

## FREQUENTLY ASKED QUESTIONS (FAQ'S)

### HARRIET TUBMAN UNDERGROUND RAILROAD NATIONAL MONUMENT

#### National Monuments Established by Presidential Proclamation

##### **What does being a national monument mean?**

- A *national monument* established by the President under the authority of the Antiquities Act of 1906 is created to protect “objects of historic or scientific interest that are situated on lands owned or controlled by the Government of the United States” (16 U.S.C. § 431). If the national monument is administered by the National Park Service, as the majority of national monuments are, it is subject to the same laws and policies that govern other units of the National Park System.
- Unlike other areas of the National Park System, which can only be created legislatively by Congress, national monuments can be created by presidential proclamation under the authority of the Antiquities Act of 1906.
- National monuments can also be created by legislation passed by Congress. The legislation is the statutory authority for such a monument, rather than the Antiquities Act of 1906.
- National monuments can be administered by federal agencies other than the National Park Service. One of the most recently designated national monuments is Fort Ord National Monument in Monterey County, California, which is managed by the Bureau of Land Management.

#### Establishment of the Harriet Tubman Underground Railroad National Monument

##### **When will the Harriet Tubman Underground Railroad National Monument designation take effect?**

- The Harriet Tubman Underground Railroad National Monument (Harriