendent he wrote, "With respect to Assateague, the [Morris] report contains many errors and assumptions and generally ignores the key planning mandates of the legislation. However, it will probably excite certain groups and bring in some dues and memberships, which might be the name of the game!"[13]

The one-sheet plan was a "conceptual plan" requiring detailed elaboration of its proposals before they could be implemented. Service planners were continuing with this effort in late 1968 and early 1969. Responding to the flood of critical public comment generated by the National Parks Association and the Morris plan, the Service issued a form statement on its course of action in March:

> This Service is currently preparing a detailed master plan for this national seashore in accordance with the Act of Congress that authorizes the area. The master plan will be based on a conceptual plan concurred in by the Director of the National Park Service and the Bureau of Sport Fisheries and Wildlife and reviewed with the Maryland and Virginia congressional delegations.... It is expected that the master plan will be completed and available for public inspection during the summer of 1969.[14]

Senator Joseph D. Tydings of Maryland, among the sponsors of the 1965 Senate bill on Assateague, had not opposed its enactment with the development mandates and raised no objection to the resulting Service plan at the congressional presentation in June 1968. But in May 1969, with a vocal segment of the public protesting, he expressed his indignation to the new

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[13]Letter, Roberts to Smith, Mar. 13, 1969, file A22, ASIS; memorandum, Roberts to Superintendent, Padre Island National Seashore, Feb. 12, 1969, file A22, ASIS.

[14]"Master Plan for Assateague Island National Seashore," March 1969, file A22, ASIS.

Secretary of the Interior, Walter J. Hickel:

> I am shocked to learn that the National Park Service has drafted a master plan that includes provision for two 100 room motels with restaurants; a 32 foot wide road; hard surface parking for 14,000 cars and dozens of carry out food shops.... This is a gross misinterpretation of the intent of Congress and the act that created this National Seashore. The purpose was to preserve this unique area, not to turn it into just another seashore resort, which is what the reported plan would do.... I feel that visitor accommodations should be placed on the mainland and hard surfaced roads and parking facilities be kept to a minimum so that visitors can enjoy the wildlife and the natural beauty of this rare primitive area.[15]

Tydings requested a meeting to review the master plan and was informed of one already scheduled for this purpose on June 18 with Anthony Wayne Smith and other conservation group representatives. The conservationists met separately with George Hartzog and NPS officials and John Gottschalk and BSFW staff. Hartzog held firm, telling the delegation that the plan had been dictated by the Assateague legislation and accepted by Congress, and that there could be no reconsideration or revision without a change in the law. He refused their request to halt construction of a sewage treatment facility at North Beach, stating that it was needed to correct sanitation problems from existing visitor use.[16]

Director Gottschalk, reflecting his bureau's lesser commitment to the master plan (and the national seashore generally), told the group he felt the time was right for a review of the plan and for new legislation. BSFW should have full control in Virginia and develop only day-

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[15]Letter, Tydings to Hickel, May 9, 1969, in NPS Washington Office file L1425, Washington National Records Center, Suitland, Md. (hereinafter cited as WASO file_____, WNRC).

[16]Letter, Associate Director Edward A. Hummel to Tydings, June 17, 1969, WASO file L1425, WNRC; memorandum, Acting Director Harthon L. Bill to Secretary of the Interior, July 9, 1969, in NPS Office of Legislation, Washington, D.C. (hereinafter cited as WASO-170).

use facilities at Toms Cove, he said, making no effort to conceal his breach with the Park Service. The group met last with Deputy Assistant Secretary Charles Carothers, who spoke candidly but in basic support of the Service's public position: "I am fully aware of the hard fight against the road. This Department and you were allies in it. Now Congress has worked its will and unless Congress changes its mind, we are committed to the road. We think we have found a route that does the least damage to the wildlife and natural values and still meets our requirements in the Act."[17]

The conservationist assault, calling into question as it did the Service's commitment to conservation, if anything increased Bert Roberts' emotional commitment to the plan he had worked so hard to hammer out. To offset the opposition he lobbied for local support, obtaining the Delmarva Advisory Council's endorsement of the plan on June 30. The National Parks Association and its associates simultaneously continued their efforts to obtain congressional support and action, enlisting Representative John P. Saylor, another sponsor of the Assateague legislation, in their cause. On July 22 he attempted to amend a pending Interior appropriations bill to prohibit any funding for the connecting road (although the bill contained no such funding). Representative Downing, reminding his colleagues that the road was integral to the compromise forged for the seashore, opposed the amendment and succeeded in defeating it.[18]

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[17]Memorandum, Acting Assistant Director Stanley C. Joseph to Director, June 24, 1969, file A4415, ASIS; memorandum, Acting Director Harthon L. Bill to Secretary of the Interior, July 9, 1969, WASO-170.

[18]Letter, W. Darlington Denit, DAC, to Roberts, June 30, 1969, file D18, ASIS; Mary Corddry, "Assateague Plan Backed," The Sun, Baltimore, July 4, 1969, clipping in file D18, ASIS; 115 Congressional Record 26322.

Despite George Hartzog's public stance before the conservation groups, he was no more eager to implement the legislated development provisions than he ever had been. Following the June 18 meeting he declared that the Service would seek no appropriations for the connecting road or island development, other than day-use facilities near the two bridges, for a five-year period, during which time the Service would continue to encourage visitor services by private enterprise off the island. The National Environmental Policy Act enacted January 1, 1970, which would require consideration of alternatives and the preparation of a complicated environmental impact statement before the Service could undertake major development, became another excuse for delay. Around the same time, scientific studies were underway that called increasingly into question man's ability to stabilize dynamic barrier islands like Assateague for any permanent development.[19]

Support for major Assateague development still existed, but it was dwindling. Senator A. Willis Robertson, the most vociferous advocate of the connecting road and concession accommodations in Virginia, had been defeated in a primary election in 1966. By 1970 private visitor services in Chincoteague had so expanded that the local chamber of commerce sought assurance from Interior that competing concessions would not be estab-

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[19]National Park Service, "Statement for Management and Planning, Assateague Island National Seashore," 1972, p. 2; Thomas F. Norris, Jr., in minutes, Nov. 5, 1971, meeting of Joint Executive-Legislative Committee on Assateague Island, in "Supplement, Report to the Governor by the Joint Executive-Legislative Committee on Assateague Island," March 1972, copy in Interpretation and Visitor Services Division file, NPS Mid-Atlantic Regional Office, Philadelphia, Pa.; Paul J. Godfrey, "A Report on the Status of National Seashores on the U.S. East Coast as of Summer 1970," prepared for the Chief Scientist, National Park Service, copy in Resource Preservation Division files, NPS Mid-Atlantic Regional Office.

lished at Toms Cove. It was assured that Park Service policy opposed in-park development as long as public needs were being met outside. The road proposal also encountered local opposition from businesses who feared it would siphon tourists off to the north. Learning of these shifts in his constituents' sentiments, Representative Downing dropped his defense of the road.[20]

By the fall of 1971 George Hartzog had abandoned all pretense of support for the master plan's major development proposals. Citing the difficulty of justifying the connecting road with the required environmental impact statement, he told the press, "I think that with this kind of development we literally destroy that which we set out to save." Bert Roberts' successor as seashore superintendent, Thomas F. Norris, Jr., and J. C. Appel, manager of Chincoteague National Wildlife Refuge, drafted and circulated an environmental statement proposing greatly scaled down development and visitor capacity limits for the Toms Cove area.[21] That the Service could now publicly disown Assateague's legal mandates testified to the success of its leadership's delaying tactics in the face of external events and to the virtual collapse of the pro-development forces.

The overt Federal shift in direction was particularly gratifying to the Committee to Preserve Assateague, an umbrella organization of conservation groups and individuals formed in 1970 to carry on the fight begun

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[20]Letter, Donald J. Leonard to Assistant Secretary Leslie A. Glasgow, Jan. 27, 1970, file D30, ASIS; interview with Thomas F. Norris, Jr., May 24, 1982.

[21]"Assateague Land-Buying Funds Urged," The Sun, Baltimore, Nov. 13, 1971, ASIS clipping file; "Draft Statement of Environmental Impact for Proposed Development of Toms Cove Area," September 1971, copy in file D18, ASIS.

by the National Parks Association. Judith Colt Johnson of Towson, Maryland, a woman of exceptional persuasiveness and persistence, assumed the chairmanship of the group, which characterized itself as a successor to the original Citizens Committee for the Preservation of Assateague Island. Among its first undertakings was to promote a state investigation of the future of Assateague State Park and the extensive development plans for that area.[22]

Maryland Gets Involved

In response to this organized public interest and upon the formal request of the president of the Maryland Senate and the speaker of the House of Delegates, Governor Marvin Mandel on August 12, 1971, appointed a Joint Executive-Legislative Committee on Assateague Island "to review all aspects of the ownership, development, and utilization of Assateague Island and to make recommendations as to the proper course to be taken by the State of Maryland." The advisability of transferring the state park to the Federal Government was to receive particular attention.[23]

The committee reported to Governor Mandel in March 1972 after a series of meetings at which concerned Federal and state officials and private citizens offered their views. As strongly advocated by James B. Coulter, secretary of the Maryland Department of Forests and Parks, the report supported retention of the state's only seashore park. But it

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[22]Judith C. Johnson testimony in U.S., Congress, Senate, Committee on Interior and Insular Affairs, Assateague Island National Seashore Amendments... Hearing on S. 82 et al., 94th Congress, 1st Session, May 12, 1975 (hereinafter cited as Senate Hearing, 1975).

[23]Letter, Mandel to Secretary of State Planning Vladimir A. Wahbe, Aug. 12, 1971, in "Supplement, Report to the Governor by the Joint Executive-Legislative Committee."

recommended severe curtailment of the development proposed therein, advising that individual campsites be limited to 350 units rather than the planned 500 and that other facilities be minimized and directed to day use. It further recommended that the Federal Assateague legislation be amended to delete the mandates for the connecting road and concession accommodations, and that Maryland join with the Federal Government in a new seashore master plan respecting the ecological sensitivity of the island and bay. The conservation interests were clearly in the ascendancy; the only dissenting committee member was Delegate Russell O. Hickman of Worcester County, who filed a minority report opposing repeal of the development requirements.[24]

In a letter of April 7 to Rogers C. B. Morton, now Secretary of the Interior, Governor Mandel endorsed the recommendations of the Joint Executive-Legislative Committee. Secretary Morton responded the following month, suggesting that the time had come for a review of the Assateague legislation with Maryland and Virginia officials. In September, Secretary of State Planning Vladimir A. Wahbe, who had chaired the Joint Executive-Legislative Committee, told the Environmental Matters Committee of the Maryland House of Delegates that his committee's report had been favorably received by representatives of both state governments and the Interior Department. The legislature approved a resolution in May 1973 commending the committee and urging the Governor to work toward implementing its recommendations.[25] These events and expressions of opinion

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[24]"Report to the Governor by the Joint Executive-Legislative Committee on Assateague Island," March 1972, copy in file D18, ASIS.

[25]House Joint Resolution 15, May 24, 1973, reproduced in National Park Service, "Preferred Planning Alternative for Assateague Island Com-

followed closely upon a well orchestrated and highly productive letter-writing campaign by the Committee to Preserve Assateague and sympathetic organizations.

Worcester County, as represented by Delegate Hickman, was the last holdout for major development on Assateague. In January 1974, however, the attorney general of Maryland advised that state law would not authorize real property taxation of the concession accommodations the county had fought to prescribe on the island, so that county assessments would be limited to the personal property associated with the concessions. "In balancing the minimal losses of revenue derived from personal property tax against the preservation of non-commercial natural environment of Assateague Island, together with supportive commercial enterprises on the mainland in Worcester County, I can only find that the scale weighs heavily for the latter alternative," Secretary Coulter wrote the county commissioners.[26]

Congress Has a Better Idea

And so it came to pass that on April 4, 1974, new legislation was introduced by Senators Charles McC. Mathias, Jr., and J. Glenn Beall, Jr., of Maryland, Representative Robert E. Bauman of Maryland, and Representative Downing of Virginia to repeal sections 7 and 9 (mandating the concessions developments and the road respectively) of Public Law 89-195,

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prehensive Plan," August 1979, copy in NPS Office of Park Planning and Environmental Quality, Washington, D.C.

[26]Letter, Coulter to Ray Redden, President, Worcester County Commissioners, Jan. 28, 1974, WASO-170.

the seashore authorization.[27] These bills died in the 93rd Congress but were reintroduced the following year as S. 82 (Mathias-Beall), H.R. 241 (Downing), and H.R. 7407 (Bauman).[28] The Marylanders' bills additionally authorized Federal compensation to Worcester County for taxes lost from the repeal of Section 7. Representative Downing's bill included authority for the Secretary of the Interior to undertake "a comprehensive plan for the lands and waters adjacent or related to the seashore" and to provide a public transportation system for visitors to the Virginia portion. It further directed that "Notwithstanding any other provision of law, no Federal loan, grant, license, or other form of assistance for any project which, in the opinion of the Secretary, would significantly affect the administration, use, and environmental quality of the seashore shall be made, issued, or approved by the head of any Federal agency without the concurrence of the Secretary unless such project is consistent with the plan developed pursuant to this section."

Assistant Secretary Nathaniel P. Reed supported the thrust of the Senate bill in a May 9, 1975, letter to the Senate Interior Committee that characterized Assateague and similar barrier islands as "mobile resources." "Contrary to the belief of many," he wrote, "these islands are not being washed away but rather are moving landward by the very forces which were fundamental in their origin, namely wind and water. It would be folly to attempt to halt their migration. Consequently, the construction of permanent facilities which parallel the shoreline...would

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[27] S. 3302 (Mathias-Beall), H.R. 13975 (Downing), H.R. 14005 (Bauman), 93rd Congress, 2d Session.

[28] S. 82, Jan. 15, 1975, H.R. 241, Jan. 14, 1975, H.R. 7407, May 22, 1975, 94th Congress, 1st Session.

not be in the interest of sound resource management for the national seashore." He recommended a substitute for S. 82 that included its repeal provisions but deleted its specific reimbursement authorization for Worcester County; instead, a comprehensive plan would explore the development of taxable services on the mainland. The Interior substitute also contained the secretarial concurrence provision in the Downing bill and the final $1,350,000 increase in Assateague's land authorization ceiling.[29]

Three days later the Interior Committee's Subcommittee on Parks and Recreation held its hearing on the Assateague proposal. Senator Mathias testified on behalf of S. 82, noting that without repeal of section 7 and provision for reimbursement of the county, "environmentally destructive development could occur with no tax revenues raised to compensate." Of the road mandate in section 9 he said, "Here again is an idea which has not stood the test of time. I have heard Assateague described as 'a barren place, swept by wind and sun, its solitude broken only by the shrill cry of wheeling gulls and the metronome boom of the surf.' This is hardly the sort of resource that can stand the intrusion of a public road."[30]

Conservation group witnesses strongly backed the repeal provisions but generally sided with Interior against compensation for Worcester County. "In our opinion," a Wilderness Society spokesman testified, "this section could set a thoroughly undesirable precedent by giving legal respectability to the idea that a public body or private person may file claim

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[29]Letter, Reed to Sen. Henry M. Jackson, WASO-170.

[30]Senate Hearing, 1975, pp. 28-29.

against the Federal Government for loss of potential benefits which it envisions might accrue to it in consequence of certain plans which the Government may have had at one time." T. Destry Jarvis of the National Parks and Conservation Association (formerly National Parks Association), and vice chairman of the Committee to Preserve Assateague, suggested that with the possibility of competition from island concessions removed, the development of taxpaying visitor facilities off the island would be sufficiently stimulated. Judith Johnson urged that in addition to repealing its development mandates, the Congress amend the 1965 law's language proclaiming the recreational emphasis of the seashore.[31]

On June 2 the Senate committee reported S. 82 amended in accordance with the Interior substitute. The reported bill passed the full Senate two days later and was referred to the House.[32]

There matters moved more slowly. Representative Bauman, now speaking for Worcester County in Congress, expressed several concerns in a September meeting with NPS Legislation Division personnel. He wanted the comprehensive plan in the Senate-passed bill referred to the congressional committees before implementation, as his bill provided. James M. Lambe, the division chief, said the Service would have no objection. Bauman wanted the proposed designation of a wilderness area at Assateague deferred until the plan was completed; Lambe responded that the matter was in the hands of Congress and that the Service would not oppose deferral. Bauman was also reluctant to accept the provision requiring

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[31] Ibid., pp. 113, 118-19, 134-35.

[32] Senate Report 94-163, 94th Congress, 1st Session, June 2, 1975; 121 Congressional Record 16939.

Interior concurrence in other Federal agency actions affecting Assateague, which could hold up coastal zone management programs, use of the outer continental shelf, inland waterway development, local planning and zoning affected by federally funded sewage treatment projects, and expansion of the Ocean City airport.[33]

The House Interior Subcommittee on Parks and Recreation heard testimony on the Assateague bills on February 20, 1976. Park Service Director Gary Everhardt recommended that the Downing bill be amended to conform to the Senate-passed bill, which included the increased land acquisition ceiling. Representative Bauman appeared on behalf of his bill, arguing for its requirement that the comprehensive seashore plan specifically consider compensation for Worcester County: "I am not under an illusion what [Interior's] recommendation will be, but it will at least force them to address what was promised to the people of the area." He denounced the broad concurrence empowerment in the Downing and Senate bills: "I can see the Secretary possibly vetoing the inland waterway which the Corps of Engineers is working on right nearby, a dredging project at the Ocean City inlet, and so forth." Mark O. Pilchard, president of the Worcester County Commissioners, spoke against all bills because none guaranteed compensation for lost tax revenues. Representative Roy A. Taylor, the subcommittee chairman, was unsympathetic to the county position, stating his belief that the establishment of national parklands customarily stimulated sufficient adjacent development to more than offset revenue losses from the Federal land acquisition. Other committee members noted that Worcester County already had Ocean City for a tax base, and that the

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[33]Memorandum, Lambe to files, Sept. 10, 1975, WASO-170.

county had failed to control its unaesthetic aspects.[34]

The consensus of the House committee was incorporated in a new bill, H.R. 13713, introduced May 11 by Representative Taylor with the cosponsorship of Representative Bauman and others. Reported by the committee four days later, it provided for repeal of sections 7 and 9 and a comprehensive plan to be submitted to the congressional committees within two years including recommendations for compensation to Worcester County. Instead of requiring Interior concurrence in other agencies' undertakings, it would allow such actions to proceed after "consultation with the Secretary and full consideration of his views." H.R. 13713 passed the House on June 8, whereupon it went to the Senate and its Interior committee.[35]

The Park Service recommended that the Interior Department express no objection to Senate passage of H.R. 13713 in lieu of S. 82. Foreseeing that other agencies would appeal to the President and Congress if the concurrence requirement were retained and the Secretary vetoed their projects, the Service had come to believe that "the provision in H.R. 13713 for consultation will afford adequate consideration of the Department's concerns regarding the undertaking of any such project, and thus avoid the difficulties of appeals." The Department, however, advised the Senate committee to restore the S. 82 language. It did so, and on August 26 the Senate passed the omnibus H.R. 13713 with the Assateague provisions it

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[34]Unpublished transcript of Parks and Recreation Subcommittee hearing, Feb. 20, 1976, WASO-170.

[35]House Report 94-1162, 94th Congress, 2d Session, May 18, 1976; Congressional Record, June 8, 1976, pp. H5427-28.

had orginally voted.[36]

The possibility of an impasse resulting in no Assateague legislation was broken only in the closing days of the session as Congress hastened to adjourn for the fall election campaign. On September 29 the House concurred in the Senate amendments to H.R. 13713 but with additional amendments, most notably returning from "concurrence" to "consultation" with a specified 30-day period for the Secretary to comment on other Federal actions. It did not restore the language addressing possible compensation for Worcester County, and Representative Bauman, an expert parliamentarian adept at delaying the legislative process when it suited his purposes, expressed his displeasure. Judith Johnson of the Committee to Preserve Assateague lobbied diligently to reconcile the differences. Finally on the last day of the 94th Congress, both houses agreed to and passed the bill as last amended by the House. It received the President's approval October 21.[37] (The Assateague provisions of the act are reproduced in full in the appendix.)

Thus it was that 11 years and one month after Assateague Island National Seashore was legally inaugurated, its planning and development mandates were so fundamentally transformed as to render it "born again." The change of direction long accepted in practice had become a matter of

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[36]Memorandum, Acting Assistant Director Eldon G. Reyer to Legislative Counsel, July 15, 1976, WASO-170; letter, Assistant Secretary John Kyl to Sen. Henry M. Jackson, July 23, 1976, WASO-170; Senate Report 94-1158, 94th Congress, 2d Session, Aug. 20, 1976; Congressional Record, Aug. 26, 1976, p. S14653.

[37]Congressional Record, Sept. 29, 1976, p. H11673, Oct. 1, 1976, pp. H11985, S17733-36; memorandum (re Johnson role), Thomas F. Norris, Jr., to Superintendent, Everglades National Park, Jan. 19, 1978, file D1817, NCTI; Norris interview.

law, and the law now required the charting of a new course for the seashore. The story of the new planning effort, completed only as this is being written, will be told in the final chapter.

CHAPTER IV

GETTING ALONG WITH MARYLAND: ASSATEAGUE STATE PARK

Retention of Assateague State Park under the Maryland Department of Forests and Parks was another of the compromises Secretary Stewart L. Udall and his Interior officials made to win support for the national seashore legislation. "I wish to make it clear for the record that it has been our thought, and still is, that the State of Maryland would continue to acquire and ultimately manage and develop a State park on the northern nine miles of the Island," he wrote Governor J. Millard Tawes in May 1963. "There apparently has been some misunderstanding about this...."[1]

In truth, the state and especially its park officials did not entirely trust Secretary Udall's denial of Federal designs on their territory. They had good reason not to. The barely concealed efforts of Interior and the National Park Service to take over the state park once the seashore was authorized were exceeded only by the state's efforts to hold on to it. With such opposing objectives, the relationship between the parties was inevitably conflict-ridden.

A master plan prepared for Assateague State Park in 1964 by the J. E. Greiner Company of Baltimore called for major development on Maryland's 688 acres. Included were an administration building, restaurant, bathhouses, harbormaster building, paddock, general store, marina, boatel,

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[1]Letter, Udall to Tawes, May 2, 1963, William E. Green Papers, Assateague Island National Seashore headquarters (hereinafter cited as ASIS).

camping areas, two employee residences, and a barracks for seasonal staff. Extensive hydraulic dredging from the bay would build up a protective dune and elevate the areas to be developed. The total cost of implementing the plan was estimated at $7,400,000.[2]

The National Park Service, not then as averse to intensive island development as it would later become, was nevertheless unenthusiastic about the level of construction planned by the state. It was no more pleased with the "temporary" facilities erected for the state park's opening in June 1966, which did not follow the master plan and were not compatible with Service standards. That August, after the first of his many visits to the national seashore following its authorization and discussions there with Superintendent Bertrum C. Roberts, Secretary Udall recorded his views and advice in a telling memorandum to NPS Director George B. Hartzog, Jr.:

> It is clear already that the type of development and management envisioned by the Maryland State people at their state park will create great confusion when contrasted with the traditional National Park standards and management principles. At the time of the Assateague fight we chose to go along with Maryland's plans for the state park, largely for the reason that this might have enlarged the area of controversy at a critical juncture. It now seems to me that we are in a position to reconsider this decision, particularly in light of the fact that a new Maryland administration will take office in a few months. In order to preserve as much leverage as possible, I suggest that we drag our feet and not pay Maryland the money authorized for their bridge before we make a fresh effort early next year with the new Governor and his Director of Parks to consider transferring jurisdiction over the State Park to the National Seashore.[3]

Bert Roberts, who came to enjoy an unusually close relationship with

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[2]"Master Development Plan Report, Assateague Island State Park, Worcester County, Maryland," copy in Department of the Interior Library.

[3]Memorandum, Udall to Hartzog, Aug. 31, 1966, file D18, ASIS.

the Secretary, was in full accord with Udall's opinion of the state's development on Assateague and his objective of acquiring its park. "The area east of the Sandy Point Bridge is taking on the appearance of a poorly planned development with temporary buildings, leveled dunes areas, maintenance yards and perhaps over-development," he wrote in February 1967. That August he reported further to Director Hartzog on the state's activities and his opposing efforts:

> Based on their successful [1966] summer the State proceeded to level out large dunes areas within the State park for camping and proceeded with planning for an unsightly water tower, septic systems, etc. We quietly sponsored public and press reaction to attempting to develop too rapidly without firm master planning. During this period the State furnished us with no information as to their development and on inquiry shuffled and doubletalked our questions.... Since September 1966 we have been, at this level, devoting our efforts to pointing up through all of our contacts the various drawbacks of two separate administrations of Assateague Island.[4]

Roberts' efforts went beyond talk. "About 2 months ago," he continued, "subsequent to an announcement of the location of a new road and bridge to Ocean City, we participated, with the Delmarva Advisory Council and several other groups who are favorable to our management of all of Assateague Island, in the planting of an idea for an 'in lieu of' State park in this area." The "front man" for this scheme was Ocean City realtor Jack Calvin P. Pruitt, who publicly proposed that the state acquire 3,000 available acres across the bay from Ocean City (subsequently developed as Ocean Pines) for a summer home for the Baltimore Symphony. Money for the new park would come from Federal payment for the state's improvements on Assateague. "This idea seems to be receiving support

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[4]Roberts, "Assateague Island National Seashore (A Brief Plan for the Maryland Section)," Feb. 16, 1967, file D18, ASIS; memorandum, Roberts to Director, Aug. 24, 1967, file L70, ASIS.

and may very well be the major carrying device toward our goal with respect to Assateague State Park," Roberts reported. "...[W]e should now parley our position into at least an agreement for a moratorium on development of Assateague State Park pending a way for the State to move out in exchange for the value of the improvements."[5]

Because Interior and the Park Service were publicly committed to the state park remaining on Assateague, Roberts attempted to keep his role in such contrary maneuvers secret. "Public statements as to a consolidation have always come externally," he wrote later to Representative Rogers C. B. Morton's office after the alternate park scheme had collapsed and a new merger plan had arisen. "...[S]ome time ago there was a similar flurry of activity initiated by local real estate agent Jack Pruitt. That went so far as Mr. Pruitt, the Executive Director of Delmarva Advisory Council, Senator Nock, and Delegate Hickman calling at my office to attempt to involve us.... There was much news comment about that particular plan all initiated by Mr. Pruitt."[6]

State park officials labored under few illusions as to the Service's objectives, however. Under the circumstances, it was hardly surprising that they exhibited a reluctance to share their development plans or shape them to Federal preferences, a competitive approach to acquiring the McCabe property (Chapter II), and general uncooperativeness.

On February 28, 1967, Representative Morton convened a meeting of both sides in his office. There he made known his sympathy for the state

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[5]Memorandum, Roberts to Director, Aug. 24, 1967, file L70, ASIS; H.-Joost Polak, "Park Unit Begins Exchange Study," The Sun, Baltimore, Aug. 17, 1967, p. A10.

[6]Letter, Roberts to William O. Mills, Oct. 24, 1969, file L7019, ASIS.

agency's desire to retain a piece of Maryland's seashore as a major revenue producer for its park system and his dissatisfaction with the competitiveness that had developed between the agencies. Director Spencer P. Ellis of the Maryland Department of Forests and Parks pledged future cooperation in planning and development, and he and NPS Regional Director Lemuel A. Garrison agreed on joint operation of the Service's mainland visitor information station so that the public would perceive a single headquarters.[7]

Despite the state's pledges of cooperation and the Service's disclaimers of acquisitive intent at the meeting, relations hardly improved. As related, the Service continued working clandestinely toward its ultimate objective. Two meetings in Spencer Ellis's office for coordinating planning, in March and May, "were from strained to hostile," in Roberts' words. The Service submitted its plans but received nothing from the state. A major difficulty was the Service's need for a road from the bridge south through the state park to its territory at North Beach; it would have to traverse land desired by the state for its development or run so close to the bayside marsh as to have adverse ecological effects.[8]

Roberts met with Superintendent C. Richard Rohm of Assateague State Park and their respective staffs in June to plan the joint information station operation. That summer the state park assigned a uniformed employee to the Service's facility. The arrangement was not entirely success-

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[7]Memorandum, Roberts to Regional Director, Northeast Region, Mar. 6, 1967, file A44, ASIS; memorandum, Roberts to Director, Aug. 24, 1967, file L70, ASIS.

[8]Memorandum, Roberts to Director, Aug. 24, 1967, file L70, ASIS; memorandum, Associate Regional Director George A. Palmer to Regional Director, Northeast Region, Apr. 6, 1967, file D18, ASIS.

ful. In a later communication to Roberts, Rohm made reference to "loose talk and criticism passed on to visitors by both my people and yours" over the summer, and he declined to renew joint staffing in 1968. They did agree to hold a joint personnel orientation session on respective operating policies to forestall future "derogatory remarks" by employees to visitors.[9]

In an effort to build and maintain public and political support for the state park, the Maryland Department of Forests and Parks allocated major resources to the provision of visitor facilites there as quickly as possible. This rankled Roberts, who was still struggling to acquire the land base for future Federal facilities. To Regional Director Garrison he wrote of his frustration at having been upstaged by the state over the busy 1967 Memorial Day weekend:

> Many of these visitors arrived at Assateague expecting a National Park Service operation. Many of them left unhappy because we had nothng to offer. It is our judgment that given a choice of our facilities and operation compared to the State's by far the larger number of campers and day-use visitors would use the national seashore. We cannot lose sight of this in our development scheduling, and it seems to me that in one of our future discussions with the State we must point this out. Otherwise they take the view that they are meeting the camping and day-use need, and therefore we do not need to be concerned with providing for same.[10]

Roberts' frustration was again evident in a briefing paper he prepared on the year's activities at Assateague. "Perhaps the most disappointing aspect of the first full year of operational use is the great number of visitors expecting to find more complete national seashore

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[9]Letter, Roberts to Rohm, Mar. 28, 1968, file L70, ASIS; letter, Rohm to Roberts, Apr. 10, 1968, file L7019, ASIS.

[10]Memorandum, Roberts to Regional Director, Northeast Region, June 1, 1967, file L70, ASIS.

facilities," he wrote, describing them as then "forced" to use the more advanced facilities of the state park. "The tragedy in this arrangement is that the visitors are subjected to standards of operation that vary from Service standards and are often confused and disappointed because of the dual administrations."[11]

The new Maryland administration that Secretary Udall anticipated might be more receptive to a jurisdictional transfer took office in 1967. On October 5 Governor Spiro T. Agnew wrote Udall about Interior's rumored interest in acquiring Assateague State Park. Agnew expressed his preference for joint development, noting that the state needed more land for extensive camping and day-use facilites. A meeting was scheduled, for which George Hartzog asked Park Service planners to prepare a rush prospectus for concession development at North Beach. "It is the feeling all who have discussed this problem that to provide NPS sponsored concession facilities in the North Beach area may reduce the requirement for the extensive development in the State park located at the main entrance to the Seashore," Regional Direct T. Sutton Jett of the Service's National Capital Region informed the planning office.[12]

The meeting with Governor Agnew and Maryland park officials was held October 14 in Secretary Udall's office. Udall presented the recently completed one-sheet master plan for the seashore and the hastily prepared North Beach concessions development prospectus as evidence of what his

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Roberts, "Highlight Briefing Statement, 1967 Calendar Year," Jan. 8, file A2621, ASIS.

Letter, Agnew to Udall, Oct. 5, 1967, file L7019, ASIS; memorandum, Chief, Design and Construction, Philadelphia Planning and Service Oct. 6, 1967, file D18, ASIS. (Assateague was under the National Region from July 1, 1967, to June 30, 1968.)

department had in store for Assateague. Citing the advantages of a single administration of the island, he suggested that Interior could acquire the state's improvements with discretionary funds and assist Maryland in obtaining other parkland (specifically mentioning the Pruitt proposal west of Ocean City). Agnew replied that the state was not then in a position to comment and recommended that planning and operations proceed on a coordinated basis while the offer was under consideration.[13]

Representative Morton, present at the meeting, deplored the continuing difficulties with the dual administration fostering visitor confusion and competition for land acquisition. He raised the possibility that Interior might take over operation of Assateague State Park without the state relinquishing title. NPS Associate Director Howard W. Baker cited the lack of precedent for such an arrangement, Udall expressed doubts, and Agnew was again noncommittal.[14]

After Morton and the state officials had departed, Udall voiced his belief that the state's reluctance was influenced by the revenues expected from its park. He advised Park Service personnel to stress in their outside contacts the probable greater benefits to Maryland and Worcester County under the Land and Water Conservation Fund fee system and the taxable improvements that would be built under the Service's concessions plan. The Secretary followed up the meeting with a January 3, 1968, letter to the Governor in which he repeated his offer, emphasized the potential tax revenues from the proposed $2.6 million private concession

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[13]Roberts' resume of meeting, Nov. 27, 1967, file L7019, ASIS; memorandum, Roberts to Chief, Design and Construction, Philadelphia Planning and Service Center, Dec. 7, 1967, file D18, ASIS.

[14]Roberts' resume of meeting, Nov. 27, 1967, file L7019, ASIS.

investment, and warned that competition from Assateague State Park would stifle this development program.[15]

Governor Agnew finally made clear his thinking in a May 7 letter to Secretary Udall: "...I have concluded that the interest of the citizens of Maryland will best be served by the State retaining Assateague State Park and continuing the program of developing this facility that began in 1965." Udall's reply two months later did not conceal his disappointment: "Your decision to retain and continue development of Assateague State Park is, of course, a prerogative of the State, but I must note that the long range problems of a dual administration of the Assateague Island seashore area, which prompted our earlier discussion, remain unsolved." Again raising the specter of visitor confusion and duplication of effort, he concluded by suggesting future discussions on the subject.[16]

A cooperative planning meeting of the Park Service and the Department of Forests and Parks in Annapolis March 20-22, 1968, had been amicable and productive, perhaps because the Service was then striving to be conciliatory, perhaps because the state officials felt reassured by Governor Agnew's evident support for their position. A joint plan for the north end of the island evolved from the session. But the improvement in relations was superficial. Nathan B. Golub, maintenance chief of the NPS Northeast Region, appraised the situation for his regional director that September:

> [W]e are operating on an obvious competitive basis with the adjoining Maryland State Park which the Service would like to absorb on the justification that "we can do the job better." Maryland has apparently accepted the challenge and has devoted a major portion of its

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[15] Ibid.; letter, Udall to Agnew, Jan. 3, 1968, file L7019, ASIS.

[16] Letter, Agnew to Udall, May 7, 1968, file D18, ASIS; letter, Udall to Agnew, July 3, 1968, file D18, ASIS.

> park development construction program to this park. It provides excellent facilities which after being compared to our rudimentary installations, places the Service in a rather unfavorable light.[17]

Somewhat defensive about Golub's appraisal, Bert Roberts denied that a "we can do it better" attitude had shaped Service policy and downplayed the acquisition objective. "Any desire on the part of the Department to acquire the State park...if it exists as a policy now" was based on other factors, he contended: Governor Agnew's initial inquiry the preceding fall and the "current open situation"; the desire to eliminate visitor confusion and establish a single standard of operation; the state's unwillingness to forswear intensive development immediately east of the bridge and guarantee retention of a roadless natural environment to the north; and the state's refusal to jointly develop utilities and other common needs, threatening duplication of effort. He took further issue with Golub's characterization of the state park facilities as "excellent."[18]

Notwithstanding Roberts' pains to deny that the Service was motivated by a sense of superiority, state officials undoubtedly shared Golub's impression. Equally calculated to antagonize was the Service's and Interior's response to the bridge reimbursement provision of the seashore authorizing act, under which the state was due a million dollars.

As much as he shared Secretary Udall's goal of obtaining Assateague State Park, Superintendent Roberts resisted the Secretary's prescribed tactic of stalling on the bridge payment to preserve leverage with the

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[17]Memorandum, Golub to Regional Director, Northeast Region, Sept. 5, 1968, file A2623, ASIS.

[18]Memorandum, Roberts to Regional Director, Northeast Region, Sept. 9, 1968, file A2623, ASIS.

state. The witholding of the money, a portion of which would go to Worcester County, was placing Roberts in an "untenable position" with the county commission on other park wants: property tax relief for Assateague landowners pending Federal acquisition, concurrence in declarations of taking for certain island areas with county-owned lands and rights of way, protective zoning in the headquarters vicinity, and county road work benefiting the seashore. "While we have attempted to use the $1,000,000 somewhat as a wedge with respect to the State park," he wrote Director Hartzog in August 1967, "it really has no direct relationship; and we are suspect now with respect to integrity in following through on the legislative agreements." When the state park installed an objectionable concession stand just outside the Service's North Beach area on the temporary access road, Roberts again blamed the payment delay: "The difficulties in having to depend on access through Assateague State Park are becoming increasingly evident. The hostile attitude is because of the block on completing the Maryland Bridge transaction."[19]

The block was outwardly initiated by a disagreement over whether the Federal Government could and would share in the maintenance of the bridge. Whatever may have been Secretary Udall's part in encouraging this disagreement as a stalling device, it gathered enough momentum on its own to outlast Udall's tenure by more than two years.

One or more of the Assateague bills originally introduced in the 88th Congress explicitly provided for bridge maintenance sharing, and

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[19]Memorandum, Roberts to Regional Director, Northeast Region, Dec. 21, 1966, file A44, ASIS; memorandum, Roberts to Director, Aug. 24, 1967, file L70, ASIS; Roberts quoted in memorandum, Regional Director Nash Castro, National Capital Region, to Director, Apr. 25, 1968, file L7019, ASIS.

before enactment of the Assateague legislation Udall led Maryland officials to believe it would occur. Although the final legislation did not include the specific maintenance sharing authorization, Special Assistant Attorney General Joseph D. Buscher of the Maryland State Roads Commission forcefully reminded the Service of Udall's assurances. In April 1967 he submitted a draft agreement on the Federal bridge payment providing for the Service to assume joint control of the bridge and approach roads with Maryland and to pay one-half the cost of their upkeep and repair.[20]

Interior's Philadelphia regional solicitor, William W. Redmond, judged that joint control went beyond the intent of Congress and would entail joint liability and responsibility for the enforcement of state law. Attaching significance to the fact that maintenance sharing language had been deleted during the legislative process, he opined that the seashore act did not authorize the Service to participate in maintaining the bridge.[21]

Roberts informed Buscher of the solicitor's opinion in June and reported him to be "quite upset about the matter.... Mr. Buscher still insists the matter of maintenance is contrary to an understanding the former Tawes administration had with the Secretary, and he said that the commission might wish to take recourse to the Secretary." Redmond revised Buscher's draft, deleting the provisions unacceptable to Interior, and

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[20]Memorandum, Associate Regional Director George A. Palmer to Regional Director, Northeast Region, Apr. 3, 1967, file D18, ASIS; memorandum, Regional Solicitor William W. Redmond to Regional Director, Northeast Region, June 23, 1967, file L1425, ASIS.

[21]Memorandum, Redmond to Regional Director, Northeast Region, June 23, 1967, file L1425, ASIS.

Roberts returned it to Buscher in November with a diplomatic letter suggesting that maintenance sharing could be resolved later after the bridge payment: "[W]e have requested permissive legislation to enter a maintenance agreement should that later be appropriate." He also noted that the Service had acquired the McCabe tract on which the eastern approach road to the bridge was located under permit (rather than state fee ownership of the right of way), "and therefore we conclude that we may at the present time maintain this section."[22]

Buscher was not mollified. "Please be advised that as far as I am personally concerned the proposed draft is utterly and totally unsatisfactory, and I will not recommend its approval by the State Roads Commission," he replied to Roberts. Eager to conclude the bridge payment transaction, Roberts suggested to his regional director that the Service's "hard position" was vulnerable, given that the state was then maintaining the road on the McCabe acquisition and that much of the bridge was within the authorized seashore boundary "over water and bottom that we are asking the state to release to us."[23]

On January 4, 1968, Service representatives met with Buscher and other Maryland officials on the matter. Contending they had been assured of Federal maintenance cost sharing in all discussions with Interior prior to the seashore act, the Marylanders characterized the solicitor's opinion as a breach of faith and were adamant in their position. After the

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[22]Memorandum, Roberts to Regional Director, Northeast Region, July 5, 1967, file L1425, ASIS; letter Roberts to Buscher, Nov. 17, 1967, file F4217, ASIS.

[23]Letter, Buscher to Roberts, Nov. 24, 1967, file F4217, ASIS; memorandum, Roberts to Regional Director, National Capital Region, Dec. 28, 1967, file F4217, ASIS.

meeting, in a January 9 letter to Russell E. Dickenson, NPS Chief of New Area Studies and Master Planning, Buscher yielded a bit, saying that the state would proceed with the bridge agreement if Interior would actively seek legal authority to share maintenance costs or support legislation to be introduced by Representative Morton for the purpose.[24]

The Service routinely provided drafting service for Morton's bill, but on Director Hartzog's instruction no reply was made to Buscher's request for a commitment of support. Not until Secretary Udall had left office a year later did the Service move to respond and resume negotiations. "We regret that we cannot give the formal commitment requested in your letter of January 9, 1969 [sic] to Mr. Russell E. Dickenson," Regional Director Garrison wrote Buscher January 31, 1969. "We believe it timely, however, to reopen discussions with your office on the possibility of completing the payment for the bridge. Can we separate this from the discussion of maintenance and trust that eventually an understanding can evolve that will be satisfactory to all concerned?"[25]

Nearly another year elapsed with no action other than Representative Morton's introduction in September of the bill to authorize Federal maintenance participation.[26] In December Roberts wrote Buscher again to urge settlement of the bridge payment, declaring that the Service was approach-

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[24]Memorandum, Russell E. Dickenson to Associate Director, Jan. 11, 1968, file L1425, ASIS; letter, Buscher to Dickenson, Jan. 9, 1968, file L1425, ASIS.

[25]Letter, Assistant Secretary Stanley A. Cain to Rep. Rogers C. B. Morton, Feb. 2, 1968, file W3814, ASIS; memorandum, Roberts to Regional Director, Northeast Region, Dec. 9, 1968, file L1425, ASIS; letter, Garrison to Buscher, Jan. 31, 1969, file L1425, ASIS.

[26]H.R. 13656, 91st Congress, 1st Session, Sept. 8, 1969.

ing the statutory appropriations total from which the $1 million would have to come. A meeting followed on January 27, 1970, in the office of Chairman-Director David H. Fisher of the State Roads Commission. Buscher again accused the Service of bad faith, characterized Roberts' reference to the appropriations ceiling as a threat, and raised the possibility of instituting a toll on the bridge. But Fisher seemed inclined to settle, expressing more concern about Federal repair assistance in case of major accident than routine maintenance aid.[27]

Matters again lay dormant until that September, when Roberts had a personal conversation with Joseph Anastisi, administrative assistant to the Governor. Anastisi suggested that Roberts bypass the intransigent Buscher and communicate directly with Fisher, laying out the facts and pressing for a settlement. Accordingly, Roberts prepared and Regional Director Henry G. Schmidt sent Fisher a letter attuned to his expressions at the January meeting. Although the Service could not support Morton's bill, the letter noted, it was already performing minor maintenance on a portion of the state road through the McCabe acquisition. In the event of a disaster involving the bridge the Service "would do everything possible to restore access to the national seashore and State park through whatever processes were appropriate."[28]

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[27]Letter, Roberts to Buscher, Dec. 17, 1969, file L1425, ASIS; memorandum, Roberts to Regional Director, Northeast Region, Feb. 3, 1970, file L1425, ASIS; memorandum, Director Lemuel A. Garrison, Northeast Region, to Director, Apr. 17, 1970, file L1425, ASIS.

[28]Anastisi conversation in personal memorandum, Roberts to George A. Palmer, Sept. 16, 1970, file L1425, ASIS; letter, Schmidt to Fisher, Sept. 30, 1970, file L1425, ASIS. For negative Interior report on Morton bill see letter, Assistant Secretary Leslie L. Glasgow to Rep. Wayne N. Aspinall, Mar. 31, 1970, file L1425, ASIS.

Anastisi's advice proved sound. Fisher responded with a rather grudging indication of his willingness to settle despite disappointment about the maintenance sharing. At his request, a reworked agreement was returned in January 1971 to the State Roads Commission, where it underwent further minor changes. Added was a face-saving provision that the state would perform bridge maintenance and repair "until such time as the NPS Director is authorized to pay a portion of the cost and expense of necessary maintenance and repair...." Director Hartzog momentarily balked at this addition and sought written assurance from Fisher that it was not intended to bind him to support such authorization. Fisher replied that it would simply allow the state to benefit from Federal participation should circumstances later change. Hartzog accordingly appended his signature to the agreement on June 16. The protracted bridge payment imbroglio finally terminated July 13, 1971, when Rogers C. B. Morton, now Secretary of the Interior, ceremoniously presented Governor Marvin Mandel with a check for $1 million.[29]

Meanwhile, back at the seashore, relations between Superintendents Roberts and Rohm remained rocky. Illustrative was a sarcastic written communication from Rohm in April 1970 complaining about inadequate Service information on its camping and day-use policies: "If, by chance, you should discover or determine what your operational policies for the coming

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[29]Letter, Fisher to Schmidt, Oct. 28, 1970, file L1425, ASIS; letter, Acting Director George A. Palmer, Northeast Region, to Fisher, Jan. 8, 1971, file L1425, ASIS; letter, Palmer to Fisher, Feb. 16, 1971, file L1425, ASIS; letter, Hartzog to Fisher, June 2, 1971, file L1425, ASIS; letter, Fisher to Hartzog, June 10, 1971, file L1425, ASIS; letter, Hartzog to Fisher, June 16, 1971, file L1425, ASIS; press release, Office of the Secretary, "Maryland Receives $1 Million Check for Assateague Bridge," July 13, 1971, copy in NPS Office of Cultural Resources Management, Washington, D.C.

season will be, and you would desire this information passed on to the Assateague visitor, please let me know...."[30]

The proposed access road through Assateague State Park to North Beach continued to be a bone of contention. The NPS Director's Road Committee, composed of William C. Everhart, Robert Linn, and David G. Wright, studied four possible alignments and recommended one that closely followed the temporary roadway built in 1967, but with the entrance separate from the state park entrance to avoid visitor confusion. The preferred alternative would least disturb the bayside marsh but intrude most into the state park. Director Hartzog approved the committee's choice September 2, 1970, but Maryland parks director Spencer Ellis wrote on January 20, 1971, that the route was "completely unsatisfactory" to his department and suggested "a lease or use agreement...whereby the entire Maryland portion of Assateague Island would be under the administration of the State."[31]

At this time the Committee to Preserve Assateague, representing a range of conservation groups and individuals, was lobbying against the state's proposed development of Assateague State Park and in favor of a Federal takeover. Echoing his boss in Annapolis, Superintendent Rohm struck back in February 1971 by proposing to the press that the National Park Service leave Assateague to Maryland and the Bureau of Sport Fisheries and Wildlife. He blamed the controversy over administration on Bert Roberts who, Rohm said, had told him two years before that the Service

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[30]Letter, Rohm to Roberts, Apr. 20, 1970, file 7019, ASIS.

[31]Memorandum, Road Committee to Director, July 26, 1970, file D3019, ASIS; Ellis quoted in "Briefing on North Beach Entrance Road and Related Federal-State Matters," 1971, file L7019, ASIS.

would have his park within that timespan. Not inaccurately, he accused Roberts and other Interior officials of influencing the conservationists to press Maryland officials to transfer their park.[32]

At a televised press conference that month, Governor Mandel responded to a question by indicating that he would favorably consider the park transfer. Without consulting his superiors, Rohm fired off an extraordinary letter to Maryland newspapers attacking the Governor: "It appears that our fine state does not have the administrative strength and foresight that we enjoyed under Governor Tawes and Govenor Agnew; these men withstood the pressures created by the federal government and the preservationist and elected to keep Assateague State Park for the people of Maryland and out of state visitors to enjoy...." Rohm's impropriety led to a one-day suspension for the superintendent, but it served his purpose of eliciting numerous letters from Maryland campers to their state representatives in favor of retaining the park.[33]

Such expressions of public sentiment bolstered the stand taken by Maryland park officials before the Governor's Joint Executive-Legislative Committee on Assateague Island later in 1971. Although critical of the high level of development planned by the state, the committee came down against divestiture in its March 1972 report, endorsed by Mandel and favorably received by Secretary Morton. This outcome effectively ended the Federal campaign to acquire Assateague State Park. Not only had the

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[32]"Assateague Park Head Gives Answer to Critics," Democratic Messenger, Snow Hill, Md., Feb. 17, 1971, ASIS clipping file.

[33]Interview with Rohm, May 24, 1982; Rohm letter in various Maryland newspapers March-April 1971, ASIS clipping file; "Superintendent of Assateague State Park Gets Reinstated," Eastern Shore Times, Berlin, Md., Mar. 4, 1971, ASIS clipping file.

state reaffirmed its opposition, it had moved to renounce the overdevelopment that had served as an issue for the Service and the conservationists. The appointment of Rogers Morton as Interior Secretary in January 1971 had dampened any hope of support from that office. And Bert Roberts had left for the superintendency of Cape Hatteras National Seashore the same month, to be replaced by Thomas F. Norris, Jr.

Norris, formerly assistant superintendent at Fire Island National Seashore, rivaled Roberts in effectiveness while appearing less aggressive and assertive of Service prerogatives. Dick Rohm, himself possessed of a forceful personality, later declared that he had been taken aback by Roberts' aggressive attitude at the outset, whereas he found Tom Norris "a complete switch"--so easy to get along with that at first he suspected a trap![34] Norris and his successors, without the kind of direct high-level encouragement that Roberts had received from Secretary Udall and the other early factors that offered some hope of success in acquiring the state park, still considered the dual administration less than ideal. But on the whole they accommodated to the situation. Putting matters in the best light, Norris was able to view the state's facilities as complementing those of the Park Service: because Maryland had highly developed campgrounds, the Service needed to provide only primitive ones. Later superintendents Richard S. Tousley and Michael V. Finley privately chafed at the irrationality of two agencies side by side and perhaps even retained a bit of the traditional NPS "we can do it better" attitude, but they too accepted the reality that Maryland was there to stay.[35]

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[34]Rohm interview.

[35]Interview with Norris, May 24, 1982; interview with Tousley, June

Concrete evidence that the state park administrators no longer felt threatened by a Federal takeover was their cooperation on the road to North Beach. Agreement on its course followed the Mandel-Morton correspondence on the Joint Executive-Legislative Committee report in the spring of 1972 which called for joint planning. The road was built by both agencies between 1973 and 1975.

Although skirmishes would continue, the battle was over.

16, 1982; interview with Finley, Apr. 21, 1982.

CHAPTER V

GETTING ALONG WITH FISH & WILDLIFE: CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

"We plan to continue to operate the refuge as the Chinocoteague National Wildlife Refuge within the overall boundaries of the Assateague National Seashore," Director John S. Gottschalk of the Bureau of Sport Fisheries and Wildlife told Chairman Wayne N. Aspinall of the House National Parks and Recreation subcommittee at his Assateague hearings in 1965. After some questioning of Gottschalk and Assistant Regional Director Allen T. Edmunds of the National Park Service about operating policies, Mr. Aspinall asked, "You do not expect to have any problems with this arrangement?"

"No, sir, we do not," replied Edmunds, reflecting his agency's commitment to the seashore proposal.

"May I say, Mr. Chairman, we will have a few, but this is what we get paid to deal with," said Gottschalk, unwilling to let Edmunds' pat response go entirely unchallenged.[1]

As has been noted, the Service's sister Interior bureau was in fact a reluctant party to the dual agency arrangement. Gottschalk's mild demurrer masked far deeper concerns about the prospects for peaceful coexistence on Assateague. Events would prove them justified.

The Park Service and the Bureau of Sport Fisheries and Wildlife (BSFW) had long engaged in sibling rivalry, both in Washington and in field areas

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[1]U.S., Congress, House, Committee on Interior and Insular Affairs, Assateague Island National Seashore, Hearings on H.R. 2701 et al., July 22, 23, and Aug. 16, 1965, pp. 274-75.

where their interests adjoined. NPS Associate Director A. Clark Stratton had headed Cape Hatteras National Seashore, which encompassed Pea Island National Wildlife Refuge, when that area got underway in the early 1950s and came away with little love for the refuge management. As associate director he conveyed his attitude to Director George Hartzog, never one to shrink from combat, and was responsible for selecting Bertrum C. Roberts as the first superintendent of Assateague Island National Seashore--no doubt in the belief that Roberts could deal properly with refuge management there. Just as Hartzog and Gottschalk regularly locked horns in Washington, Bert Roberts found BSFW field officials "on edge" and uncooperative even before he officially entered on duty. In his words, "The battle lines were drawn!"[2]

Consistent with its state park relations in Maryland, the Service made little attempt to dispel BSFW's sense that its turf was being invaded. As the new boys on the block, Assateague's NPS managers were naturally eager to make their mark.[3] They did not hide their conviction that the Service was best able and equipped to fulfill the primary recreational purpose of the island. BSFW might be tolerated, but in a subordinate role, handling the ducks and generally keeping in its place.

BSFW had in fact largely abdicated the public recreation function of Chincoteague National Wildlife Refuge to the Chincoteague-Assateague Bridge and Beach Authority in 1959 (Chapter II). With the Park Service threatening its domain following enactment of the seashore legislation in 1965, the Bureau sought to acquire and manage the Authority's holdings, but it

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[2]Interview with Roberts, May 21, 1982.

[3]Interview with Harvey D. Wickware, May 21, 1982.

was unequipped to do so and had to yield the acquisition to the Service (Chapter III). Pending completion of a master plan fully resolving the NPS role in Virginia, an NPS-BSFW agreement was negotiated in September 1966 giving the Service essentially the same position held by the Authority. "Operating under this agreement places us somewhat more subservient to the Bureau than we should be finally but we firmly believe that of prime importance now is to improve visitor service and reaction," Superintendent Roberts wrote Regional Director Lemuel A. Garrison. He saw the forthcoming master plan and a permanent memorandum of agreement as providing for "our total management of the intensive recreation area" in the wildlife refuge. "In the meantime," he told Garrison upon forwarding the interim agreement, "perhaps we can operate in such a way that will make the Bureau people more responsive to this whole situation."[4]

The agreement was signed by Garrison and BSFW Regional Director Walter A. Gresh in October when the Service took over the Authority's interests. Included among its provisions was the requirement that new development initiated by either bureau within the Authority's former jurisdiction (i.e., the access right of way and Toms Cove Hook) be approved by both regional directors; an exception was made for necessary repair, maintenance, and minor improvement of existing facilities. The refuge manager was to approve major signs, which were to identify both bureaus.

The agreement did not have the desired effect of eliminating inter-

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[4]Memorandum, Roberts to Regional Director, Northeast Region, NPS, Aug. 2, 1966, file A4415, Assateague Island National Seashore headquarters (hereinafter cited as ASIS); memorandum, Roberts to Regional Director, Northeast Region, Sept. 22, 1966, file A4415, ASIS; memorandum, Roberts to Assistant Regional Director Thomas E. Whitcraft, Northeast Region, file A4415, ASIS. (Administrative titles hereinafter may be presumed to identify NPS officials unless otherwise noted.)

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bureau friction. The Park Service had already staked out its presence at the Virginia end in the spring of 1966, installing a geodesic dome information station displaying the NPS arrowhead insignia in the traffic circle on Chincoteague Island (the western terminus of the Authority's right of way). On orders from the BSFW regional office, the Bureau's master plan team captain had asked Roberts to halt the installation. As the site was outside the refuge, Roberts refused: "It was my opinion that the Atlanta office had no such authority."[5] Other disputes followed, leading representatives of both bureaus to resume negotiations culminating in the March 28, 1967, memorandum of Assistant Secretary Stanley A. Cain (Chapter III).

The Cain memorandum gave the Park Service sole responsibility for recreational functions at Toms Cove Hook but prescribed joint operation of the temporary visitor contact facility in the traffic circle, the entrance checking and fee collection station at the west end of the Chincoteague-Assateague bridge, and the planned refuge visitor center.[6] It did not take the Service long to find this sharing unsatisfactory. In a May 31 memorandum to Refuge Manager Charles F. Noble, Roberts proposed that the Service assume all staffing of the visitor contact facility, arguing that it was too small for two employees, that 95 percent of the inquiries there concerned the recreational aspects of the seashore, and that the refuge would be adequately represented by publications and exhibits. Noble had already rejected Roberts' proposal in discussion;

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[5]Memorandum, Roberts to Regional Director, Northeast Region, June 20, 1967, file A4415, ASIS.

[6]Memorandum, Cain to Director, BSFW, and Director, NPS, file A4415, ASIS.

the evident purpose of the memorandum was to go over his head with a copy to the BSFW regional director.[7]

Noble, clearly loath to leave the Park Service alone with the first shot at visitors approaching his end of the island, replied that Chincoteague National Wildlife Refuge was carefully complying with the Cain memorandum and was therefore determined to abide by the provision for shared staffing of the visitor contact facility. His communication to Roberts was closely followed by a telegram from Regional Director Gresh to Regional Director Garrison: "...Believe Assistant Secretary Cain's instructions very clear as to joint responsibility for manning visitor contact station. Plan to place Bureau employee at visitor contact station on June 14 and our Manager being instructed accordingly. Please advise your Superintendent of the decision."[8]

Finding BSFW's stubbornness most unreasonable, Roberts attributed it to Noble's resentment of NPS exhibits on national seashore development at the contact station and his belief that Service personnel were obstructing family and friends of refuge residents from free access. He yielded to the insistence on joint staffing (with a single employee from each bureau serving on alternate days) but pressed for Service presence on weekends when recreational use was heaviest. To Garrison he expressed his continued resistance and hope of ultimately prevailing:

> Except for a short trail all of the facilities that the visitors use in Virginia are our responsibility by the Secretary's decision. I do not believe we can exercise this responsibility fully and not have complete control of the entrance situation.... Since a clarifi-

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[7]Memorandum, Roberts to Noble, file A4415, ASIS.

[8]Memorandum, Noble to Roberts, June 5, 1967, file A4415, ASIS; telegram, Gresh to Garrison, June 13, 1967, file A4415, ASIS.

> cation by the Secretary would be perhaps slow in coming, it would seem that perhaps a more clear understanding between you and Regional Director Gresh of our mutual problems would be possible with a face-to-face meeting here at the area where the operation is visible. Manager Noble does not have the flexibility to alter his views.[9]

In addition to his determination and persistence in the face of such obstacles, Bert Roberts was possessed of great public relations skills. As he worked within the organization to advance the aims of his park and bureau, so did he work externally to enlist community support for his objectives. At the Virginia end, he came to believe that he could do more to further Service interests by cultivating local individuals and groups with political influence than by working through the Department.[10] (Secretary Stewart L. Udall's encouragement of an NPS takeover of Assateague State Park did not extend to a comparable fate for Chincoteague National Wildlife Refuge.) Because the Park Service was traditionally as much a people-serving bureau as a resource-managing bureau and public relations was essential to every park superintendent's job description, Roberts was only doing--very well, to be sure--what came naturally to one in his position.

The Bureau of Sport Fisheries and Wildlife, on the other hand, lacked the people-serving tradition. The primary mission of its refuge managers was to manage wildlife--a job in which the public tended to intrude. Recognizing the value of good public relations, the Bureau's leadership had moved to accommodate visitors through such authorities as Public Law 87-714 of September 28, 1962, which encouraged recreational use of national wild-

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[9]Memorandum, Roberts to Regional Director, Northeast Region, June 20, 1967, file A4415, ASIS.

[10]Roberts interview.

life refuges when compatible with their primary purposes. The old-line refuge managers were still oriented almost exclusively toward wildlife, however, and often carried a punitive "game warden" image in neighboring communities.[11]

Such was the case with Charles F. Noble at Chincoteage. A conscientious professional, he had not endeared himself to the local citizenry. They were foremost advocates of the road and tourist development on Assateague; he was the man who not only policed their hunting but represented the alien Federal bureau most resisting their desires. In short, he was no match for Bert Roberts, who came to town with a winning personal style, talked up the good things that the Park Service had in store for the community of Chinocoteague and Accomack County, and made friends for his bureau at the further expense of Noble's.

BSFW Director Gottschalk sized up the situation and concluded that the Bureau was in trouble on Assateague. In what he later characterized as "a planned maneuver to put someone down there who was Bert Roberts' equal or better," he replaced Noble with J.C. Appel, a staff man not normally destined for a refuge management slot but with the extroverted personality and aptitude for community relations most needed then at Chincoteague.[12]

"The object was to maintain the Fish and Wildlife Service presence in that area," in Gottschalk's recent words; and to do so Appel was charged with establishing the wildlife refuge as a good neighbor to the town. Arriving in early 1968, he went out among the people, talked about a waterfowl museum, boat trips, and other public attractions, and staged an annual

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[11]Interview with John S. Gottschalk, June 2, 1982.

[12]Ibid.

"Week of the Islands" beginning that November that pulled in crowds when area tourism was usually negligible. Hostility lingered, but Appel engendered enough good will to at least divide the community in its attitude toward his refuge and agency.[13]

C. Richard Rohm, superintendent of Assateague State Park, witnessed Appel's coming and inferred his mission from his personality and public relations efforts. Soon the two were sharing information and working jointly to check the Park Service's designs on their territories.[14]

Friendly and outgoing to the community, Appel equaled or exceeded Noble in stiffly opposing actual or perceived encroachment by the Service. "In the future I will have to ask that Park Service vehicles not be operated in refuge areas administered by us except in cases involving public health and safety," he wrote Roberts in August 1968. "We are sore pressed to maintain the identity of the refuge in the presence of your much better known organization and cannot afford further confusion of the public on the administrative responsibilities of our respective organizations." (In subsequent discussion Roberts was able to obtain some greater leniency upon his pledge to minimize such traffic.)[15]

The following month the interbureau sniping made its way into the local press. An article in the September 5 Eastern Shore News based on an interview with Roberts disparaged the refuge management:

> [W]hen the Secretary of the Interior designated the National Park Service to assume the management of visitor recreation activities

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[13] Ibid.

[14] Interview with C. Richard Rohm, May 24, 1982.

[15] Memorandum, Appel to Roberts, Aug. 23, 1968, file A4415, ASIS; memorandum, Roberts to Appel, Aug. 30, 1968, file A4415, ASIS.

> in the Chincoteague National Wildlife Refuge in October, 1966, he inherited nothing but problems, run-down inadequate public facilities, and a somewhat indifferent attitude toward the approximately 196,400 people per year who then visited the refuge area.

Learning of the slur from Appel, BSFW Regional Director C. Edward Carlson complained about Roberts' public characterizations to Garrison. Roberts defended the accuracy of his remarks, but the NPS regional director responded to Carlson by claiming that his superintendent had been referring only to the Chincoteague-Assateague Authority operation (leaving unsaid the fact that refuge management was responsible for policing the Authority).[16]

As he had done with the memorandum to Noble on staffing, Roberts frequently corresponded with the BSFW regional director by copy and sometimes directly on matters about which he thought the refuge manager might be vulnerable. This tactic of going around or over his counterpart in an attempt to divide the opposition surely did not endear Roberts to Appel and may have aggravated relations further. Curt written communications between the two on numerous matters, such as Appel's policy against night visitors to the seashore without refuge-approved fishing permits, verged on cold warfare.

Another irritant was the condition of the Chincoteague-Assateague bridge, the 1915 New Jersey structure installed by the Authority in 1962 (Chapter II). In 1968 it was inspected and judged unsafe by the Bureau of Public Roads, which advised discontinuance of public traffic and no administrative use exceeding five tons. Adherence to this recommendation

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[16]Quotation with memorandum, Carlson to Garrison, Sept. 23, 1968, file A4415, ASIS; memorandum, Roberts to Garrison, Sept. 30, 1968, file A4415, ASIS; memorandum, Garrison to Carlson, Oct. 7, 1968, file A4415, ASIS.

would have closed down Service operations in Virginia and dealt a mortal blow to public relations there. Roberts thus risked continuing public access to the island within the five-ton limit, with speeds restricted to 10 miles per hour. Chafing under the weight restriction, Appel sought regular exceptions for truck deliveries to the refuge. When Roberts was uncooperative, he caused his regional director to pressure the superintendent to permit trucks and loaded buses up to 15 tons across the bridge. A response from Garrison to Carlson refused the request.[17] Tension on the matter continued until the Service undertook bridge repairs in 1969.

The repairs were of an interim nature; the bridge required total replacement to accommodate the level of traffic that would be generated by the master plan development at Toms Cove Hook. In mid-1969 Appel was expressing his support for the development plans in the community and blaming the Park Service for holding up progress because of its delay with the bridge replacement. His pro-development posture came as BSFW Director Gottschalk was telling conservation leaders in Washington that the time was right for a review of the master plan leading to reversal of the development mandates in the seashore legislation (Chapter III). Roberts took advantage of his public contacts in Virginia to publicize Gottschalk's stand, reassigning the responsibility for development delay to Appel's bureau.[18]

Both bureaus prepared interpretive plans that year, the NPS plan focusing on Maryland, the BSFW plan on Virginia. Roberts complained

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[17]Memorandum, Carlson to Roberts, Mar. 10, 1969, file A4415, ASIS; memorandum, Garrison to Carlson, Apr. 1, 1969, file A4415, ASIS.

[18]Memorandum, Roberts to Regional Director, Northeast Region, July 1, 1969, file A4415, ASIS.

that the BSFW document gave short shrift to Assateague Island National Seashore and the Park Service presence: "The plan seems calculated to treat the Virginia recreational area as a stepchild of the refuge." He viewed its road proposals and siting of the permanent visitor information station as intrusions into master planning and contrary to the approved seashore master plan. "The direction we are headed with these two interpretive plans is one of duplication, competitiveness, waste, and--worst of all, confusion for the visitor," he wrote Garrison, exhibiting his continued frustration about having to share public interpretation with the Bureau.[19]

Following an onsite meeting of the planners and field and regional officials in March 1970, Garrison wrote Carlson refusing to concur in his plan's placement of the information station on the left side of the road through the refuge. The Service would neither widen its road for a left turn lane nor accept the necessary directional signing in its right of way. Insisting on his bureau's prerogative of approving and developing facilities in the refuge, Carlson took strong exception to this stand: "If in our opinion, construction of such items are necessary for traffic safety in our public use areas, we shall see that these are installed."[20] The Bureau did yield for a time on moving the station to the right side of the road, then reverted to the left side location where construction ultimately occurred.

The arrival of Thomas F. Norris, Jr., as Bert Roberts' replacement in

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[19]Memorandum, Roberts to Garrison, Dec. 3, 1969, file A4415, ASIS.

[20]Letter, Garrison to Carlson, Mar. 27, 1970, file A4415, ASIS; memorandum, Carlson to Garrison, May 1, 1970, file A4415, ASIS.

January 1971 marked a significant improvement in interbureau relations at the field level. Norris began by calling on J.C. Appel in the refuge manager's office--a gesture of lesser import than Anwar Sadat's initial visit to Jerusalem, but one later characterized by Appel as a turning point in his view of the Service. Norris's more accommodating manner left Appel feeling less threatened, and the two started appearing together to represent the Interior Department rather than always speaking individually as representatives of their respective bureaus.[21]

Illustrative of Norris's attitude was his reaction to BSFW plans to sign the new information station only "Chincoteague National Wildlife Refuge." He made no objection, concurring in Regional Interpretive Planner Frank Barnes's recognition that this would be "their facility and their only visitor facility." "I expect to retain our present geodesic dome on the hook to serve people on our own portion of the area so we will really have more exposure than the Bureau anyway," Norris wrote Henry G. Schmidt, the new NPS regional director. "Why worry?" He also readily agreed to allow the refuge to exclusively staff the facility, just as the Service manned the Maryland visitor center.[22]

In September 1973 Norris recommended that the refuge assume patrol duty on the first mile of the road within its boundary (the section adjoined by its headquarters and other major development). Regional Director Chester L. Brooks, Schmidt's successor, proposed this further relinquishment to his BSFW counterpart, who readily concurred.[23]

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[21]Interview with Norris, May 24, 1982.

[22]Memorandum, Norris to Schmidt, Nov. 29, 1971, file A4415, ASIS.

[23]Memorandum, Brooks to Regional Director, Boston Region, BSFW, Sept.

The general improvement in relations during Norris's first five years at Assateague stemmed from increased mutual acceptance of each bureau's place in Virginia. Friction still existed at the staff level on various points, but the enhanced local stature of the refuge under Appel and Norris's easygoing approach went a long way toward overcoming the refuge management's defensiveness and resistance to the NPS presence. The new equilibrium was damaged in February 1976 with the enactment of an amendment to the National Wildlife Refuge System Administration Act of 1966. The new act defined the National Wildlife Refuge System and declared that it "shall be administered by the [Interior] Secretary through the United States Fish and Wildlife Service" (the designation now borne by the Bureau of Sport Fisheries and Wildlife).[24] This provision was interpreted by the Interior Solicitor to mean that the Fish and Wildlife Service (FWS) alone could and indeed must control all the land within the boundaries of Chincoteague National Wildlife Refuge. The Park Service might remain, at FWS sufferance, in an entirely subordinate concessioner-like status. Now it was the Service's turn to be on the defensive.

The law had the effect of invalidating the October 1966 agreement concerning NPS operation of the former Chincoteague-Assateague Authority interests and the March 28, 1967, Cain memorandum giving the Service sole responsibility for recreation at Toms Cove Hook. By the time this effect was fully realized, the 1976 seashore amendatory legislation calling for a new comprehensive plan for Assateague was en route to passage (Chapter III).

17, 1973, file A4415, ASIS; letter, Regional Director Richard E. Griffith, BSFW, to Brooks, Sept. 19, 1973, file A4415, ASIS.

[24]Public Law 94-223, Feb. 27, 1976, 90 Stat. 199.

Service officials recognized that the plan would have to deal anew with the troublesome question of administrative relationships. Meanwhile, Appel and Norris concluded a field memorandum of understanding on June 23, 1976, to continue the Service's basic role and functions in Virginia.

Appel was not so devoted to harmonious coexistence with the Service that he was unwilling to take advantage of his bureau's upper hand at Chincoteague. As the new general management planning effort got underway in 1977, NPS planners were frustrated by a perceived lack of cooperation. "Presently, we have been directed by the Refuge Manager that NPS team members will have absolutely no involvement with Toms Cove in Virginia even though we presently operate and administer the area and expend money for facilities," the Service planning team captain complained to the Washington Office that November. He urged that the directors of the two bureaus work out an agreement for cooperation, and that the Fish and Wildlife Service be encouraged to assign some professional planners and environmental specialists to the joint team so Appel would not be the only FWS spokesman.[25]

Little cooperation ensued. The bureaus carried out essentially separate planning efforts and did not come to any tentative agreement on ultimate management responsibilites. In preparation for a joint meeting on a preliminary planning document with Assistant Secretary Robert L. Herbst in October 1978, the Service prepared a report on "The National Park Service Presence in the Chincoteague Portion of Assateague Island National Seashore." The report sought to justify a continued NPS presence, based

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[25]Memorandum, Douglas Faris to Chief, Planning and Compliance, Nov. 28, 1977, NPS Office of Park Planning and Environmental Quality, Washington, D.C. (hereinafter cited as WASO-130).

on the Service's greater expertise in providing for public recreation and related interpretation; its acquisition of the Assateague Beach Coast Guard Station, Chincoteague-Assateague Authority interests, and private lands adjacent to the refuge; and its investment and experience in managing facilities and programs at Chincoteague. An interbureau agreement was recommended to deal with a range of friction points: inadequate space allocation in FWS facilities for NPS administrative and maintenance needs; philosophical differences on visitor controls, with FWS's greater restrictiveness impeding NPS evening programs; differences in law enforcement procedure and philosophy; differences on placement and content of signs; and control of the content of NPS interpretive programs by refuge staff.[26]

While thus attempting to influence Interior leadership directly, the Service continued to cultivate influential outsiders in its behalf. Regional Director Richard L. Stanton took Judith C. Johnson and T. Destry Jarvis of the Committee to Preserve Assateague and other conservationists on a two-day paddle trip on Chincoteague Bay. Afterward he was able to report to Director William J. Whalen, "We had the full support of Destry and others on our remaining at the south end below the Virginia line." Judith Johnson wrote Assistant Secretary Herbst praising the National Park Service, Dick Stanton, and Tom Norris and criticizing the uncooperative attitude of Chincoteague National Wildlife Refuge and J.C. Appel. She was particularly unhappy with Appel for his advocacy of a waterfowl museum in the refuge, which she and her committee considered unduly intrusive to a wildlife

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[26]Report accompanying memorandum, Regional Director Richard L. Stanton, Mid-Atlantic Region, to Director, Oct. 17, 1978, WASO-130.

sanctuary.[27]

In December, a month before his retirement, Superintendent Norris sought congressional support through visits to Representatives Paul S. Trible, Jr., of Virginia and Robert E. Bauman of Maryland. He was accompanied to Representative Bauman's office by C.M. Williams, Administrator of Accomack County, and Director Roy Tolbert of the Delmarva Advisory Council, who had arranged the meeting "because of his desire to retain a NPS presence on the Virginia portion of Assateague Island," Norris reported.

> I told the Congressman that the NPS had no territorial designs on refuge real estate but ever since enactment of P.L. 94-223, amending the Refuge Administration Act, we had been unable to function in our own right as a public agency. Instead, our status has become that of concessioner of the Fish & Wildlife Service. Every activity must now be part of an approved FWS program or project and even daily operations have to be responsive to the wishes or desires of the local manager. Further, the aim of our sister agency is to assume full responsibility for all public recreational activities in lieu of the NPS as soon as this can be arranged. My desire was to see that Bob, as a member of the oversight committee, became aware of our present difficulties now that I would no longer be around as superintendent.[28]

Following the October interagency meeting to review the preliminary comprehensive plan, Assistant Secretary Herbst wrote the two directors requesting inclusion of several additional items. Among them was an examination of unified management for Assateague:

> I am not satisfied with the current arrangement, and would like full development of alternatives which would unify management of the island under either the Fish and Wildlife Service or the National Park Service completed prior to submission of this report to Congress. I am aware that any such change would require changes in the legislation creating the Park and the Refuge, but the issue would certainly be one subject to question--so we should fully address. Either consolidation should be recommended or documentation that separate manage-

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[27]Follow-up slip, Stanton to Whalen, Nov. 7, 1978, WASO-130; letter, Johnson to Herbst, Oct. 9, 1978, WASO-130; Norris interview.

[28]Memorandum, Norris to files, Dec. 22, 1978, WASO-130.

ment is preferable and more effective.[29]

Regional Director Stanton responded to his director on Herbst's request in January 1979, enclosing five management alternatives:

1. NPS administration of the entire Assateague Island National Seashore as a unit of the National Park System;

2. FWS administration of the entire island as a national wildlife refuge;

3. NPS administration of Maryland lands, FWS administration of Virginia lands (NPS withdrawing from any role in the refuge);

4. NPS/FWS joint administration of the entire national seashore, with each agency having primary responsibility for certain activities;

5. NPS administration of Maryland lands and Toms Cove Hook and access corridor; FWS administration of other Virginia lands.

(All alternatives excepted Assateague State Park.)[30]

The first three alternatives had been developed jointly with the Fish and Wildlife Service but 4 and 5 had come from the Park Service alone, Stanton said; FWS considered 4 unworkable and 5 inappropriate given "their desire to eliminate NPS from Virginia lands." He recommended alternative 1:

> [W]e believe that Alternative 1 would be in the best long term interest of the American public particularly in light of the fact that the original purpose of the Refuge (to bring back the Snow Geese populations) has been basically accomplished. In the short run, a more acceptable (politically or internally within the Department) alternative might be #5.... Today the solicitor has held that NPS is not more than a concessioner for the FWS. A continuation of this situation is unacceptable.[31]

Thus the existing basic arrangement might work, Stanton believed, if

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[29]Memorandum, Herbst to Director, FWS, and Director, NPS, Oct. 24, 1978, WASO-130.

[30]Memorandum, Stanton to Director, Jan. 3, 1979, WASO-130.

[31]Ibid.

a "turf" were firmly established for Service control in Virginia.

As Stanton indicated, FWS Regional Director Howard N. Larsen would address only the first three alternatives. The first, Larsen wrote his director, "is clearly unacceptable to the FWS and does not warrant further consideration.... The second alternative seems to lack sufficient logic for such a precipitous action to resolve the issue of managing recreational uses on the refuge portion of the seashore." The third he recommended without qualification.[32]

The two regional directors met to discuss a preferred alternative. Beyond Stanton's concession that alternative 4 would be unworkable, they parted without consensus. "Our two offices were unable to agree on a recommended management alternative," they wrote in a March joint memorandum to their directors, "but we are prepared to cooperate in the implementation of management changes you and Secretary Herbst ultimately determine to be responsive to the issue."[33]

In the end, the directors and Herbst also failed to agree on any of the alternatives considered, and it was decided to keep things much as they were under a new memorandum of understanding signed in October. Following 10 lengthy "whereas" clauses outlining the history of the wildlife refuge and the national seashore, the two bureaus' involvement therein and the legislation pertaining thereto, the document defined Toms Cove Hook as an "Assigned Area" within which the National Park Service would assume responsibility for certain specified activities "subject to

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[32]Memorandum, Larsen to Director, FWS, Feb. 26, 1979, WASO-130.

[33]Memorandum, Stanton and Larsen to Director, NPS, and Director, FWS, Mar. 7, 1979, WASO-130.

approval of the Fish and Wildlife Service." Also specified were related responsibilities of FWS and the two agencies together.[34]

The memorandum of understanding, reproduced in full in the appendix to this history, was a victory for neither side. It perpetuated the Park Service presence in Virginia, contrary to FWS wishes, but in the subordinate status Stanton had found "unacceptable." To the extent that the Service remained in Virginia at all, it had done better than it might have. For a proud bureau unaccustomed to taking orders from another, however, the arrangement rankled.

The personalities and attitudes of those charged with implementing the agreement would, in the end, play a large part in determining its relative success or failure. By 1981 there was new leadership of both Assateague Island National Seashore and Chincoteague National Wildlife Refuge. Superintendent Michael V. Finley (succeeding Richard S. Tousley) and Refuge Manager Dennis F. Holland, without personal stakes in the conflicts of their predecessors, brought fresh perspectives to their jobs and a renewed spirit of cooperation to matters of mutual concern. If all was not yet rosy, the bad old days seemed a long way back.

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[34]"Department of the Interior Memorandum of Understanding Between U.S. Fish and Wildlife Service and National Park Service Pertaining to the Administration, Development, and Use of the Tom's Cove Hook Area within the Chincoteague National Wildlife Refuge - Assateague Island National Seashore," October 1979. See Appendix B.

CHAPTER VI

PHYSICAL DEVELOPMENT: A SHORT STORY

In October 1970 Superintendent Bertrum C. Roberts submitted a status report on seashore development to the Maryland Legislative Council. He noted the legislated development mandates and their incorporation in the master plan, the public opposition that had arisen, and Director George B. Hartzog's position in June 1969 that the National Park Service would seek no development funding other than for day-use facilities near the bridges for the next five years while encouraging private visitor accommodations on the mainland (Chapter III). In conclusion he stated:

> In general, use and enjoyment of Assateague is progressing satisfactorily; and it in no way alarms the National Park Service that substantial development is not taking place. If this is necessary, there is time for that in the future; and we are reluctant to use the resource adversely to meet current trends that may become a problem later. During this interim period, it is obvious from visitor reaction that, for the most part, the sentiment is to retain the natural characteristics of the island with a bare minimum of visitor day-use facilities; and this is the immediate goal of the National Park Service for Assateague Island.[1]

Upon enactment of the 1976 legislation repealing the original development mandates and completion of its prescribed comprehensive general management plan, this immediate goal became the ultimate goal. The story of physical development at Assateague is therefore a short one. By and large, the seashore has made do with what it inherited on the ground and with the very minimum of new construction needed to accommodate the beach-going public.

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[1]Letter, Roberts to The Legislative Council, State of Maryland, Oct. 13, 1970, file L7019, ASIS.

Maryland

Among the first priorities in Maryland was the mainland headquarters building. In the absence of such a facility, Superintendent Roberts and his staff had to rent office space seven miles away in Berlin and could provide little visible Park Service presence at Assateague.

Upon acquisition of the 10-acre headquarters tract in July 1966 (Chapter II), the Service contracted with W. G. Marshall of Ocean City for construction of the headquarters building and parking area. The job was completed for $165,542 in June 1967. Roberts and his seashore staff and John E. Ritchie and his land acquisition team moved in the following month. They now had a place to "fly the flag" and greet visitors with information on the national seashore's present offerings and future plans.

In September 1969 an adjoining maintenance and storage building costing $71,228 was completed by Tolson Building Systems of Harrisonburg, Virginia, to be followed by a $74,200 package sewage treatment plant installed by W.R. Hall of Norfolk in May 1970.[2] Unfortunately, the garage space provided for vehicle storage ultimately had to be taken over for offices, forcing the seashore's fleet out into the corrosive salt air.

On the island, a temporary two-mile sand clay road was completed to the south boundary of Assateague State Park in May 1967. It joined a 1-1/2-mile sand clay road with a 500-car parking lot completed in the Service's North Beach area in October 1969. Scott and Wimbrow, Inc., of Berlin undertook the latter job for $334,928. In April 1971 the Federal

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[2]Gordon U. Noreau, "History of Assateague Island National Seashore" (typescript at Assateague Island National Seashore headdquarters, 1972, rev. 1974), pp. 12, 15.

segment was resurfaced at a cost of $10,275.[3]

An acceptable permanent access road through the state park was blocked by the state's campground development plans and generally tense relations with the state park administrators until 1972 (Chapter IV). After the impasse was broken, construction by both the state and the Service proceeded between 1973 and 1975. The road was deliberately made crooked, with short sight lines, to enforce low speed travel and preclude any impression that it might be the beginning of the discredited connection to Virginia. Superintendent Thomas F. Norris, Jr., mindful of the sensitive nature of the road, was careful to clear its alignment with Judith C. Johnson of the watchdog Committee to Preserve Assateague before construction.[4]

The first temporary facilities in Maryland for day users and campers were installed at North Beach in 1968. Included were a 50-car clay parking lot one-half mile south of the state park for day users, a campground without designated sites in the inner dune area, pump water, and chemical toilets supplied and served by Boggs Water and Sewage, Inc., of Salisbury. In 1969-70 a bathhouse was built with day labor for $30,000. Also ready for the 1970 season was a campground with 126 marked spaces, three walk-in campsites with tables and chemical toilets along the beach to the south, and a designated "bullpen" some four miles below North Beach for self-

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[3]"Highlight Briefing Statement, 1967 Calendar Year," Jan. 17, 1968, file A2621, Assateague Island National Seashore headquarters (hereinafter cited as ASIS); Noreau, "History of Assateague," p. 16.

[4]Legislative support data accompanying memorandum, Regional Director Chester L. Brooks, Mid-Atlantic Region, NPS, to Assistant Director, Legislation, Apr. 25, 1975, in NPS Office of Legislation, Washington, D.C. (hereinafter cited as WASO-170); interview with Norris, May 24, 1982.

contained oversand vehicle campers.[5]

In 1967 the Service acquired the Paul Bradley house, 1-1/2 miles south of the state park, and reconditioned it as a VIP residence. Beginning in 1969 it was used as quarters for seasonal employees.[6] It served this purpose until 1981, when its deteriorated condition led to its abandonment and demolition by burning the following year; two nearby trailers housing seasonals were also removed. Their function was transferred to the Thomas B. McCabe house north of the state park, which had been vacated by McCabe upon the expiration of his retained occupancy rights in November 1979 (Chapter II).

The park had requested funds for removal of the McCabe house and other former private residences intruding upon Assateague's natural scene by May 1980. To answer conservationists' concerns that its use for seasonal housing might lead to Federal investment perpetuating the McCabe house, Superintendent Richard S. Tousley assured Judith Johnson that there was no change in the Service's long-term goal of removing nonessential structures and that no significant work would be done to protect the house from the advancing ocean. The McCabe house will nevertheless be retained for the foreseeable future until new seasonal housing is built in the headquarters area, and protective dune stabilization will be undertaken to forestall its loss.[7]

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[5]Noreau, "History of Assateague," pp. 17-19.

[6]Ibid., p. 17.

[7]Form 10-238, Development/Study Package Proposal, McCabe House Removal, Aug. 21, 1979, file D22, ASIS; letter, Tousley to Johnson, June 22, 1981, file D1817, ASIS; interview with Michael V. Finley, May 19, 1982.

development concern in Virginia was redevelopment

from the Chincoteague-Assateague Bridge and

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ober 27, 1977, and the new bridge opened to

e work remained to be completed before the

. A much smaller span over Sheepshead Creek

was constructed simultaneously. The total

sociate Director, Administration, Mar. 19,

vision files, NPS Mid-Atlantic Regional Office

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cost $2,448,813.[9]

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Pease dome was erected at the beach end in 1968

rapt, and first aid services.[11] No longer used for seas

small dome became an office for the bridge repair proje

next year it was turned over to the Chincoteague Chamb

special use permit. When the Service transferred the

Accomack County in 1972 the dome was given to the chamber,

replaced it with a conventional modern structure.

In 1977 the Roundup Restaurant inherited from the Aut

was moved and extensively renovated to serve as the To

Center. Of this project Interpretive Specialist Gerald W

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[9]File D30, ASIS.

[10]Moreau, "History of Assateague," p. 15.

[11]"National Seashore Opens New Facility," statement

Roberts to Paul B. Merritt, Oct. 1, 1968, file A3815, A

admiringly, "Helen Schreider, and Kip Stowell of HFC [Harpers Ferry Center] and Earl Estes, Larry Points, and Roy Ross of ASIS [Assateague Island National Seashore] have shown that while one can't make a silk purse out of a sow's ear, one can make an impressive visitor center out of a clam shack."[12] The renovation was completed in 1979. When the information function moved in, the dome at the beach was turned over to park maintenance.

The Assateague Beach Coast Guard Station was used for seasonal quarters and storage after its acquisition by the Service in 1967. In July 1970 Representative Thomas N. Downing of Virginia sought extension of the road down Toms Cove Hook for additional beach access; the Service complied the following spring by upgrading the existing sand trail (with slag on a clay base) some two miles to the former Coast Guard station. At the head of the road extension it erected a screened ampitheater for evening interpretive programs.[13]

The ultimate fate of all fixed development on Assateague was vividly illustrated in a November 1981 storm. Most strikingly affecting the public use development at the hook, it breached the protective dune line, inundated the bathhouses, and forced the Service to retreat behind a new artificial dune constructed back from the original.

As it had done in the early 1970s following previous storms, the Service would rebuild the Toms Cove road and visitor facilities a bit farther inland, but with renewed awareness that all its works would be temporary.

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[12]Memorandum, Sielaff to Regional Director, Mid-Atlantic Region, Oct. 21, 1977, RPD-MARO.

[13]Letter, Downing to Director George B. Hartzog, July 17, 1970, file D30, ASIS; Noreau, "History of Assateague," p. 15.

Increased respect for the inevitability of natural processes had sharply altered not only the magnitude of the mid-1960s development proposals but the expected lifespan of any Assateague development, present or future. The concept of expendability had come to replace the notion of permanence on the mobile island resource.

CHAPTER VII

RESOURCES MANAGEMENT HIGHLIGHTS

The Mobile Resource

In most units of the National Park System, resources management is concerned primarily with perpetuation of the natural and cultural features on the land; the existence of the land base is taken for granted. Not so at Assateague. There a major concern has been what to do about the island itself--an island that has been most uncooperative about staying put.

When Frederick Law Olmsted, Jr., flew over Assateague in 1941 he commented on its low, overwashed state and judged that it would have to be artificially elevated to serve recreational purposes. Stabilization measures had previously been undertaken at Cape Hatteras, and A. Clark Stratton and E.F. Preece of the National Park Service recommended similar work for Assateague if it were to be included in a national seashore (Chapter I).

The Army Corps of Engineers assisted in protective dune construction on the Virginia end of the island after Chincoteague National Wildlife Refuge was established in 1943. The Corps' last project there before authorization of the national seashore was the raising of a dune along Toms Cove Hook in 1962.[1]

The need for major stabilization work on Assateague was generally advocated by national seashore proponents as well as those holding out for private development in the early 1960s. At the 1964 Senate hearing on

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[1]Memorandum, Leslie L. Fugedy to Nathan B. Golub, Feb. 9, 1980, Resource Preservation Division files, NPS Mid-Atlantic Regional Office, Philadelphia, Pa. (hereinafter cited as RPD-MARO).

the seashore bill, Chairman S. Lawrence Hammerman of the Maryland Forests and Parks Commission supported Federal acquisition as the best way toward accomplishment of the task:

> At the outset, sand dunes must be rebuilt and created; bulkheads must be constructed. A roads system and a sanitary system must be created and maintained in a major construction project.
>
> Certainly, the machinery of the Federal parks system, with its vast experience and its present, dramatic expansion, is best equipped to initiate and perpetuate all of these services with little additional original outlay or future expense to the Maryland taxpayers.
>
> The preservation of the dunes and the protection of the shoreline will be a never ceasing operation, once the park is established, to withstand the inroads of the tides and winds of the Atlantic Ocean.[2]

Secretary of the Interior Stewart L. Udall had ideas as to how the work might be achieved. "Probably, this would be an ideal place for one of those youth conservation camps, if this program is implemented by the Congress," he testified. "These youngsters could help in constructing the protective dune that will stabilize the island, because much of the island is not stabilized at the present time."[3]

The National Parks Association, the leading conservation group that lobbied for minimal development of Assateague, offered a plan for the island in its November 1964 National Parks Magazine. Regardless of whether it were developed privately or brought under Federal ownership, the Association believed, "long stretches of Assateague Island's Atlantic frontage will require beach erosion control and dune stabilization work."[4]

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[2]U.S., Congress, Senate, Committee on Interior and Insular Affairs, Assateague Island National Seashore, Hearing on S. 2128, 88th Congress, 2d Session, Aug. 11, 1964, p. 18.

[3]Ibid., p. 97.

[4]"Assateague Island: Challenge in Park Planning," National Parks Magazine, November 1964, pp. 4-7.

In its 1965 promotional brochure, Assateague Island National Seashore: A Proposal, the Park Service cited the Cape Hatteras dune construction through bulldozing, sand fencing, and vegetation planting as a model for Assateague. It recommended a cooperative study with the Secretary of the Army for beach erosion control and hurricane protection. Provision for such a study was included in the legislation, and the Service asked the Corps of Engineers to extend its ongoing examination of Maryland coastal erosion to all of Assateague, including the Virginia portion.[5]

Scientific support for dune construction was restated in 1970. The "Assateague Ecological Studies Final Report," issued by the University of Maryland's Natural Resources Institute that October, cited a 1966 Rhode Island Agricultural Experiment Station report titled "The Restoration and Retention of Coastal Dunes with Fences and Vegetation." The latter report, based on research on the Rhode Island coast in 1956, concluded that sand fences and properly cultivated vegetation were economical and effective for dune rebuilding.[6]

Just as the Assateague Ecological Studies report appeared, a different voice was heard. In a report prepared for the chief scientist of the National Park Service on Atlantic national seashores, Paul J. Godfrey of the University of Massachusetts characterized the barrier islands as inherently dynamic and unstable. Attempts to artificially stabilize them by dune building were not only doomed to failure but were ecologically

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[5]Letter, Bertrum C. Roberts to Col. Frank W. Rhea, Nov. 3, 1966, file A44, Assateague Island National Seashore headquarters (hereinafter cited as ASIS).

[6]"Assateague Ecological Studies Final Report, Part II: Environmental Threats," Contribution No. 446, Natural Resources Institute, University of Maryland, October 1970.

harmful. The dredging of the bayside estuarine areas to obtain fill for dunes impaired marine productivity there and increased the possibility of bayside erosion. To the extent that the dunes held and prevented periodic overwash, they impeded the natural formation of salt marsh on the bayside, again adversely affecting productivity.[7]

The consequences of accepting the new view were profound. If islands like Assateague were inherently unstable, the feasibility of such development as had been mandated by the Assateague legislation was highly questionable. The effect of coastal processes on roads and structures at Cape Hatteras National Seashore was already clearly evident. There was still time to learn and apply the lesson at Assateague, where significant construction had been forestalled and where the tide was already running against compliance with the legislated development mandates (Chapter III).

In 1972 the NPS chief scientist's office asked Paul Godfrey and Robert Dolan, the principal researchers on the subject of coastal island dynamics, to summarize their findings and propose guidelines for management. The following year Director Ronald H. Walker announced new Service policies based on their recommendations. Barrier islands were recognized as transient, and roads paralleling the seashore and permanent development on them were to be avoided. Some special measures might be taken to prolong the existence of nationally significant historic features (e.g., the Cape Hatteras Lighthouse), but contingency plans for their relocation should be developed. Interpretive programs to inform the public of the

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[7]"A Report on the Status of National Seashores on the U.S. East Coast as of Summer 1970," copy in file N16, ASIS.

reasons for the new approach were judged essential to its acceptance.[8]

Up to 1971 the Service had spent some $78,000 for dune construction and stabilization to protect its limited public developments on Assateague. In that year the Corps of Engineers found the island to have 22 miles of shoreline subject to critical erosion averaging three feet per year; it estimated remedial action to cost $14.5 million.[9] While rejecting any project of this magnitude, the Service did continue limited dunebuilding where necessary to extend the life of its few facilities on the island. Such work has most recently been undertaken at Toms Cove, Virginia, and at the McCabe house north of Assateague State Park in Maryland.

The most recent Corps of Engineers plan for the area, developed at NPS request, would bring sand from a shoal one-half mile east of Ocean City Inlet to the receding north end of Assateague. The initial cost would be $8.3 million; necessary replenishment every three years would require an average of $640,000 annually thereafter. This proposed exception to the general hands-off policy was justified on the grounds that the recession is man-caused (from the Ocean City Inlet jetties impeding the littoral drift) and therefore requires human remediation.[10]

The Ponies

Assateague's most famous resource may be its wild ponies. Best

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[8]Robert Dolan and Bruce Hayden, "Adjusting to Nature in Our National Seashores," National Parks & Conservation Magazine, June 1974, p. 9.

[9]Gordon U. Noreau, "History of Assateague Island National Seashore" (typescript at Assateague Island National Seashore headquarters, 1972, rev. 1974), p. 21.

[10]Corps of Engineers, "Atlantic Coast of Maryland and Assateague Island, Virginia, Feasibility Report and Final Environmental Impact Statement," August 1980, copy at ASIS. No action had been taken by mid-1982.

known is the herd in Chincoteague National Wildlife Refuge, which is owned by the Chincoteague Volunteer Fire Department and rounded up for the much-publicized annual swim and auction. The ponies of concern here are those owned by the National Park Service in the Maryland portion of the island.

When the national seashore was authorized in 1965, the original NPS ponies were owned by Paul Bradley, a seasonal resident of the North Beach area. In March 1966 the Maryland Department of Forests and Parks warned Bradley of legal action unless he moved within 30 days to keep his herd of 10 off state park property, where they were pulling up planted grass along the bridge causeway. "I want them off the island...," parks director Spencer P. Ellis told the press. "I'm not being hard-nose about this thing--I just think it would be best for the safety of the children who visit the island."[11]

Bradley discussed the problem with Superintendent Bertrum C. Roberts of the national seashore. Roberts expressed his desire to keep the ponies as part of the Assateague scene under certain conditions: management would limit their population to prevent overgrazing and render fencing unnecessary; the herd should be in public ownership and treated as part of Assateague's wildlife, not exploited by drives, swims, or carnivals; the herd would be protected by the Service, inspected, and given veterinary services as needed; no other herds would be permitted in the Maryland portion of the island. Bradley concurred and offered to sell or donate his ponies to the United States. Because the Government did not yet own sufficient land and Roberts feared trespass charges from private owners,

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[11]"Wild Ponies Are Assured of Home on Seashore Park," The Daily Times, Salisbury, Md., May 13, 1966, ASIS clipping file.

he arranged an interim transfer to the Berlin-Ocean City Jaycees. The transfer was on paper; the herd never left the island. Two years later, in June 1968, the Jaycees gave the Service title to the ponies.[12]

Writing to another park superintendent in October 1970, Roberts reviewed his experience with the ponies to that point:

> The Service-owned herd of Assateague ponies have finally, after five heavy use seasons, become accustomed to human activity. On the surface this appears to be a great boon for the visitor. This year, however, we experienced our first cases of horse bites and kicks because of the "taming" of these wild little beasts. This according to our Solicitor must result in "do no feed, pet, or otherwise get involved with the pony" signs at the seashore entrances as well as in the appropriate park literature. It is difficult to conceive that this problem is with us at a seashore, but it is.[13]

By the mid-1970s the increasing population of the herd was thought to be endangering certain plant species on the island. The Service contracted with Ronald R. Keiper, a Pennsylvania State University biologist, in 1975 to evaluate the grazing effects and determine the carrying capacities of the dune, interdune, and marsh vegetative zones. Based on annual studies of the behavior, ecology, and social organization of the ponies, Keiper reported in 1982 that the existing population of some 80 animals was having little adverse effect on island vegetation other than on the northern tip. A reduced foaling rate led him to predict that the estimated Maryland carrying capacity of 150 would not be reached until at least the end of the decade. In the meantime, the park would allow the

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[12]Letter, Roberts to Mike Quillen, Aug. 4, 1967, file N16, ASIS; National Capital Region Weekly Report to the Director, July 1, 1968, file A2623, ASIS.

[13]Memorandum, Roberts to Superintendent, Coulee Dam National Recreation Area, Oct. 26, 1970, file W34, ASIS.

herd to continue its natural increase.[14]

In August 1978 the Virginia Secretary of Human Resources expressed concern that a stallion with equine infectious anemia (EIA) from the Maryland herd had crossed the fence at the state line and mingled with the Virginia herd. Other such trespasses occurred periodically, making it difficult for the Virginia animals to be certified disease-free at the annual auction if the Maryland herd was infected. A meeting was held at Chincoteague on the subject, and John Karish, an NPS research biologist at Pennsylvania State University, initiated plans to corral all Maryland ponies for EIA testing. Because the problem was not judged critical, the plans were not implemented.[15]

Superintendent Richard S. Tousley complained of another pony problem in his 1979 annual report. The beasts were staging daily raids on the campground trash cans. Clustering the cans in enclosures kept the ponies out but discouraged lazy campers from delivering their trash to the central clusters. Although picturesque, the ponies have tried the patience of Assateague's administrators on a regular basis.

Hunting

In most units of the National Park System, hunting is strictly prohibited. At Assateague, as at certain other areas in the Service's

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[14]Letter, Associate Regional Director S. Sydney Bradford, Mid-Atlantic Region, to Keiper, Jan. 17, 1979, RPD-MARO; Ronald R. Keiper and Mack B. Hunter, "A Study of the Behavior and Ecology of the Feral Ponies, Sika Deer and White-Tailed Deer Within the Assateague Island National Seashore," Mar. 1, 1982, copy at ASIS; interview with John Karish, Apr. 3, 1982.

[15]Letter, Jean L. Harris to Thomas F. Norris, Jr., Aug. 8, 1978, RPD-MARO; Karish interview.

former (1964-1977) "recreational" category, hunting was and is explicitly permitted by law. The Assateague legislation in effect recognized the longstanding existence of this use of the island, which supported several hunting camps and gun clubs.

A cooperative agreement with the Maryland Fish and Wildlife Administration in October 1971 implemented the legislative provision for fishing and hunting in designated Maryland portions of the island under applicable Federal and state laws. Although not specifically mentioned in the Assateague act, trapping was also allowed. In 1976 Interpretive Specialist Larry G. Points expressed concern about "management's continued indifference to trapping on Assateague"--especially trapping of otter, whose numbers appeared very limited. Noting that researchers were making serious studies of the ponies and peregrine falcons, Points called for a good census of all fur-bearing animals on Assateague that could be jeopardized by trapping or extension of the wildlife refuge's mission of maximizing waterfowl populations.[16]

In 1979 a mandatory registration system for trapping was instituted. Only four applicants placed traps, with no reported success. Also inaugurated was a lottery system for waterfowl hunters using Assateague's 27 public blinds.[17]

Objections to trapping in the National Park System culminated in a proposed Service regulation published for public comment in March 1982: "Trapping is prohibited in all park areas, except where specifically

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[16]Memorandum, Points to Superintendent, ASIS, June 17, 1976, file D18, ASIS.

[17]Superintendent's Annual Report, 1979 Calendar Year, Mar. 11, 1980, RPD-MARO.

required by Federal statutory law."[18] Assateague was among 13 parks where trapping was practiced without such legal sanction and would be eliminated if the regulation were approved, as appeared likely. Superintendent Michael V. Finley of Assateague was closely involved in drafting this and related provisions affecting resource preservation and use throughout the System.

Cultural Resources

Cultural resources management at Assateague was grounded on the "General Background Study and Historical Base Map" prepared by Historian Edwin C. Bearss of the NPS Washington Office in 1968. The comprehensive Bearss study documented historic island settlements, commercial activities, grazing use, the presence of the U.S. Life-Saving Service and Coast Guard, and a range of other human activities on and around the island since Giovanni da Verrazzano's voyage to the vicinity in 1524. Bearss' most important contribution was his identification and evaluation of extant site and structures associated with these activities.

The major historic property acquired by the Service was the Assateague Beach Coast Guard Station on Toms Cove Hook. Dating from 1922, the station was decommissioned and transferred to NPS in January 1967. The Service used the main building and adjoining boathouse for seasonal quarters and storage.

In 1972 a National Register of Historic Places nomination form on the station was submitted to the Virginia State Historic Preservation Officer (SHPO), who had the property placed in the Virginia Landmarks Register

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[18] Federal Register, Mar. 17, 1982, p. 11614.

the following year. Arguing that the station was relatively recent, lacked uniqueness or outstanding architectural value, and would be unduly expensive to preserve as a National Register property, Regional Director Chester L. Brooks in 1975 told the SHPO that the Service would not nominate it to the National Register and suggested that he remove it from the Virginia Landmarks Register. The SHPO balked at this, and the regional office ultimately agreed to seek an official determination of National Register eligibility. The Keeper of the National Register in Washington found the station eligible for the Register on January 15, 1980, making it the only NPS property on Assateague with this status.[19]

Later that year a Service structural engineer inspected that station and found the boathouse pilings endangered by marine borers. He recommended that all pilings be wrapped with plastic to suffocate the boring organisms.[20] The project was implemented without substantially altering the appearance of the pilings.

The only other historic structures that came into NPS hands were those of the Popes Island Life-Saving Station, built in 1878-79 and abandoned in 1953. It deteriorated rapidly after the March 1962 storm. "Unless steps are taken to stabilize and restore the structures," Bearss commented in his 1968 study, "they will soon disappear." The main building and two small outbuildings were destroyed by fire from an unknown cause during the

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[19]Letter, Brooks to Junius R. Fishburne, Jr., Oct. 16, 1975, RPD-MARO; letter, Tucker Hill to Laura E. Soulliere, Mar. 24, 1978, RPD-MARO; letter, Acting Regional Director Benjamin J. Zerbey, Mid-Atlantic Region, to Assistant Manager, Mid-Atlantic/North Atlantic Team, Denver Service Center, Apr. 18, 1978, RPD-MARO; subsequent Register correspondence in RPD-MARO.

[20]Memorandum, Maurice L. Paul to Assistant Manager, Mid-Atlantic/North Atlantic Team, Denver Service Center, July 1, 1980, RPD-MARO.

evening of October 18, 1970.[21] The boathouse was spared, and in 1978 it was moved to North Beach near the site of the former North Beach Life-Saving Station. There it was restored and put to appropriate adaptive use. The only other remaining structure of the Popes Island complex, a coalhouse, burned in 1981.

A comprehensive archeological survey, normally a prerequisite to planning for development and use, was considered but not pursued during the general management planning process in 1978. Regional Archeologist David G. Orr defended the lack of immediate action by opining that the fluid nature of Assateague rendered the presence of significant archeological resources unlikely.[22]

Wayne E. Clark, an archeologist for the Maryland SHPO, took exception to Orr's opinion in a 1979 letter to the regional director: "[T]he archeological potential of the Island is much greater than that attributed to the Island by your archeologist.... The underwater archeological potential of Assateague is high while the potential for prehistoric sites is moderate." Clark noted the existence of undisturbed island terrain and some 600 shipwrecks off the Maryland coast, including an 18th-century Spanish wreck;[23] the wrecks, however, were beyond the bounds of NPS ownership.

The subsequent "Preferred Planning Alternative for Assateague Island

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[21]Bearss, "General Background Study and Historical Base Map" (unpublished report, NPS Division of History, 1968), p. 132; Incident Report, Regional Chief Nathan B. Golub, Resources Management and Visitor Protection, Northeast Region, to Director, Northeast Region, Oct. 19, 1970, copy in NPS Office of Cultural Resources Management, Washington, D.C.

[22]Orr statement, Nov. 13, 1978, RPD-MARO.

[23]Letter, Clark to Acting Regional Director Nathan B. Golub, Jan. 24, 1979, RPD-MARO.

Comprehensive Plan" of 1979 declared that an archeological survey of NPS lands would be complete in 1981. The Draft General Management Plan of 1981 stated that the survey had been programmed for 1984. The final General Management Plan issued in June 1982 stated only that "an archeological survey of Assateague Island will be completed." The memorandum of agreement with the Advisory Council on Historic Preservation and Maryland and Virginia SHPOs appended to the plan included a related stipulation:

> NPS will undertake its proposed archeological survey and evaluation program. Included will be a re-evaluation of the significance of known sites of ruined historic structures as archeological properties. The survey will be developed and conducted in consultation with the Maryland and Virginia SHPOs and will take into account information from both SHPOs on known properties, previous surveys and other investigations performed in the area, and any recommendations they may have on appropriate survey methods. As part of this effort, the known shipwrecks located off the oceanside shore of Assateague Island will be evaluated to determine whether they meet National Register Criteria. NPS will obtain applicable Federal and State permits, as necessary, for any field investigations which might have an effect on such properties. Any of the identified properties under NPS jurisdiction that meet the Criteria will be managed in accordance with NPS-28 [the Service's Cultural Resources Management Guideline]. Public interpretation of any historic properties under exclusively State jurisdiction, including disclosure of locational information, will be done in consultation with the appropriate SHPO.

An Afterthought

It might appear from the foregoing discussion that natural and especially cultural resource preservation has not been the highest priority at Assateague. If so, Assateague's managers have been guilty of obeying the law authorizing the seashore, which addressed natural conservation only in the context of "public enjoyment" and historic preservation not at all. The 1976 amendatory legislation prescribed a comprehensive plan giving greater weight to the protection of natural resources, but it left intact the original language assigning primacy to public outdoor recreation and

remained silent on cultural resources. For preservation of the latter, the Service had to reach to the general authorities and mandates of the NPS Organic Act of 1916, Executive Order 11593 of 1971, and the National Historic Preservation Act of 1966 as amended. Under the circumstances, it is understandable and indeed appropriate that Assateague's limited funding and manpower have gone first for that purpose most explicitly charged to its custodians.

CHAPTER VIII

"FOR PUBLIC OUTDOOR RECREATION USE AND ENJOYMENT"

Thus was stated the primary purpose of Assateague Island National Seashore in its 1965 authorizing legislation. In this rather amorphous chapter, encompassing some of the major visitor pursuits and those park functions aimed at serving and regulating them, we touch upon what the seashore is most about. We shall pass over swimming and sunbathing, most popular of all but undemanding of more than routine management supervision, and go to selected activities that have particularly occupied Assateague's administrators.

Information/Interpretation

The first Park Service facility at the seashore for informing visitors what they might enjoy there was the small geodesic dome in the traffic circle at the Virginia end approach, opened July 3, 1966. A temporary information booth at the Maryland end went into service July 13. The dome remained as a visitor information station through the summer of 1968, when its function was assumed by a larger dome at the Virginia beach (Chapter VI). The booth in Maryland was superseded by the headquarters visitor center, which opened in July 1967.[1]

Following a joint interpretive planning conference at Chincoteague National Wildlife Refuge in November 1968, the Bureau of Sport Fisheries and Wildlife and the National Park Service prepared interpretive prospec-

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[1]Gordon U. Noreau, "History of Assateague Island National Seashore" (typescript at Assateague Island National Seashore headquarters, 1972, rev. 1974), pp. 12, 14.

tuses focusing on their respective Assateague interests. The NPS prospectus, prepared by Supervisory Staff Curator Raymond S. Price of the Harpers Ferry Museum Support Group, was approved in June 1969. "The interpretive program, constructed around the theme of environmental awareness, will develop the dependence of the barrier island and the recreational environment on outside influences," it proclaimed in the idiom of the incipient environmental education movement. The program objectives would be to provide information on recreational resources and activities; to interpret Assateague's natural history, emphasizing man's role in its conservation; and to interpret Assateague's human history, emphasizing man's inability to establish himself permanently on the changing island.[2]

Proposed interpretive media included a mobile interpretive facility (a four-wheel-drive vehicle mounting a rear-projection screen and other equipment) and cartoon signs featuring Charles Schultz's "Peanuts" characters warning people to avoid damaging the dunes. Commenting on the prospectus before its approval, Superintendent Bertrum C. Roberts questioned the mobile interpretive device as possibly "'force feeding' the city visitor with a media he may well be trying to get away from."[3]

Still containing the mobile facility and references to the proposed connecting road down the island, the prospectus was en route to the printer in March 1973 when Superintendent Thomas F. Norris, Jr., had it

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[2]"Interpretive Prospectus for Assateague Island National Seashore," 1969, copy in Interpretation and Visitor Services Division file, NPS Mid-Atlantic Regional Office, Philadelphia, Pa. (hereinafter cited as IVSD-MARO).

[3]Memorandum, Roberts to Regional Director, Northeast Region, NPS, May 13, 1969, file K1817, Assateague Island National Seashore headquarters (hereinafter cited as ASIS).

shelved. "Many aspects of the current prospectus are based on proposals and development schedules which have been eliminated or tend to suggest themselves as being 'ripe for elimination' in light of recent NEPA guidelines and current environmental thinking," he wrote his regional director. Five years later, describing the Price prospectus as "invalid," Norris reported that a new interpretive prospectus would be undertaken as the Assateague general management plan and the Harpers Ferry Center five-year interpretive planning program were put in final form.[4]

The first interpretive beachwalks and campfire programs were offered on both ends of the island in 1969. In 1970-71 a more varied interpretive program included evening programs in a screened ampitheater (to keep out the biting insects) at Toms Cove. Evening programs in Maryland were held in the headquarters visitor center. New exhibits were installed at the headquarters center in 1973, followed by a saltwater aquarium in 1975. In 1974 "numerous marsh and clam walks" were underway, and popular interpretive canoe trips were inaugurated in the North Beach marshes with 10 donated aluminum canoes.[5]

A wooden platform overlooking Toms Cove was completed in June 1975, and five large "metalphotos" depicting historic scenes of the area were installed on its railings. In 1976-77 the Service constructed a 3/4-mile nature trail through the adjoining marsh, complementing the similar Candle-

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[4]Memorandum, Acting Team Manager William W. Smith, Northeast Team, Denver Service Center, to Director, Northeast Region, Mar. 2, 1973, file K1817, ASIS; memorandum, Norris to Director, Northeast Region, Mar. 21, 1973, file K1817, ASIS; memorandum, Norris to Regional Director, Mid-Atlantic Region, Apr. 13, 1978, file K1819, ASIS.

[5]Noreau, "History of Assateague," pp. 18-19; letter, Regional Director Chester L. Brooks, Northeast Region, to Herbert Sachs, June 13, 1974, IVSD-MARO.

berry Trail constructed in 1973 in Maryland.[6] Eastern National Parks and Monuments Association, which had established a sales agency at Assateague in 1969, provided funds for 750 feet of boardwalking along the Toms Cove trail. Interpretive Specialist Sandra K. Hellickson prepared a guide booklet for the Virginia trail and Chief of Interpretation Larry G. Points wrote the Candleberry Trail guide.

As part of a five-year plan to upgrade interpretation at Assateague, NPS interpretive planners at Harpers Ferry Center again raised the idea of a mobile interpretive van in 1978. Superintendent Norris shared his predecessor's resistance to the proposal:

> Our years of experience have shown us that the great majority of day-use visitors are here for sun, sand, and surf. Through our handouts and bulletin boards, these people are aware of our interpretive offerings. Some of them participate, but most are not here for that kind of thing and we force nothing upon them. To assume that these people will utilize the van in numbers enough to justify the expense is a considerable gamble.[7]

The van proposal was dropped, but other components of the five-year plan were implemented. They included the film "A Very Special Place," which the staff released in an official premiere in February 1981; a new information desk and other modifications completed in October 1981 in the headquarters visitor center; exhibits for the Toms Cove visitor center, installed in July 1982; and a wayside exhibit plan still in progress at this writing.

The Harpers Ferry Center's Division of Publications produced a 176-

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[6]Squad Meeting Minutes, June 9, 1975, file A40, ASIS; memorandum, Acting Superintendent Earl W. Estes to Refuge Manager, Chincoteague National Wildlife Refuge, Nov. 9, 1976, file K1815, ASIS.

[7]Memorandum, Norris to Chief, Division of Exhibits, Harpers Ferry Center, Feb. 21, 1978, file K1815, ASIS.

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[5]Noreau, "History of Assateague," pp. 18-19; letter, Regional Director Chester L. Brooks, Northeast Region, to Herbert Sachs, June 13, 1974, IVSD-MARO.

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page illustrated handbook on Assateague in 1980. Because its map appeared to show Toms Cove Hook as belonging to the National Park Service rather than to Chincoteague National Wildlife Refuge, Refuge Manager J. C. Appel refused to allow the publication to be sold in the refuge, including the Toms Cove NPS visitor center. The NPS regional office appealed Appel's prohibition to the Fish and Wildlife Service regional office, which overruled the refuge manager on the issue.[8]

Camping

The first Service campground at Assateague was delineated in the inner dune area of North Beach in 1968. Because it lacked designated sites, there was no easy way to prevent overcrowding. It was replaced by a 126-site campground with fees in 1970, at which time three campsites for backpackers accommodating up to 20 hikers each were designated along the beach.[9] One was at Toms Cove Hook, where a youth group camping area was also established.

"While there is clamor for more public campgrounds on the island in the Maryland section," Superintendent Roberts wrote Senator Charles McC. Mathias, Jr., of Maryland in 1971, "we have concluded that to attempt to meet such a demand will destroy this resource." He described the Service policy of limiting crowding by designating campsites and noted that private campgrounds on Chincoteague Island were meeting the demand in Virginia. "It is more difficult to establish this posture in Maryland," he declared, "because the Assateague State Park policy is to accommodate

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[8]Memorandum, Stuart H. Maule to Regional Director, Mid-Atlantic Region, Dec. 22, 1980, IVSD-MARO; interview with Chester O. Harris, Mar. 2, 1982.

[9]Noreau, "History of Assateague," pp. 17-19.

campers in spite of impact on the resource."[10]

The popularity of the interpretive canoe trips led the seashore to establish a bayside canoe-in camping system in 1976.

VIP Visitors

A select segment of the public got special treatment during the early years of the national seashore. As improved properties were acquired in Maryland, several formerly private dwellings became available for Service use. Two of these, the Bradley house and the Riden house, were reserved for vacationing members of Congress and ranking Government officials.

The Bradley house was occupied during 1967 and 1968 by a succession of distinguished personages, including Undersecretary of the Interior Charles F. Luce, Senator Henry M. Jackson, Representative Jerome R. Waldie, Ben Wattenberg, and H. Barefoot Sanders, Counsel to the President. During this period Secretary of the Interior Stewart L. Udall and his family regularly stayed in the Riden house. After Udall left office in 1969, the Bradley house was converted to seasonal park employee quarters, and the Riden house assumed the function of accommodating other visiting VIPs.[11]

Although these guests put an extra burden on the seashore staff, Superintendents Roberts and Norris viewed the high-level contacts they made as valuable in furthering park aims. Roberts held several strategy sessions with Udall while the Secretary was in residence. Members of the congressional Interior committees who had gained a personal appreciation of Assateague were more inclined to be sympathetic when the park needed its

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[10]Letter, Roberts to Mathias, Jan. 22, 1971, file D18, ASIS.

[11]Guest reservation correspondence in file A6019, ASIS.

appropriations ceiling for land acquisition raised. Representative Joe Skubitz of the House Interior committee got acquainted with the problems caused by off-road vehicles and became supportive of Service efforts to control their use.[12]

The VIP accommodations were phased out in the mid-1970s after adverse publicity in Jack Anderson's syndicated newspaper column and elsewhere. Assateague was one of several units of the National Park System accused of showing such undemocratic favoritism. Although the visiting officials had been charged for their accommodations, the rates were extremely low, and the Service found it difficult to publicly defend the practice of catering to those responsible for overseeing its functions. Like the Bradley house, the Riden house was turned over to park employees.

Assateague's highest-ranking visitor ever was President Richard M. Nixon. The President arrived on the seashore headquarters lawn by helicopter on August 4, 1972, for a weekend at the beach house of Thomas B. McCabe, board chairman of the Scott Paper Company and a wealthy Republican supporter. (McCabe's property had been acquired by the Government in 1969 but he retained occupancy rights.) Nixon's retinue included Charles G. (Bebe) Rebozo, Robert Abplanalp, and John N. Mitchell, then running his reelection campaign.[13]

The presidential visit required extensive preparations and heavy logistical support. A U. S. Park Police detail was called in to help the Secret Service secure the perimeter of the McCabe property, and the park head-

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[12]Interviews with Roberts and Harvey D. Wickware, May 21, 1982; interview with Norris, May 24, 1982.

[13]Jim Jackson, "President Visits Assateague," Eastern Shore Times, Berlin, Md., Aug. 10, 1972, ASIS clipping file.

quarters was largely taken over for communications purposes. The seashore staff obtained at least some lasting benefit from the disruption, however. Previously the park had experienced difficulty getting the oversand vehicles it needed for management purposes. Just before the President's arrival, five new four-wheel-drive vehicles magically appeared, and they remained at the seashore thereafter. Among them was a large van that was put to use shuttling lesser VIPs to the Riden house.[14]

Visitor Fees

The Chincoteague-Assateague Bridge and Beach Authority had collected a toll at its bridge for public entry to its facilities at Toms Cove Hook beginning in 1962. The Park Service acquired the Authority's interests in October 1966 and with the Bureau of Sport Fisheries and Wildlife (BSFW) continued entrance fee collection at the Virginia bridge in May 1967. Initially revenues were credited to both bureaus equally, but following a solicitor's opinion assigning primacy to the wildlife refuge, BSFW assumed accountability for all income in July. (Under the Refuge Revenue Sharing Act, 25 percent of the collections went to Accomack County.) Fee collection was suspended in the summer of 1970 after Congress failed to renew legal authorization for the activity, but it was resumed in 1971.[15]

An entrance fee (as opposed to the user fee first charged for camping in 1970) was collected at the Maryland portion of the seashore beginning in 1971. Part of its justification was uniformity, to preclude Virginia

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[14]Memorandum, Thomas F. Norris, Jr., to File, Aug. 9, 1972, file A60, ASIS; interview with Gordon U. Noreau, May 25, 1982.

[15]Memorandum, Assistant Secretary Stanley A. Cain to Director, BSFW, and Director, NPS, Mar. 28, 1967, file A4415, ASIS; memorandum, Cain to Director, BSFW, and Director, NPS, Aug. 8, 1967, file A4415, ASIS.

complaints of unequal treatment. The balance was threatened in 1973, when implementation of Public Law 92-347 amending the Land and Water Conservation Fund Act prevented BSFW from collecting entrance fees for refuge recreational facilities. Again opining that BSFW had primary jurisdiction over the entire Chincoteague National Wildlife Refuge, including Toms Cove Hook, the Interior Solicitor's Office ruled out entrance fees there. Uniformity was maintained by dropping the Maryland fee as well. Through a legislative error, authority for camping fees also ceased in August 1973. Maryland seashore campers overstayed, NPS rangers found time limits difficult to enforce, and public complaints ensued.[16]

Camping fees were restored in 1974, and a $1-per-vehicle user fee for the Maryland developed area was established in lieu of the former entrance fee--a distinction surely lost on the public. The following year the Service approached Representative Thomas N. Downing of Virginia with a legislative proposal to authorize an equivalent entrance fee at the south end; Downing was firmly opposed, and the Service retreated.[17]

Still seeking to right the balance, the Service instituted a user fee in the summer of 1977 at Toms Cove Hook. It was charged for occupants of cars only during the peak seven-hour period of the day. Responding to objections from the Chincoteague town manager, Secretary of the Interior Cecil D. Andrus stated that the fee was only for use of the beach facilities, that it would insure equal treatment for seashore users

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[16]Memorandum, Regional Solicitor William W. Redmond to Director, Northeast Region, NPS, Mar. 19, 1973, NPS Office of Legislation, Washington, D.C. (hereinafter cited as WASO-170); "Fees," Briefing Book statement c. 1974, WASO-170.

[17]"Fees," WASO-170; memorandum, James M. Lambe to File, Sept. 19, 1975, WASO-170.

in Maryland and Virginia, and that it would encourage more pedestrian and bicycle travel to the beach from Chincoteague campgrounds and motels, thereby reducing automobile traffic.[18]

The Virginia user fee survived until 1979. It was abandoned after Cleveland F. Pinnix, consultant to the House Subcommittee on National Parks, and Sharon Allender of the Solicitor's Office successfully contended that the facilities at Toms Cove did not meet the criteria required for fee collection. That being the case, the charge was a de facto entrance fee and thus unlawful within the bounds of the wildlife refuge.[19]

Once again the balance was destroyed as only Maryland beachgoers were charged. Abandoning efforts to regain uniform fees, Superintendent Richard S. Tousley discontinued the Maryland user fee in June 1981. Tousley's successor, Michael V. Finley, was behind the move as Tousley's assistant and firmly supported the no-fee policy, assuring its continuation for the foreseeable future.[20]

Concessions

The Chincoteague-Assateague Bridge and Beach Authority, operating under a Government lease in Chincoteague National Wildlife Refuge, in turn assigned responsibility for beach facilities at Toms Cove to a concessioner, the Assateague Beach Corporation (ABC). Beginning in 1962, ABC built and operated a bathhouse, restaurant, and other public use development

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[18]Letters, Town Manager David R. Quillen, Chincoteague, to Senators William L. Scott and Harry F. Byrd, Jr., Feb. 9, 1977, file F5419, ASIS; letters, Andrus to Scott and Byrd, Apr. 8, 1977, file F5419, ASIS.

[19]Superintendent's Annual Report, 1979 Calendar Year, Mar. 11, 1980, file A2621, ASIS; interview with Michael V. Finley, May 19, 1982.

[20]Finley interview.

at the beach end of the Authority's access road.

Before acquiring the interests of the Authority in October 1966, the Service requested a legal opinion as to the continuing rights of ABC. The Solicitor's Office concluded that the Interior Department would supplant the Authority in its contractual role with ABC and would be bound to perform the contract unless ABC were willing to terminate or renegotiate it.[21]

In its first years of seashore operation, the Service was dissatisfied with the performance of its inherited concessioner, whose facilities and standards it judged deplorable (Chapter VI). Superintendent Roberts approached the management of the Authority, which still existed pending final payment of its outstanding obligations. The Authority cooperated by expressing the view that its intent in the concession contract did not entail any Federal obligation to ABC. On this basis the Solicitor's Office reversed its opinion.[22]

Roberts informed Louis J. Steacker, ABC's principal, of the latest legal opinion in June 1970 and notified him that his contract would terminate with the impending dissolution of the Authority. The relationship was finally severed three years later, concluding food service at Toms Cove; ABC's other functions were absorbed by NPS. ABC thereupon filed suit in the U.S. Court of Claims for recovery of approximately $1 million in damages. A hearing was held in October 1974, at which the Government conceded liability for breach of contract and damages of $100,000. In

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[21]Noreau, "History of Assateague," p. 31; memorandum, Assistant Solicitor Bernard R. Meyer to Director, NPS, Oct. 26, 1966, file C3823, ASIS.

[22]Memorandum, Roberts to Director, Northeast Region, Apr. 20, 1970, file C3817, ASIS.

December 1975 the judge recommended an award of $114,408.[23] ABC did not appeal.

Public Transportation

Public transportation to and on Assateague was a favorite theme of those advocating elimination or restriction of private automobile access. The master plan team briefly considered public transportation in 1967 but rejected it as infeasible. The Morris plan for Assateague sponsored by the National Parks Association the following year would have banned automobiles and conveyed all visitors by bus (Chapter III). The Service regarded the automobile ban as inconsistent with its legal mandates and judged that buses would be insufficiently patronized to justify their expense.

A limited form of public transportation was tried on Toms Cove Hook in 1970 and 1971. A "sand tram" consisting of a tractor with sand tires pulling modified farm trailers ran along the beach between the parking area and the vicinity of the Coast Guard station in an attempt to disperse the crowds. The Toms Cove concessioner operated the tram, charging adults a dollar and children 50 cents. Superintendent Norris found its use by only 2,208 visitors in 1970 disappointing and judged the efforts at interpretation en route "only moderately successful."[24] Extension of the automobile road down the hook in 1971 helped discourage greater use of the tram that year, and the venture was abandoned thereafter.

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[23] Letter, Roberts to Steacker, June 30, 1970, file C3817, ASIS; Morris, "History of Assateague," p. 31; Assateague Beach Corporation v. United States of America, No. 196-73, U. S. Court of Claims; letter, Robert Pittle, Dept. of Justice, to Solicitor H. Gregory Austin, Interior, March 1, 1976, file C3817, ASIS.

[24] Letter, B.C. Roberts to William J. Duddleston, July 21, 1970, file A72, ASIS; letter, Norris to Duddleston, June 8, 1971, file A72, ASIS.

In June 1976 a contract transportation study was completed by Vollmer Associates of New York. Because the Maryland end of Assateague was considered to have no significant traffic problems, the study focused on the Virginia end where cars sometimes backed up into the town of Chincoteague on peak summer weekends. The contractor was asked to evaluate the feasibility of a bus system from Chincoteague to the beach.

Vollmer recommended transporting people from and to the major lodging concentrations and campgrounds via reconditioned British double-decker buses for public appeal. Seashore staff were not impressed, believing that beachgoers with all their gear would be unlikely to foresake their cars unless automobile access were much restricted. Regional Director Chester L. Brooks expressed concern about high maintenance and repair costs of the British buses and handicapped access to their upper decks. His preference was for "elephant trains" for their economy and expandability to meet varying needs. Donald Benson of the Denver Service Center called the proposed buses "a bit 'Mother Goosey'!!" The Vollmer plan was not implemented.[25]

In its 1982 General Management Plan for Assateague, the Service pledged itself to "encourage the development of a privately operated shuttle bus service from the town of Chincoteague." There was little expectation that such service would be forthcoming soon.

Law Enforcement

Law enforcement concerns inevitably accompany heavy public use. Miscreants caused problems for the Service on Assateague from the beginning.

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[25]Vollmer study in file D18, ASIS; memorandum, Brooks to Manager, Denver Service Center, July 19, 1976, with Benson comment attached, file D18, ASIS.

ree arsonists burned two hunting camps, Pine Tree Lodge and Valentine dge, in February 1966. Vandals removed historic wooden markers from the een Run Cemetery that April. Uncontrolled camping and beach buggy use re prevalent in Maryland, with resultant littering. Much of the public sumed that authorization of the national seashore automatically meant deral acquisition; as a result, they displayed little regard for the tensive private property. With its limited manpower and no assistance om the Worcester County sheriff's department, the Service found trespass- g difficult to prevent.[26]

Even after the private lands were acquired, jurisdictional complica- ons affected law enforcement. The Service took title for the United ates only to the mean high water line in Maryland, leaving the beach d water below that point to the state. (BSFW had acquired Federal title the low water line in Virginia.) Superintendent Norris sought a formal ng-term use and occupation agreement with each state giving the United ates administrative control 1000 feet seaward, his object being to remove y Federal jurisdictional hiatus along the waterfront. In 1973 the Solic- or's Office judged that by its legislation setting the national sea- ore boundaries one-half mile beyond the mean high water line, "Congress eated a sufficient Federal interest in the lands and waters therein to able the Park Service to regulate the conduct of visitors who enter this ea whether or not the United States owns the lands." The Service was verthless advised to seek concurrent jurisdiction with the states to pre-

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[26]Memorandum, Chief Ranger Harvey D. Wickware to Superintendent, Assa- ague, Sept. 13, 1966, file W34, ASIS; Noreau, "History of Assateague," 13.

clude any contentions of Federal overreaching.[27]

Superintendent Roberts had begun the effort to obtain concurrent jurisdiction from Maryland in 1966. Without such a grant of power from the state, the Service had only proprietary jurisdiction and could not prosecute for violations of state law on its land. Public Law 94-458 of October 7, 1976, directed the Secretary of the Interior to "diligently pursue" concurrent jurisdiction within all units of the National Park System, but two years later Superintendent Norris cited this as still a goal at Assateague.[28] In 1982 Superintendent Finley was designated Maryland state coordinator to obtain concurrent jurisdiction for all national parklands in the state. Excellent progress was being made at this writing.

The Service's presence in Chincoteague National Wildlife Refuge was another factor complicating its law enforcement work. Its regulations were in Title 36 of the Code of Federal Regulations; the refuge regulations were in Title 50. Fears that Title 36 might be unenforceable in the refuge were realized when Public Law 94-223 of February 27, 1976, defined the National Wildlife Refuge System as administered exclusively by the U.S. Fish and Wildlife Service (Chapter V). This development forced the Park Service to withdraw its Title 36 oversand vehicle regulations from application to Toms Cove Hook. The Fish and Wildlife Service published revised regulations under Title 50 to fill the gap, and it empowered the NPS district ranger

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[27]Memorandum, Norris to Land Acquisition Officer, Assateague, Sept. 28, 1971, file L1425, ASIS; memorandum, Acting Regional Solicitor William H. Thornton, Jr., to Director, Northeast Region, NPS, June 27, 1973, file A2623, ASIS.

[28]Letter, Roberts to Spencer P. Ellis, Dec. 29, 1966, file W3815, ASIS; memorandum, Norris to Regional Director, Mid-Atlantic Region, Nov. 27, 1978, file A2623, ASIS.

ment attention or engendered more controversy than off-road or oversand vehicle use.

Off-road vehicles (ORVs) have plied the beaches and dunes of Assateague since the late 1920s. "The Model A Ford opened up the beach," Robert Phillips of Berlin, Maryland, a long-time local resident, recently recalled. He drove his father's new 1928 Model A down from Ocean City on partially deflated tires and found many others doing the same.[32]

After the cutting of Ocean City Inlet in 1933 left Assateague surrounded by water, Alfred Peters started operating a small ferry from the mainland. Intended primarily for transporting his cattle grazing on the island, it was also used by vehicles carrying surf fisherman and hunters. Leon Ackerman inaugurated a larger five-car ferry about 1950 in connection with his Ocean Beach real estate venture, and it too was patronized by recreational ORVs.[33]

The Park Service found "beach buggy" use widespread when it arrived on the scene in 1965-66. Many local vehicle owners were members of the Assateague Beach Buggy Association, formed in 1965 and renamed Assateague Mobile Sportfishermen's Association (AMSA) in 1968 upon its affiliation with the United Mobile Sportfishermen's Association. Their primary purpose was to lobby for continued and expanded beach access in the face of conservationist pressures to restrict or eliminate ORVs. Seeking to counter the bad image of ORVs among environmentalists, AMSA promulgated a code of conduct prohibiting indiscriminate dune driving, littering, and other offensive practices. Its members, numbering 857 in 1973, voluntarily assisted the

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[32]Interview with Phillips, May 19, 1982.

[33]Ibid.

Service in beach clean-up projects as well as by installing and repairing sand fences and planting beach grass to encourage dune construction.[34]

Not all ORV drivers were so cooperative, making restraints necessary. By 1970 the Service had installed posts and cables to keep the vehicles on a designated track from North Beach some four miles south, where a fenced "bullpen" was established for self-contained camping units. Tents and campers removed from pickup beds were prohibited in the enclosure, but trailers were allowed.[35]

Superintendent Roberts took a dim view of ORVs. "The National Park Service, with respect to Assateague Island, has every evidence to believe at this time that with the increased use of sand vehicles and the absolute need to protect the natural resources of beach zones, vehicle use on these fragile areas must be phased down and out," he wrote in 1970. Later that year he expressed similar views to another park superintendent:

> In brief, the staff here recognizes that beach vehicles are destined to be banned from the public beaches. The only question is when such activity will cease to be a pleasure and become a total nuisance. Each season the number and variety of beach vehicles increases and it is just a matter of time until the outcry against them becomes stronger than the great political pressure exerted by them.[36]

Influenced by the Committee to Preserve Assateague and other conservation sentiment, Maryland's Joint Executive-Legislative Committee on Assa-

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[34]Noreau, "History of Assateague," p. 13; interview with William Shockley (President, AMSA), May 18, 1982; Orlando Wooten, "Sportsmen Donate Time, Work in Isle Conservation Program," The Sunday Times, Berlin, Md., Mar. 18, 1973, ASIS clipping file.

[35]Noreau, "History of Assateague," p. 18; letter, B.C. Roberts to Charles E. Elliott, Apr. 8, 1970, file A3815, ASIS.

[36]Roberts statement prepared for Back Bay National Wildlife Refuge hearing, May 18, 1970, file W4217, ASIS; memorandum, Roberts to Superintendent, Coulee Dam National Recreation Area, Oct. 26, 1970, file W34, ASIS.

teague Island in 1972 recommended further restrictions on ORVs and their banning "if determined to be detrimental to the island's ecology, or disruptive, physically or aesthetically, to the enjoyment of the natural barrier island." A year later Superintendent Norris took steps to prohibit new all-terrain vehicles like the Honda ATC-90. The ATC-90 could not be licensed for highway use, enabling Norris to ban it under Code of Federal Regulations provisions declaring state law applicable to vehicles within parks.[37] His case was weak, because unregistered snowmobiles were allowed in certain other parks and the lightweight Hondas were less likely to cause damage than heavier dual-purpose vehicles already present. Motorcycles were also banned, even when licensed. The NPS posture was simply to prevent opening the beach to new classes of vehicles, regardless of their relative merits.

After widespread public review and comment, final rulemaking on the ORVs was prepared in July 1974 and subsequently published in Title 36 of the Code of Federal Regulations, section 7.65. Under the regulation, a permit system was inaugurated in January 1975 by which a maximum of 12 vehicles per mile would be allowed at any time on designated portions of the beach in Maryland and Virginia. In the spring of 1976 the regulation was amended to more clearly define allowable vehicles and establish fees for the permits. Some 3,400 annual permits were sold for $5 that year, about 1,000 less that had been issued free in 1975.[38]

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[37]"Report to the Governor by the Joint Executive-Legislative Committee on Assateague Island," March 1972, p. 52, copy in file D18, ASIS; letter, Norris to W. W. Wright, Aug. 27, 1973, file W4217, ASIS.

[38]Federal Register, May 29, 1974, pp. 18658-59; 36 CFR 7.65; Superintendent's Annual Report, 1976 Calendar Year, Feb. 2, 1977, file A2621, ASIS.

> OVRs appear to have a negative primary impact on incipient (developing) dune lines on the open beach at Toms Cove Hook. This may affect the future dune field as this beach continues to grow seaward.
>
> ORVs may have a negative secondary impact on dunes and dune vegetation at Fox Hill Levels through altering dune geomorphology, plant cover and, ultimately, surface groundwater salinity.

Karish and Superintendent Finley both judged the study results inadequate once again for management decisionmaking on ORV use. Karish planned to return the draft for revision but had little expectation that firmer data would be forthcoming.[41]

The 1979 "Preferred Planning Alternative for Assateague Island Comprehensive Plan," a chapter in the planning process initiated by the amendatory legislation of 1976, gave no bayside access to ORVs in Maryland except for holders of retained rights and hunters during open seasons. Pressure from AMSA and intervention by Representative Robert E. Bauman led the Service, following consultation with the Committee to Preserve Assateague and the National Parks and Conservation Association, to compromise on a cabled access to the bay at Fox Hill Levels in 1980. This provision appeared in the subsequent General Management Plan.[42]

The General Management Plan incurred the hostility of AMSA on another proposal: the banning of trailers from the "bullpen" enclosure. Originally envisioned as an "overnight parking area" where surf fishermen with ORVs could pull their rigs off the beach for the night, it had evolved into a de facto camping area where self-contained trailers were detached and left

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[41] Odum and Dueser, "Draft Final Report, Natural and Recreational Influences on Fox Hill Levels and Toms Cove Hook, Assateague Island, Va.," copy at ASIS; interview with Karish, May 24, 1982; Finley interview.

[42] Memorandum, M.V. Finley to Director, Jan. 20, 1982, file D18, ASIS.

for longer periods. ORV owners who had acquired trailers for use there were especially upset about the prospect of exclusion and received some sympathy from seashore management when they charged unreasonable discrimination. It appeared that some time might pass before the trailer ban was enforced.[43]

Mindful of the widespread opposition to its activity, AMSA went on the offensive in July 1981 by proposing that an additional 10.5 miles of Chincoteague National Wildlife Refuge beach--from the state line to just above the Toms Cove visitor center--be opened to ORVs. It also wanted passage through the refuge fence at the state line so vehicles could drive through to and from Maryland. Refuge Manager Dennis F. Holland sought comment on the proposal, and Superintendent Tousley responded for the Park Service with objections. He noted that approximately half the beach fronting the undeveloped portions of Assateague was already accessible to ORVs; that providing entry to the refuge at the state line would complicate wildlife management and refuge closure; that the greater access to the island just above the line could increase trespassing on retained rights properties there; and that funds to police the expanded use were unlikely to be forthcoming.[44]

The Delmarva Advisory Council held a hearing on the AMSA proposal in September at the refuge headquarters. Of 11 speakers, 10 were opposed. Five of them advocated a total ORV ban in the Virginia portion of the island, contending the vehicles were already given too much freedom by the Park Service in Maryland. The opposition of the Chincoteague Town Council was noted, and Dennis Holland reported that of 1,157 written responses re-

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[43]Letter, Thomas F. Norris, Jr., to Barry Mackintosh, July 23, 1982 author's possession; interview with J. Fred Eubanks, Apr. 2, 1982; Finley interview.

[44]Memorandum, Tousley to Holland, Aug. 24, 1981, file A4415, ASIS.

ceived, only 55 supported AMSA.[45] (A month later, after AMSA had enlisted the United Mobile Sportfishermen's Association in a letter-writing campaign on its behalf, the responses totaled 3,115 for and 4,882 against.)

In March 1982 the Interior Department turned down the AMSA request. To mollify the sportfishermen, Assistant Secretary G. Ray Arnett's office proposed that an additional two miles of beach directly below the Toms Cove visitor center be opened to ORVs between November 1 and April 30. In response, all six Delaware, Maryland, and Virginia senators and seven Republican congressmen representing the Delmarva Pensinsula signed a protest letter to Secretary James G. Watt. While applauding the decision against AMSA's proposal, they argued against any increased ORV use in the refuge on the grounds that existing problems of erosion, wildlife protection, and law enforcement would be aggravated.[46]

Nor was AMSA satisfied. The two miles were on a narrow stretch of the beach undergoing storm rehabilitation, a paved road paralleled the stretch just inland, and the opposition threatened a lawsuit that would tie the matter up indefinitely. AMSA thus decided to encourage Interior to abandon the compromise. On May 18 Secretary Watt wrote the protesting members of Congress that he would keep ORV use in the refuge at its current level--a decision for which he gained rare editorial praise in the Washington Post.[47]

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[45]"Off-Road Vehicle Plan on Assateague Hit," The Evening Sun, Baltimore, Sept. 30, 1981, clipping in file A4415, ASIS; Memorandum, M.V. Finley to Mel Olsen, Oct. 1, 1981, file A4415, ASIS.

[46]Dennis Collins, "Battle Zooms Into Overdrive Over Use of Assateague Beaches," Washington Post, Apr. 18, 1982, p. D16; congressional letter Mar. 26, 1982, file A4415, ASIS.

[47]Letter, Rep. Roy Dyson to Judith C. Johnson, May 6, 1982, file

With an Administration generally favoring recreational use taking this hold-the-line stand, and absent clear scientific evidence of significant ecological harm from legal ORV activity at Assateague, continuation of the status quo appeared likely for the foreseeable future.

A4415, ASIS; letter, Watt to congressional delegation, May 18, 1982, Refuge Management Division, Fish and Wildlife Service, Washington, D.C.; "Assateague: Keeping the Peace" (editorial), Washington Post, May 29, 1982.

CHAPTER IX

THREE ABORTED UNDERTAKINGS

In addition to the major development proposals in the original Assateague Island National Seashore master plan, certain other plans for or affecting Assateague never came to fruition. Three most occupying seashore management were those for a coastal engineering research pier, an inland waterway, and a wilderness area. The Army Corps of Engineers was responsible for the first two undertakings; the wilderness proposal originated internally.

The Coastal Engineering Research Center Pier

In September 1966 the Coastal Engineering Research Center (CERC) of the Corps of Engineers inquired about a possible location on Assateague for a pier containing devices to measure ocean waves, tides, surges, and depths. The Park Service was sympathetic and suggested a location about six miles south of the end of its existing road in Maryland. The proposed pier was included in the one-sheet master plan of September 1967. "With the growing involvement of the National Park Service in seashore areas, we are very much interested in the data that will result from the CERC pier and are happy to participate through its location at this national seashore," Superintendent Bertrum C. Roberts wrote the CERC director the following month. The Service would have interpretive responsibilities at the pier and would ultimately inherit it for recreational use.[1]

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[1]"Chronology, Coastal Engineering Research Center Pier," Assateague Island National Seashore headquarters (hereinafter cited as ASIS); letter, Roberts to Director, CERC, Oct. 10, 1967, file D54, ASIS; Highlight Briefing Statement, 1967 Calendar Year, Jan. 17, 1968, file A2621, ASIS.

CERC approved the location and obtained a special use permit for the site in April 1968. Thereafter difficulties arose. CERC received only one construction bid in 1969, greatly exceeding the estimated cost. The pier was redesigned, but a second bid opening in 1970 revealed another costly offer. To cut costs, CERC sought permission to relocate the pier closer to the existing road terminus. Henry G. Schmidt, director of the NPS Northeast Region, denied this request in April 1971.[2]

The October CERC published notice of its permit application for construction of the pier with a 6.2-mile access road. The road was a red flag to those who had fought the earlier development proposals for Assateague. Widespread conservationist opposition was reflected in a negative stand by Maryland's Joint Executive-Legislative Committee on Assateague Island. Representative William O. Mills and Senator Charles McC. Mathias of Maryland came out against the project. In March 1972 Representative John A. Blatnick, chairman of the House Public Works Committee, asked the Corps of Engineers to abandon the venture. It complied immediately, later selecting another site in North Carolina.[3]

The Delmarva Inland Waterway

In the mid-1960s the Corps of Engineers developed plans for an inland small boat waterway from Cape Charles, Virginia, to Lewes, Delaware, a distance of 145 miles. The plans called for a 100-foot-wide, 6-foot-deep

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[2]"Chronology, Coastal Engineering Research Center Pier."

[3]Ibid.; Gordon U. Noreau, "History of Assateague Island National Seashore" (typescript at ASIS, 1972, rev. 1974), p. 23; "Engineers Abandon Plan for Pier at Assateague," The Daily Times, Salisbury, Md., Mar. 21, 1972, ASIS clipping file; Judith Colt Johnson, "Assateague, Jewel of the East Coast," National Parks & Conservation Magazine, January 1975, p. 8.

channel from the mouth of the Delaware River to the Chesapeake Bay, with an intersecting Chincoteague Bay-Chesapeake Bay canal across the Delmarva Peninsula utilizing the Pocomoke River.

The Corps held public hearings on the project in April 1967. The District Engineer determined it economically sound except for the Pocomoke River leg. Representative Rogers C. B. Morton, a strong supporter of the waterway, asked that its submission to the Governor of Maryland for approval be deferred until more justification could be found for including the cross-peninsular canal. The Corps proceeded in 1970 with preparation of an environmental impact statement on the balance of the project. In 1972 the state made the Pocomoke a Maryland Scenic River, eliminating any prospect of its incorporation in the waterway.[4]

The Committee to Preserve Assateague strongly opposed the project, fearing further degradation of Chincoteague Bay. Superintendent Thomas F. Norris, Jr., expressed similar concerns in a February 1974 memorandum to his regional director:

> My own comments on the proposal have been very guarded. I can readily see that any acceleration of recreational boating in the Chincoteague Bay will bring pressure on us to establish and maintain docking places, marinas, launching ramps, and the associated dredging and maintenance of approach channels. These latter are environmentally questionable and very expensive to construct and maintain. It is also significant that the Maryland Park Service has abandoned its proposal to build a marina in the State park.[5]

In June Regional Director Chester L. Brooks officially commented on the waterway to the Maryland Water Resources Administration. He noted that

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[4]Memorandum, Superintendent Thomas F. Norris, Jr., to Regional Director, Mid-Atlantic Region, Feb. 14, 1974, NPS Office of Legislation, Washington, D.C. (hereinafter cited as WASO-170).

[5]Ibid.

little if any of the proposed route lay within the national seashore boundary but predicted effects on the seashore from disturbance of channel bottoms, water pollution, and increased demand for boating facilities on Assateague:

> With respect to the latter, the National Park Service considers that most of the water-oriented facilities proposed for development in the "Plan for Management and Development of Chincoteague National Wildlife Refuge and Assateague Island National Seashore," September 5, 1967, are now inoperative. For these reasons, the Service does not support or encourage alterations or improvements to the existing channel, which would contribute to the deterioration of the present character of the bays or which would generate public pressure for establishing docks, marinas, boaters campgrounds, landing ramps, and associated lateral approach channels on Assateague Island to enhance recreational boating therein.

The position letter, drafted by Norris, went on to note the existing NPS programs for public enjoyment of bayside resources and cited the state's 1972 Joint Executive-Legislative Committee report opposing marina facilities in Assateague State Park.[6]

In 1976 the governors of Maryland, Delaware, and Virginia all came out against the Delmarva Inland Waterway, effectively killing the project.[7]

The Assateague Wilderness Proposal

The Wilderness Act of 1964 directed certain Federal agencies to study lands under their jurisdiction and recommend to the President and Congress those that appeared to qualify for designation as wilderness.[8] Because Chincoteague National Wildlife Refuge was in existence and included roadless islands when the law was enacted, its consideration was mandatory.

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[6]Letter, Brooks to Herbert Sachs, June 13, 1974, WASO-170.

[7]Superintendent's Annual Report, 1976 Calendar Year, Feb. 2, 1977, file A2621, ASIS.

[8]Public Law 88-57, Sept. 3, 1964, 78 Stat. 890.

Study of the portion of Assateague subsequently acquired by the Park Service was not mandatory but was judged appropriate in view of its juxtaposition and similar wilderness potential.

In 1973 the entire refuge and the NPS land on Assateague were evaluated. Superintendent Norris and Refuge Manager J. C. Appel recommended 8,000 acres for wilderness designation. That December NPS Deputy Director Russell E. Dickenson and Director Lynn A. Greenwalt of the Bureau of Sport Fisheries and Wildlife (BSFW) conveyed the recommendation to the Assistant Secretary for Fish, Wildlife, and Parks. "We feel that this wilderness proposal is an outstanding one and it is hoped that Assateague Island might well become the first to allow the natural processes of a barrier island to flourish as they once did without mechanical alteration," they wrote. "This we feel, is the really significant aspect of the proposal."[9]

The two bureaus issued a draft environmental statement on the proposed wilderness, reduced to 6,500 acres by deletion of 1,500 acres from the refuge, in March 1974. Public hearings on the proposal as outlined in the document were held in April at the refuge auditorium and the national seashore headquarters. Two hundred ninety persons attended, of whom 25 spoke for the wilderness and 13 against. Chincoteague motel operator Russell W. Everett called it "a great big congressional padlock." The Maryland opponents included Worcester County officials and the Ocean City Chamber of Commerce. "To create such an area would create a paradise for hippies, nudist colonies and the American Streaking Society," Delegate Russell

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[9]Memorandum, Appel and Norris to Regional Director, Northeast Region, NPS, Aug. 29, 1973, Interpretation andd Visitor Services Division, Mid-Atlantic Regional Office, Philadelphia, Pa.; memorandum, Dickenson and Greenwalt to Assistant Secretary, Fish, Wildlife, and Parks, Dec. 20, 1973, WASO-170.

O. Hickman contended, to which Judith Johnson of the Committee to Preserve Assateague replied that the mosquitoes and greenhead flies would inhibit streaking. "The effect of compromise is visible on the coastline from Maine to Florida," Ted Oberman of the Audubon Naturalist Society testified for the proponents. "Let's preserve one coastline that's left."[10]

Fifty-six of 69 organizations commenting for the record favored the wilderness, as did 750 of 808 individuals reporting their views. The state of Maryland, represented by Secretary of Natural Resources James B. Coulter, was among the supporters.[11] But Representative Robert E. Bauman of Maryland, more responsive to his Worcester County constituents, favored postponing wilderness designation until a new comprehensive plan for Assateague was undertaken (Chapter III).

In August Secretary of the Interior Rogers C. B. Morton referred the wilderness proposal to the President. Of the 6,500 acres, 1,740 were recommended for immediate designation; the other 4,760 constituted "potential wilderness," to receive full status when nonconforming uses and structures were eliminated. The 1,740 acres comprised 1,300 acres in the refuge (882 in Virginia, 418 in Maryland) and 440 Maryland acres under the Park Service. The "potential wilderness" was primarily Maryland land subject to retained rights of use and occupancy. The area extended from approximately seven miles north of the state line to five miles south and included

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[10]"Proposed Assateague Island Wilderness Area, Maryland-Virginia," DES 74-33, Mar. 20, 1974, copy in WASO-170; "Assateague Argues Wilderness Plan," Washington Post, Apr. 19, 1974, p. A28; Mike Stephens andd David Parker, "Assateague: Wilderness or...," Washington Post, Apr. 25, 1974, p. E1.

[11]Letter, Coulter to Secretary Rogers C. B. Morton, Apr. 8, 1974, WASO-170.

the beach to the mean low tide line in Virginia, an addition to what was previously proposed. Because the state owned the beach below the mean high tide line in Maryland, that line remained the boundary there.[12]

Wilderness designation would mean that motorized equipment would be prohibited, including private and administrative ORVs; that a walk-in camp at the north end of the refuge would have to be relocated; that waterfowl hunting blinds would be disallowed; and that the connecting road could not be built, requiring repeal of its mandate in the seashore authorizing act.[13]

On December 9 President Gerald R. Ford sent the proposal, including a draft bill, to Congress. The same day, the press reported Representative Bauman's further reservations about inclusion of the Virginia beach, which would prevent ORVs from ever gaining access there. "The President's proposal would in effect place one of the last unspoiled Atlantic beach areas out of reach for the average person, and I'm opposed to it," Bauman said.[14]

The wilderness proposal coincided with the effort to amend the original seashore legislation and, as noted, was contingent upon such amendment. Deputy Assistant Secretary Curtis Bohlen, NPS Associate Director Richard Curry, and David E. Schmidt, legislative support data coordinator, held a strategy session in January 1975. Aware that Representative Bauman could endanger the main legislative effort if it were linked with the wilderness proposal, the group decided not to make any reference to the

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[12]Letter, Morton to President Richard Nixon, Aug. 7, 1974, WASO-170.

[13]Ibid.

[14]"Bauman Backs One Ford Plan, Hits Another," The Daily Times, Salisbury, Md., Dec. 9, 1974, ASIS clipping file.

latter in the report or display map they were preparing on the amendatory bills. "We are to concentrate on getting the necessary changes in the Act completed and through legislation first without having it jeopardized or delayed by opposition which has developed over the Wilderness Proposal," Schmidt wrote the NPS regional director. "[T]he timing for any possible action on the Wilderness Proposal would be in the more distant future."[15]

This strategy was followed. James M. Lambe, chief of the NPS Legislation Division, assured Representative Bauman that September that the Service would have no objection to congressional deferral of the Assateague wilderness until the comprehensive plan in the pending legislation was completed. Following enactment of the legislation in 1976, several wilderness bills including all or part of the Assateague proposal were introduced in the next Congress; however, their Assateague wilderness provisions were not pressed and did not pass.[16]

The Service also came to have second thoughts about wilderness on Assateague. Its "Preferred Planning Alternative for Assateague Island Comprehensive Plan" of 1979 no longer recommended such designation for the NPS lands in Maryland, declaring it incompatible with the existing private occupancy and use rights and continued ORV access. The final planning product stemming from the 1976 legislation, the General Management Plan

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[15]Memorandum, Schmidt to Regional Director, Mid-Atlantic Region, Feb. 3, 1975, in NPS Washington Office file L1417, Washington National Records Center, Suitland, Md.

[16]Memorandum, Lambe to files, Sept. 10, 1975, WASO-170; S. 1332, H.R. 1704, H.R. 1907, 95th Congress, 1st Session; memorandum, Director Gary Everhardt to Legislative Counsel, May 23, 1977, file L48, ASIS; letters, Assistant Secretary Robert L. Herbst to Speaker of the House Thomas P. O'Neill, Jr., and President of the Senate Walter F. Mondale, May 11, 1978, file L48, ASIS.

of 1982, restated why the wilderness alternative was rejected:

> This alternative was not selected because of long-term retained rights of individuals within the proposed wilderness boundary and because it would preclude existing methods of access for recreational purposes. When this area is free of retained rights, wilderness designation will be reconsidered.

Since the last retained rights would not expire for another 20 years, reconsideration was a long time off.

CHAPTER X

REPLANNING THE SEASHORE, 1976-1982

The 1976 amendatory legislation directed that a new "comprehensive plan for the protection, management, and use of the seashore" be prepared and submitted to Congress by October 21, 1978. The plan was to include

> (1) measures for the full protection and management of the natural resources and natural ecosystems of the seashore;
> (2) present and proposed uses of the seashore and the lands and waters adjacent or related thereto, the uses of which would reasonably be expected to influence the administration, use, and environmental quality of the seashore;
> (3) plans for the development of facilities necessary and appropriate for visitor use and enjoyment of the seashore, with identification of resource and user carrying capacities, along with the anticipated costs for all proposed development;
> (4) plans for visitor transportation systems integrated and coordinated with lands and facilities adjacent to, but outside of the seashore; and
> (5) plans for fostering the development of cooperative agreements and land and resource use patterns outside the seashore which would be compatible with the protection and management of the seashore.[1]

The Park Service was aware from the start that the two-year deadline could not be met without greater funding and manpower than were available. The comprehensive plan in NPS nomenclature was a general management plan, whose production required extensive public involvement, detailed analysis of alternatives, selection of an alternative, and a published draft before the final document could be issued. The Service's planning arm, the Denver Service Center (DSC), was unable to initiate the lengthy process until mid-1977.[2]

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[1]Sec. 301, P.L. 94-578, Oct. 21, 1976, 90 Stat. 2733-34.

[2]Memorandum, Deputy Regional Director Benjamin J. Zerbey, Mid-Atlantic Region, NPS, to Chief, Office of Legislation, Nov. 22, 1976, NPS Office of Legislation, Washington, D.C. (hereinafter cited as WASO-170); memoran-

camping nearby. The feasibility of mass transit from mainland staging areas to the beaches should be thoroughly studied. The plan should provide a framework for cooperative planning with the Corps of Engineers, the state of Maryland, and Ocean City to mitigate "the culturally accelerated recession of the north end of the island," Hope was expressed that a draft plan could be transmitted to Congress by the October 21 due date.[4]

A draft "preferred planning alternative" was readied for review by Assistant Secretary Robert L. Herbst on October 19. Herbst was unwilling to forward it to Congress until provisions were added promising a scientific evaluation of off-road vehicle impact and rejecting a proposed waterfowl museum in the refuge (a development strongly opposed by the Committee to Preserve Assateague). These items could be readily incorporated, but Herbst's additional request for a full exploration of unified seashore-refuge management before transmittal took longer.[5]

The planning effort itself exemplified the difficulties of joint management. Attempts to proceed in cooperation with the Fish and Wildlife Service broke down after the refuge manager and his superiors displayed reluctance to give NPS planners free rein in their territory. The exploration of unified management prescribed by Herbst exposed irreconcilable differences and accomplished little more than to delay the planning process (Chapter V).

The "Preferred Planning Alternative for Assateague Island Comprehensive

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[4]Memorandum, Deputy Director Ira J. Hutchison to Regional Director, Mid-Atlantic Region, Sept. 20, 1978, WASO-170.

[5]Memorandum, Herbst to Director, FWS, and Director, NPS, Oct. 24, 1978, NPS Office of Park Planning and Environmental Quality, Washington, D.C. (hereinafter cited as WASO-130).

Plan" was finally issued in August 1979 and transmitted to Congress on September 5. Although bearing the imprints of the National Park Service, Fish and Wildlife Service, and Maryland Park Service, it diplomatically noted the abandonment of joint planning:

> In September [1978] following review and analysis of public comments, the regional directors of the National Park Service and Fish and Wildlife Service and the director of the Maryland Park Service agreed that each agency would be responsible for selecting the preferred plan for its respective area and that future cooperative planning probably would not be required after October, 1978....[6]

The preferred alternative generally followed the second of the three alternatives originally presented, taking a middle course between the development-oriented first alternative and the near-wilderness third alternative. In the NPS lands most existing recreational uses would be maintained with minor expansion of some facilities. Overwash would not be prevented except in areas zoned for recreational development, where short-term protection of existing facilities could be achieved by artificial dune maintenance. More bay access would be provided along the causeway west of the day-use area at North Beach. The Park Service would not support local plans for sewage effluent pipelines crossing Assateague, and it would not assume responsibility for correcting the westward migration of the north end of the island. Concern was expressed about Worcester County development plans along Maryland Route 611 that "could result in land uses inconsistent with the long-term maintenance of an aesthetically pleasing parkway-type access road to Assateague Island"; cooperation with local and state governments was pledged to resist this threat.[7]

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[6]"Preferred Planning Alternative for Assateague Island Comprehensive Plan," p. iii.

[7]Ibid., pp. 3-12.

Plans for Assateague State Park included an additional 50 campground sites and a road to a 50-car parking area at its northern boundary for hikers to the north end of the island. Among the Chincoteague National Wildlife Refuge proposals were a "primitive area" coinciding with the previously proposed wilderness (Chapter IX) and preservation work on the Assateague Beach Coast Guard Station (under NPS ownership). In response to intervention by Representative Paul S. Trible in behalf of the waterfowl museum proponents, the document called for deferral of the controversial refuge museum rather than the outright abandonment Assistant Secretary Herbst had requested.

Worcester County expressed opposition to several aspects of the Park Service section of the document in a letter to Director William J. Whalen. The commissioners were displeased that there would be no greater artificial maintenance of the dune line, that the Service would not stabilize the north end of the island, and that it would oppose pipelines: "This position is not consistent with the efforts of Worcester County to provide needed water treatment facilities on the mainland which may require an outfall line across Assateague Island." They objected to proposed restrictions against bayside access for oversand vehicles (Chapter VIII). "Finally the Commissioners can appreciate your concern for the desirability of a scenic approach to the park along Maryland Route 611 but wish to advise you that land use decisions on the mainland are the responsibility of the County," the response brusquely concluded.[8]

With minor modifications, the NPS section of the preferred alternative

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[8]Letter, Administrative Director John A. Yankus, Office of Worcester County Commissioners, to Whalen, Oct. 31, 1979, WASO-170.

document was incorporated in the Service's Draft General Management Plan (DGMP) for its portion of Assateague dated September 1981. Preparation of the DGMP followed congressional review of the preferred alternative and a "finding of no significant impact" obviating an environmental impact statement. Among the few substantive changes was the provision for a "cabled" access to the bay for off-road vehicles at Fox Hill Levels. "In general the DGMP represents a 'middle of the road' approach to development of Assateague Island," Superintendent Michael V. Finley wrote Director Russell E. Dickenson in January 1982. "The proposed development envisions modest facilities of a basic nature. Development recommendations were based on an assessment of current needs and projected trends while being mindful that total visitor needs cannot and should not be accommodated."[9]

The "middle of the road" position, needless to say, did not entirely satisfy the most vocal advocates of maximum recreational use on the one hand and minimum development on the other. The Assateague Mobile Sportfishermen's Association still argued for the rejected maximum development alternative and was particularly unhappy about the DGMP's proposed ban on trailers in the "bullpen" enclosure below North Beach (Chapter VIII). The Committee to Preserve Assateague opposed the bayside ORV access at Fox Hill Levels, the parking area for the north end of the island, campground improvements for anything other than tents, and expenditures for preservation and interpretation of the Coast Guard station. Senator Paul S. Sarbanes and Representatives Barbara A. Mikulski and Marjorie S. Holt of Maryland endorsed the Committee's comments. "In my opinion," Mrs. Holt wrote Superin-

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[9]Memorandum, Finley to Director, Jan. 20, 1982, file D18, Assateague Island National Seashore headquarters (hereinafter cited as ASIS).

tendent Finley, "the members of the Committee to Preserve Assateague are more knowledgeable and sensitive in this area than the planning team in Denver."[10]

The final General Management Plan, issued in June 1982, tilted slightly toward the Committee's position. It rejected more parking at Toms Cove, which had been proposed in the DGMP, and it responded to the Committee's request for a commitment that wilderness designation would be considered when retained private rights had expired (Chapter IX). Instead of a new 20-car parking area at North Beach, two existing areas would be expanded to achieve the same capacity. The ORV enclosure was now explicitly defined as an "overnight parking area" to confirm the new policy against trailer camping there (although there were indications of delay in implementing the trailer ban). Most of the changes involved language rather than substance: statements that had caused offense were toned down or eliminated.

Whatever disagreements might have remained, Assateague Island National Seashore finally had a plan for future development and use broadly acceptable to most interests. The National Park Service could now carry out its mission of protecting and providing for the enjoyment of Assateague with confidence of widespread public and political support for its actions. The accomplishment was one worth celebrating.

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[10]Response to Draft General Management Plan by Assateague Mobile Sportfishermen's Association, file A4415, ASIS; interview with J. Fred Eubanks, Apr. 2, 1982; Newsletter of Committee to Preserve Assateague, Dec. 1, 1981, WASO-130; letter, Holt to Finley, Dec. 9, 1981, file D18, ASIS; letter, Mikulski to Finley, Dec. 15, 1981, file D18, ASIS; letter, Sarbanes to Finley, Dec. 15, 1981, file D18, ASIS.

APPENDIX A

LEGISLATION

Public Law 89-195
89th Congress, S. 20
September 21, 1965

An Act

79 STAT. 824

To provide for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of protecting and developing Assateague Island in the States of Maryland and Virginia and certain adjacent waters and small marsh islands for public outdoor recreation use and enjoyment, the Assateague Island National Seashore (hereinafter referred to as the "seashore") shall be established and administered in accordance with the provisions of this Act. The seashore shall comprise the area within Assateague Island and the small marsh islands adjacent thereto, together with the adjacent water areas not more than one-half mile beyond the mean high waterline of the land portions as generally depicted on a map identified as "Proposed Assateague Island National Seashore, Boundary Map, NS-AI-7100A, November, 1964", which map shall be on file and available for public inspection in the offices of the Department of the Interior.

Assateague Island National Seashore, Md.-Va. Establishment.

SEC. 2. (a) Within the boundaries of the seashore, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands, waters, and other property, or any interest therein, by donation, purchase with donated or appropriated funds, exchange, or in such other method as he may find to be in the public interest. The Secretary is authorized to acquire, by any of the above methods, not to exceed ten acres of land or interests therein on the mainland in Worcester County, Maryland, for an administrative site. In the case of acquisition by negotiated purchase, the property owners shall be paid the fair market value by the Secretary. Any property or interests therein owned by the States of Maryland or Virginia shall be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within the boundaries of the seashore and not more than ten acres of Federal property on the mainland in Worcester County, Maryland, may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for purposes of the seashore.

Acquisition of lands, etc.

(b) When acquiring lands by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the seashore and to not more than ten acres of non-Federal property on the mainland in Worcester County, Maryland, and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary which he classifies as suitable for exchange or other disposal, and which is located in Maryland or Virginia. The properties so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the properties exchanged.

Exchange of properties.

(c) The Secretary is authorized to acquire all of the right, title, or interest of the Chincoteague-Assateague Bridge and Beach Authority, a political subdivision of the State of Virginia, in the bridge constructed by such authority across the Assateague Channel, together with all lands or interests therein, roads, parking lots, buildings, or other real or personal property of such authority, and to compensate the authority in such amount as will permit it to meet its valid outstanding obligations at the time of such acquisition. Payments by the Secretary shall be on such terms and conditions as he shall consider to be in the public interest. Any of the aforesaid property outside the

Bridge acquisition.

boundaries of the national seashore, upon acquisition by the Secretary, shall be subject to his administration for purposes of the seashore.

Noncommercial residency and hunting.

(d) Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes or for hunting purposes, as hereinafter provided, for a term that is not more than twenty-five years. In such cases, the Secretary shall pay to the owner of the property the fair market value thereof less the fair market value of the right retained by such owner: *Provided*, That such use and occupancy shall be subject to general rules and regulations established by the Secretary with respect to the outward appearance of any buildings on the lands involved.

"Improved property."

The term "improved property" as used in this Act shall mean (1) any single-family residence the construction of which was begun before January 1, 1964, and such amount of land, not in excess of three acres, on which the building is situated as the Secretary considers reasonably necessary to the noncommercial residential use of the building, and (2) any property fronting on the Chincoteague Bay or Sinepuxent Bay, including the offshore bay islands adjacent thereto, that is used chiefly for hunting and continues in such use: *Provided*, That the Secretary may exclude from improved properties any marsh, beach, or waters, together with so much of the land adjoining such marsh, beach, or waters as he deems necessary for public use or public access thereto.

Bridge construction costs. Compensation to Maryland.

SEC. 3. (a) If the bridge from Sandy Point to Assateague Island is operated by the State of Maryland as a toll-free facility, the Secretary is authorized and directed to compensate said State in the amount of two-thirds of the cost of constructing the bridge, including the cost of bridge approaches, engineering, and all other related costs, but the total amount of such compensation shall be not more than $1,000,000; and he is authorized to enter into agreements with the State of Maryland relating to the use and management of the bridge.

(b) The State of Maryland shall have the right to acquire or lease from the United States such lands, or interests therein, on the island north of the area now used as a State park as the State may from time to time determine to be needed for State park purposes, and the Secretary is authorized and directed to convey or lease such lands, or interests therein, to the State for such purposes upon terms and conditions which he deems will assure its public use in harmony with the purposes of this Act. In the event any of such terms and conditions are not complied with, all the property, or any portion thereof, shall, at the option of the Secretary, revert to the United States in its then existing condition. Any lease hereunder shall be for such consideration as the Secretary deems equitable; and any conveyance of title to land hereunder may be made only upon payment by the State of such amounts of money as were expended by the United States to acquire such land, or interests therein, and upon payments of such amounts as will reimburse the United States for the cost of any improvements placed thereon by the United States, including the cost to it of beach protection: *Provided*, That reimbursement for beach protection shall not exceed 30 per centum, as determined by the Secretary, of the total cost of the United States of such protection work.

Publication in Federal Register.

SEC. 4. When the Secretary determines that land, water areas, or interests therein within the area generally depicted on the map referred to in section 1 are owned or have been acquired by the United States in sufficient quantities to provide an administrable unit, he shall declare the establishment of the Assateague Island National Seashore by publication of notice thereof in the Federal Register. Such notice shall contain a refined description or map of the boundaries of the seashore as the Secretary may find desirable, and the exterior

boundaries shall encompass an area as nearly as practicable identical to the area described in section 1 of this Act.

Hunting and fishing provisions.

SEC. 5. The Secretary shall permit hunting and fishing on land and waters under his control within the seashore in accordance with the appropriate State laws, to the extent applicable, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management or public use and enjoyment: *Provided*, That nothing in this Act shall limit or interfere with the authority of the States to permit or to regulate shellfishing in any waters included in the national seashore: *Provided further*, That nothing in this Act shall add to or limit the authority of the Federal Government in its administration of Federal laws regulating migratory waterfowl. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting and fishing activities. The provisions of this section shall not apply to the Chincoteague National Wildlife Refuge.

Administration.

SEC. 6. (a) Except as provided in subsection (b) of this section, the Secretary shall administer the Assateague Island National Seashore for general purposes of public outdoor recreation, including conservation of natural features contributing to public enjoyment. In the administration of the seashore and the administrative site the Secretary may utilize such statutory authorities relating to areas administered and supervised by the Secretary through the National Park Service and such statutory authority otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(b) Notwithstanding any other provision of this Act, land and waters in the Chincoteague National Wildlife Refuge, which are a part of the seashore, shall be administered for refuge purposes under laws and regulations applicable to national wildlife refuges, including administration for public recreation uses in accordance with the provisions of the Act of September 28, 1962 (Public Law 87-714; 76 Stat. 653).

16 USC 460k-460k-4.
Public accommodations.
Land selection.

SEC. 7. (a) In order that suitable overnight and other public accommodations on Assateague Island will be provided for visitors to the seashore, the Secretary shall select and set aside one or more parcels of land in Maryland having a suitable elevation in the area south of the island terminus of the Sandy Point-Assateague Island Bridge, the total of which shall not exceed six hundred acres, and the public use area on the Chincoteague National Wildlife Refuge now operated by the Chincoteague-Assateague Bridge and Beach Authority of the Commonwealth of Virginia, and shall provide or allow the provision of such land fill within the areas selected as he deems necessary to permit and protect permanent construction work thereon: *Provided*, That the United States shall not be liable for any damage that may be incurred by persons interested therein by reason of the inadequacy of the fill for the structures erected thereon.

Construction.

(b) Within the areas designated under subsection (a) of this section the Secretary shall permit the construction by private persons of suitable overnight and other public accommodations for visitors to the seashore under such terms and conditions as he deems necessary in the public interest and in accordance with the laws relating to concessions within the national park system.

(c) The site of any facility constructed under authority of this section shall remain the property of the United States. Each privately constructed concession facility, whether within or outside of an area designated under subsection (a) of this section, shall be

mortgageable, taxable, and subject to foreclosure proceedings, all in accordance with the laws of the State in which it is located and the political subdivisions thereof.

(d) The Secretary shall make such rules and regulations as may be necessary to carry out this section.

(e) Nothing in this section shall be deemed to restrict or limit any other authority of the Secretary relating to the administration of the seashore.

Beach erosion control, etc.

SEC. 8. The Secretary of the Interior and the Secretary of the Army shall cooperate in the study and formulation of plans for beach erosion control and hurricane protection of the seashore; and any such protective works that are undertaken by the Chief of Engineers, Department of the Army, shall be carried out in accordance with a plan that is acceptable to the Secretary of the Interior and is consistent with the purposes of this Act.

Road construction and maintenance.

SEC. 9. (a) The Secretary of the Interior is authorized and directed to construct and maintain a road from the Chincoteague-Assateague Island Bridge to the area in the wildlife refuge that he deems appropriate for recreation purposes.

(b) The Secretary of the Interior is authorized and directed to construct a road, and to acquire the necessary land and rights-of-way therefor, from the Chincoteague-Assateague Island Bridge to the Sandy Point-Assateague Bridge in such manner and in such location as he may select, giving proper consideration to the purpose for which the wildlife refuge was established and the other purposes intended to be accomplished by this Act.

SEC. 10. The Secretary of the Interior is authorized to purchase from a public utility any facilities of that utility which are no longer of value to it as a result of the establishment of the Assateague Island National Seashore and shall pay for such facilities an amount equal to the cost of constructing such facilities less depreciation.

Appropriation authorization.

SEC. 11. There are hereby authorized to be appropriated the sum of not more than $16,250,000 for the acquisition of lands and interests in land and such sums as may be necessary for the development of the area authorized under this Act.

Approved September 21, 1965.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 893 accompanying H. R. 2071 (Comm. on Interior & Insular Affairs).
SENATE REPORT No. 331 (Comm. on Interior & Insular Affairs).
CONGRESSIONAL RECORD, Vol. 111 (1965):
June 17: Considered and passed Senate.
Sept. 7: Considered and passed House, amended, in lieu of H. R. 2071.
Sept. 15: Senate concurred in House amendment.

GPO 50.139

"(3) plans for the development of facilities necessary and appropriate for visitor use and enjoyment of the seashore, with identification of resource and user carrying capacities, along with the anticipated costs for all proposed development;

"(4) plans for visitor transportation systems integrated and coordinated with lands and facilities adjacent to, but outside of, the seashore; and

"(5) plans for fostering the development of cooperative agreements and land and resource use patterns outside the seashore which would be compatible with the protection and management of the seashore.

"(b) Notwithstanding any other provision of law, no Federal loan, grant, license, or other form of assistance for any project which, in the opinion of the Secretary would significantly adversely affect the administration, use, and environmental quality of the seashore shall be made, issued, or approved by the head of any Federal agency without first consulting with the Secretary to determine whether or not such project is consistent with the plan developed pursuant to this section and allowing him at least thirty days to comment in writing on such proposed action.".

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Approved October 21, 1976.

APPENDIX B

DEPARTMENT OF THE INTERIOR
MEMORANDUM OF UNDERSTANDING
BETWEEN

U.S. FISH AND WILDLIFE SERVICE AND NATIONAL PARK SERVICE

Pertaining to the Administration,
Development, and Use Of The
Tom's Cove Hook Area
Within the Chincoteague National Wildlife Refuge-
Assateague Island National Seashore

PART I

WHEREAS, the Chincoteague NWR on Assateague Island was established in 1943 for administration by the U.S. Fish and Wildlife Service under authority of the Migratory Bird Conservation Act, and

WHEREAS, on April 1, 1959, under authority of P.L. 85-57, the Fish and Wildlife Service entered into an agreement with the Chincoteague-Assateague Bridge and Beach Authority whereby certain refuge lands constituting what is known as Tom's Cove Hook were assigned to the Authority for the purpose of developing and operating a public beach and recreational facility. The deed of easement also provided for the construction and maintenance of a bridge and access road across the Chincoteague National Wildlife Refuge to the Tom's Cove Hook area, and

WHEREAS, P.L. 89-195 approved on 9/21/65, as amended; 16 U.S.C. 459f, provides for the establishment of Assateague Island National Seashore in the States of Maryland and Virginia, and

WHEREAS, Section 2(c) of P.L. 89-195 authorized the Secretary to acquire all of the right, title, or interest of the Chincoteague-Assateague Bridge and Beach Authority, in the bridge constructed by such Authority across the Assateague Channel, together with all lands or interests therein, roads, parking lots, buildings, or other real or personal property of such Authority, and such right, title, and interest have been acquired by the National Park Service, and

WHEREAS, certain lands and waters within the Virginia portion of Assateague National Seashore are subject to the rules and regulations of the National Park System contained in Title 36 CFR, and

WHEREAS, Section 6(b) of the same public law states "Notwithstanding any other provision of this Act, land and waters in the Chincoteague National Wildlife Refuge, which are a part of the seashore, shall be administered for refuge purposes under laws and regulations applicable to national wildlife refuges, including administration for public recreation uses in accordance with the provisions of the Act of September 28, 1962 (Public Law 87-714; 76 Stat. 653)." P.L. 87-714, known as the Refuge Recreation Act, reads in part: "...if such recreational opportunities are provided, to assure that any present or future recreational use will be compatible with, and will not prevent accomplishment of the primary purposes for which the said conservation areas were acquired or established, the Secretary of the Interior is authorized, as an appropriate incidental or secondary use, to administer such areas or parts thereof for public recreation when in his judgement public recreation can be an

appropriate incidental or secondary use: Provided, that such public recreation use shall be permitted only to the extent that is practicable and not inconsistent with other previous authorized Federal operations or with the primary objectives for which each particular area is established:...."

WHEREAS, by interim agreement dated October 21, 1966, between the Regional Directors of the Fish and Wildlife Service and National Park Service, the National Park Service assumed the assigned responsibilities of the Chincoteague-Assateague Bridge and Beach Authority, pending development and approval of a comprehensive master plan and completion of a subsequent Memorandum of Agreement between the two agencies.

WHEREAS, the 1976 Amendment to the National Wildlife Refuge System Administration Act (Pub. L. 94-223) states "...areas are hereby designated as the 'National Wildlife Refuge System' (referred to herein as the 'System'), which shall be subject to the provisions of this section, and shall be administered by the Secretary through the United States Fish and Wildlife Service." Subsequent solicitors' opinions, discussing the effects of Pub. L. 94-223, recognize the authority of the Fish and Wildlife Service to cooperate with other Federal agencies to carry out the Service's responsibilities on National Wildlife Refuges, and that the National Park Service may administer programs for public recreation and use in the Tom's Cove Hook area so long as these programs have the approval of the Fish and Wildlife Service, and

WHEREAS, since passage of P.L. 94-223 invalidated previous agreements between the Fish and Wildlife Service and the National Park Service for administration of the Tom's Cove Hook area, this area has been operated by the two agencies under a field Memorandum of Understanding dated June 23, 1976, between the Refuge Manager and the Seashore Superintendent.

WHEREAS, during the preparation of the comprehensive plan for the protection, management, and use of the seashore, as required by Pub. L. 94-578, alternatives for changes in management responsibilities for the National Park Service and the Fish and Wildlife Service on Assateague Island were studied and discarded by the Assistant Secretary of the Interior for Fish and Wildlife and Parks, resulting in a decision that each agency will maintain a role in the management of the Tom's Cove Hook area (as described below and depicted on a map attached), hereinafter referred to as the "Assigned Area" under a new Memorandum of Understanding to be completed in the summer of 1979.

"Assigned Area" -- The area bounded on the north by the wildlife fence adjacent to the main parking lot, on the east and south by the Atlantic Ocean extending to Fishing Point, and on the west by the waters of Tom's Cove to and along the canal in Swan Cove adjacent to the same main parking lot (see enclosed map).

NOW, THEREFORE, in consideration of and compliance with the foregoing legislative and executive directives, that within the "Assigned Area," it is mutually agreed that the National Park Service may, subject to approval of the Fish and Wildlife Service, assume the responsibility for the execution of items hereinafter described in this memorandum in PART II, the Fish and Wildlife Service will assume responsibility for the execution of items in PART III; and the two Services will jointly assume the responsibility for the items contained in PART IV:

PART II

THE NATIONAL PARK SERVICE will, in accordance with the Comprehensive plan, dated August 1979:

1. Provide and manage visitor contact and interpretive facilities and programs on a day-use basis for public recreation and interpretation including, but not limited to, swimming and associated beach uses, fishing, crabbing, and clamming.

2. Be responsible for road construction, and maintenance and for drafting all required construction permit applications.

3. Initiate temporary traffic closures at the entrance to the Tom's Cove Hook Area as necessary and inform Fish and Wildlife Service personnel when such closure is in effect.

4. Provide for the protection and safety of the visiting public including, but not limited to, law enforcement, motorist assistance, fire prevention/suppression, first aid, and protected beaches.

5. Issue special use permits for periods when the area is closed to public entry for activities including, but not limited to, overnight fishing and beach parties. Evening interpretive programs that extend beyond closing will be supervised by uniformed personnel who will assure that all participants clear the area upon termination of the program. Issue special permits for the hike-in camp site on refuge subject to clearance in advance from the refuge.

6. Maintain sand dunes in accordance with approved Departmental policy.

7. Be responsible for the maintenance of the fence delineating the north boundary of the main parking lot and that portion that serves as the ocean vehicle barrier.

8. Obtain concurrence from the Fish and Wildlife Service, through the Refuge Manager, prior to initiating planning for the expansion or modification of existing, or the development of additional, recreational, interpretive or support programs and facilities in order to assure compatibility with primary refuge objectives. Completed plans for such programs and facilities must be submitted through the Refuge Manager for approval by the Fish and Wildlife Service prior to implementation.

9. Be responsible for collection of entrance data and make such data available as needed for Fish and Wildlife Service Reports.

10. Be responsible for regular maintenance and litter control in the "Assigned Area."

11. Provide and maintain a system of signs in accordance with provisions of Part IV 4.

12. Offer for sale within the "Assigned Area" educational or interpretive items which are complimentary to the objectives of the Seashore and the Refuge or reinforce the goals of the two Services in accordance with the Fish and Wildlife Service policy on "Cooperating Associations." Photographic film may be sold if not available at sites within reasonable driving distance. The Regional Director of the Fish and Wildlife Service, or his designated agent, must approve all items offered for sale.

13. For those lands and waters subject to Title 36 CFR, both within and without the "Assigned Area", issue to qualified Fish and Wildlife Service personnel, upon request of the refuge manager, law enforcement commissions authorized pursuant to the Act of October 7, 1976 (Public Law 94-458; 16 U.S.C. 1a-6). Enforcement activities under this provision will be in accordance with National Park Service policy and procedures.

14. Collect on behalf of the FWS appropriate user fees established for the "Assigned Area", under the authority of the Land and Water Conservation Fund Act of 1965 (as amended).

PART III

THE FISH AND WILDLIFE SERVICE will:

1. Publish all public use regulations pertaining to the Chincoteague National Wildlife Refuge (including the "Assigned Area") under Title 50 CFR, after consultation with the National Park Service. To the degree possible regulations and penalties governing the Maryland and Virginia portions of the Seashore shall be uniform.

2. Issue deputy commissions for the enforcement of Title 50 regulations to qualified National Park Service law enforcement personnel, who have been designated by the National Park Service for enforcement responsibilities in the "Assigned Area." All enforcement activities within the "Assigned Area" will be in accordance with Fish and Wildlife Service policies and procedures, under the authorities delegated to the Special Agent in Charge, District 11.

3. Retain primary responsibility for managing the wildlife resources within the "Assigned Area," with the understanding by both agencies that recreational use programs will be planned and carried out to minimize impacts on wildlife resources. The Fish and Wildlife

Service will consult with the National Park Service before carrying out wildlife management practices within the "Assigned Area" that might impact approved recreational programs.

4. Utilize the authorities of the Land and Water Conservation Fund Act to establish and administer an appropriate system for recreational user fees, recognizing that such fees are an effective management tool. Reimburse the National Park Service for any agreed upon costs incurred during collection of such fees.

5. Designate, away from the corrosive forces of the ocean front, a vehicle and/or equipment storage space for use by the National Park Service.

6. Be responsible for maintaining all stock fences within or bordering the "Assigned Area."

7. Be responsible for all research and photographic permits issued within the "Assigned Area", and inform the National Park Service of the conditions of such permits.

PART IV

THE NATIONAL PARK SERVICE and FISH AND WILDLIFE SERVICE will jointly:

1. Exchange copies of incident reports within 24 hours. Personnel of each agency will immediately notify the other agency about

incidents, problems, or violations of regulations observed or reported which affect the other agency. Neither agency will assume the responsibility to act on behalf of the other agency unless specifically requested to do so. This provision shall not preclude immediate response to emergencies by qualified personnel from either Service.

2. Provide the necessary personnel to assist in managing traffic closures initiated by either agency upon request, and for any emergency situation.

3. Permits issued by either agency shall be honored by the other for those uses that are authorized and for which the fees are consistent on both areas.

4. Prepare a sign plan that will meet the management needs of the "Assigned Area", without strict adherence to standard plans of either agency. Agency identification will not be indicated on signs except for the entrance sign at the bridge and at the entrance to the "Assigned Area", where both agencies will be given full recognition.

5. Share operational facilities and equipment to the extent practical. Either agency may initiate a request for the temporary use of an item of equipment or a facility subject to recall, to meet the responsibilities of the controlling agency.

Memorandum, including but not limited to compliance with conditions of the Memorandum and working procedures, problem areas, coordination of programs and plans for the next year, proposed amendments to the Memorandum, etc. Any areas of disagreement that cannot be resolved between the Superintendent and Area Manager shall be referred to the respective Regional Directors for resolution.

Date: October 19, 1979

Howard A. Larsen
Regional Director
Northeast Region
U.S. Fish and Wildlife Service

Date: October 26, 1979

Regional Director
Mid-Atlantic Region
National Park Service

APPENDIX C

PRINCIPAL SEASHORE PERSONNEL, 1965-1982

Superintendents

Bertrum C. Roberts	12-05-65 - 01-24-71
Thomas F. Norris, Jr.	01-24-71 - 12-22-78
Richard S. Tousley	07-29-79 - 11-01-81
Michael V. Finley	11-01-81 -

Assistant Superintendents

Harvey D. Wickware	11-14-71 - 09-17-72
Earl W. Estes, Jr.	12-10-72 - 12-27-80
Michael V. Finley	03-08-81 - 10-31-81
Bernard C. Fagan	01-24-82 -

Administrative Officers

Samuel W. Brecheisen	10-23-66 - 09-20-70
Carl W. Glass	10-18-70 - 06-25-72
Raymond L. Smith	10-15-72 - 06-13-80
Mary Ellen Jennings	07-27-80 -

Chief Rangers

Harvey D. Wickware	05-08-66 - 11-13-71
A. Clark Stratton, III	10-31-71 - 06-09-74
Malcolm Ross, Jr.	06-23-74 - 04-05-81
Allen R. Haeker	08-23-81 -

Supervisory Park Rangers

(Virginia)

John D. Hunter	09-25-66 - 10-31-71
Melvin Olsen	03-04-71 -

(Maryland)

Gordon U. Noreau	02-06-67 - 04-28-74
James W. Cutler	06-09-74 - 05-21-78
James A. Loach	06-18-78 - 03-11-79
Maryanne Gerbuackas	09-09-79 -

Park Rangers

(Virginia)

Francis X. Guardipee	06-18-67 - 07-26-69
Melvin L. Olsen	09-21-69 - 03-04-71
James C. Taube	07-07-74 - 10-04-74
Michael Greenfield	12-04-77 -

(Maryland)

Harry J. Trimble	05-04-69 -
George W. Blake	05-26-74 - 02-16-75
Buddy C. Beaman	03-13-77 - 07-08-78
Robert L. Sampsell, II	08-13-78 -
Ronald E. Clark	06-01-80 -

Chiefs of Interpretation

Leonard W. McKenzie, Jr.	10-05-69 - 09-05-71
John W. Wise	10-31-71 - 03-03-74
Larry G. Points	06-09-74 -

Park Rangers (Interpretation)

Sandra K. Hellickson	01-05-75 - 10-23-77
Ann M. Rasor	01-15-78 - 05-17-81
M. Christine Baumann	10-04-81 -

Chief of Resource Management

Robert B. Rodgers	09-21-80 -

Chiefs of Maintenance

Arnold G. Tolson, Jr.	08-13-67 - 04-15-72

Carol J. Virostek	06-25-72 - 06-22-74
R. LeRoy Ross	08-04-74 -

Maintenance Foremen

(Maryland)

David R. Kangas	05-31-70 - 03-03-74
Dennard C. Purnell	04-28-74 -

(Virginia)

Maurice A. Hopkins	08-21-67 - 11-29-80
Ted W. Little	08-09-81 -

Administrative Staff

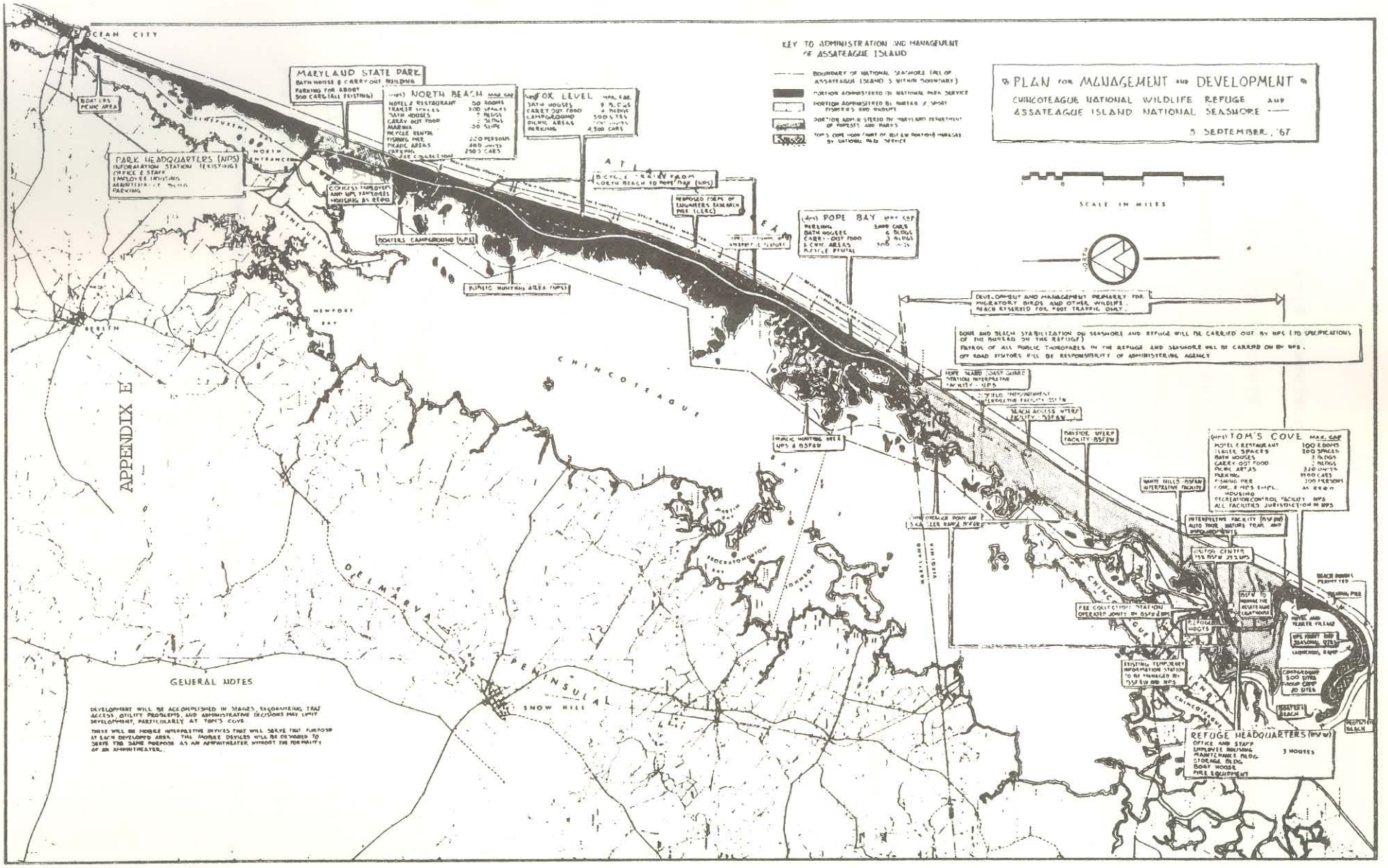
Jerome E. Kiesewetter	03-21-71 -
Lynn E. McGrath Pennewill	02-13-67 -
Anne T. Parker	11-13-67 -
Audrey F. Massey	02-12-68 -
Dorothy M. Dryden	11-22-71 -

APPENDIX D

ANNUAL VISITATION, 1967-1981

Year	Maryland	Virginia	Total
1967	321,408	417,292	738,700
1968	519,819	544,875	1,064,694
1969	720,289	640,365	1,360,654
1970	822,819	825,241	1,648,060
1971	854,904	807,963	1,662,866
1972	789,941	908,645	1,698,586
1973	959,016	1,079,610	2,038,626
1974	629,370	1,085,045	1,714,415
1975	734,353	1,154,129	1,888,482
1976	760,489	1,105,746	1,866,235
1977	751,936	1,187,290	1,939,226
1978	858,352	1,277,561	2,135,913
1979	762,517	1,165,973	1,988,490
1980	657,580	1,313,045	1,970,625
1981	629,803	1,392,513	2,022,316

(Figures exclude Assateague State Park)


APPENDIX E
PLAN FOR MANAGEMENT AND DEVELOPMENT
CHINCOTEAGUE NATIONAL WILDLIFE REFUGE AND ASSATEAGUE ISLAND NATIONAL SEASHORE
5 SEPTEMBER, '67
KEY TO ADMINISTRATION AND MANAGEMENT OF ASSATEAGUE ISLAND
SCALE IN MILES
OCEAN CITY
MARYLAND STATE PARK
BATH HOUSE & CARRY OUT BUILDING
PARKING FOR ABOUT 500 CARS (ALL EXISTING)
NORTH BEACH
FOX LEVEL
POPE BAY
PARK HEADQUARTERS (NPS)
INFORMATION STATION (EXISTING)
OFFICE & STAFF
EMPLOYEE HOUSING
MAINTENANCE BLDG
PARKING
CONGRESS HARBOUR AND NPS TENANCIES HOUSING AS REQD.
BOATERS CAMPGROUND (NPS)
PUBLIC HUNTING AREA (NPS)
BERLIN
NEWPORT BAY
CHINCOTEAGUE
DELMARVA PENINSULA
SNOW HILL
GENERAL NOTES
DEVELOPMENT WILL BE ACCOMPLISHED IN STAGES, REORGANIZING TRAFFIC ACCESS, UTILITY PROBLEMS, AND ADMINISTRATIVE DECISIONS MAY LIMIT DEVELOPMENT, PARTICULARLY AT TOM'S COVE.
THERE WILL BE MOBILE INTERPRETIVE DEVICES THAT WILL SERVE THIS PURPOSE AT EACH DEVELOPED AREA. THE MOBILE DEVICES WILL BE DESIGNED TO SERVE THE SAME PURPOSE AS AN AMPHITHEATER, WITHOUT THE PERMANENCY OF AN AMPHITHEATER.
BEACH ACCESS WALKWAY
BOARDWALK OVERLOOK FACILITY
WHITE HILLS INTERPRETIVE FACILITY
TOM'S COVE
VISITOR CENTER
REFUGE HEADQUARTERS
OFFICE AND STAFF
EMPLOYEE HOUSING
MAINTENANCE BLDG.
STORAGE BLDG.
BOAT HOUSE
FIRE EQUIPMENT
3 HOUSES

NOTES ON THE RESEARCH

The sources used appear in the footnotes. They include memorandums and other documents from official files; congressional bills, hearings, and reports; newspaper and magazine articles; and personal interviews. Rather than list them again in the traditional bibiliographic format, it seemed more useful in this "model" park history to outline here how the sources were pursued.

I might logically have begun at the park. I learned at the outset from park staff that all of their files were still there in good order, along with extensive newspaper clippings and a collection of personal papers from an early seashore supporter. But I was more than three hours away in Washington, with little travel money. I would necessarily visit Assateague, but only after I had exhausted the Washington sources so as not to spend time in travel status perusing what could be obtained at home.

I began with the comprehensive files in the NPS Office of Legislation, the congressional hearings and reports in the main Interior Library, and a legislative history compilation in the Interior Law Library. These sources revealed most of the events and processes leading to the seashore's authorization in 1965 and its 1976 amendatory legislation. Records of committee hearings and reports on legislation almost always provide indispensable background on the forces bringing a park into being and shaping its development. This was certainly the case with Assateague.

I moved next to the Office of Park Planning and Environmental Quality where the Washington Office's copies of park planning documents and related correspondence are kept. Because general management planning (formerly

master planning) normally follows and is dependent upon a park's legislation, this proved a logical course. The fact that Assateague's General Management Plan was being completed just as my research got underway was a factor favoring that area's selection for the project: the GMP settled longstanding issues of development and use, allowing the history to end on a note of resolution rather than indecision. (A year earlier I would have been well advised to pick another park; a history of Assateague done then would soon have become obsolete.)

At the start I had ordered, through the Records Branch, the Washington Office back files on Assateague stored at the Washington National Records Center in Suitland, Maryland (a branch of the National Archives that holds retired NPS central files postdating 1949). The only subject category in which Assateague records were separately filed there was land acquisition, those records deserving such special treatment for their great volume. Now obtaining the land files--half a dozen boxes full--I plowed through them, trying to avoid becoming enmeshed in detail while looking for the key correspondence on policy, procedure, major cases, overall progress, and the like. (Because the Assateague correspondence on other matters was mixed in with that of all other parks, it would have been grossly inefficient to have searched through the general subject files for the occasional memorandum on Assateague when I knew that the park had copies of virtually everything.)

A trip to Philadelphia for other purposes next afforded an opportunity to explore what the Mid-Atlantic Regional Office had to offer. My stay was short, and although some of the files proved useful, I gained more

there from personal contacts with those who had been involved in planning and resources management at Assateague.

Having mined the veins of information in the central offices, I was now ready for the mother lode. My first three-day trip to Assateague was just long enough to get started. After the necessary introductions and a brief orientation to the area, I was led to some 30 shelved cartons of older records, arranged by subject code, and newspaper clippings filed by date. Over the remaining days (and nights) I selected the categories on which I would concentrate, went through as many boxes as time would permit, then obtained permission to borrow the remaining selected boxes for research back home.

On this trip I discovered that Assateague already had an administrative history, a very commendable local product done by Park Ranger Gordon Noreau in 1972 and revised two years later. Pertinent management documents and summaries had been appended to update it, and its current value was evident from its regular reference use. My initial concern that what I was doing might be redundant was soon overcome; the scope, perspective, and currency of my history would make it supplement more than repeat Noreau's. His proved another valuable source, however, particularly for its coverage of early park developments and events.

After combing the borrowed records in Washington, I returned with them to Assateague for my second and final three-day stay. There I completed the documentary research to the present in the current park files. Only then did I begin interviewing people associated with the seashore's past in any systematic manner. Without having learned as much as possible before-

hand, I would have been at a disadvantage in knowing what questions to ask, and my ignorance of the subject matter would have done little to elicit candid and complete responses.

Assisted in arrangements by the park staff, I spoke to several long-time seashore employees and knowledgeable local residents in my remaining time there. Upon returning to Washington I called those in the park vicinity I had been unable to visit, then started contacting the other names on my list. I succeeded in reaching each former seashore superintendent and certain other key personnel who had moved on. I wanted to give the other two agencies on Assateague their day in court, so I spoke to the former superintendent of Assateague State Park, Dick Rohm, and the former director of the Bureau of Sport Fisheries and Wildlife, John Gottschalk. Theirs were among the most valuable comments I obtained. My research would have been incomplete without giving George Hartzog his say, and he was most helpful. Since there was nothing to lose by shooting for the top, I called Stewart Udall; he was equally interested and cooperative.

About two months had elapsed, with a month to go before my deadline. It was time to revise my preliminary outline to accommodate the accumulated data, reorder my pile of note cards, and begin writing.

bm

ILLUSTRATIONS

Remnants of Leon Ackerman's Ocean Beach subdivision on Assateague, c. 1965.



Some principal promoters of the national seashore visit Assateague, 1965: Interior Secretary Stewart L. Udall (center), Sen. Daniel B. Brewster (second from right), Rep. Rogers C. B. Morton (right)



The first NPS facility at Assateague: geodesic dome information station at Chincoteague Island end of Virginia access road, 1967.


STATION

Virginia entrance station and former
Chincoteague-Assateague Bridge and
Beach Authority bridge, c. 1970.


OVER NIGHT
FISHING BY
PERMIT
ONLY
ENTRANCE
STATION CLOSED

New NPS bathhouse at Toms Cove, 1967
(removed 1982).


UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ASSATEAGUE ISLAND NATIONAL SEASHORE
BATH HOUSE
AND COMFORT STATION
IMPROVEMENTS

New seashore headquarters and visitor center, Maryland, 1967.

The Thomas B. McCabe house, north of Assateague State Park, Maryland, c. 1964. Occupied by President Richard M. Nixon Aug. 4-6, 1972. Protective dune line, foreground, reconstructed 1982 where vehicle located.

*U.S. GOVERNMENT PRINTING OFFICE: 1982-0-392-784/234

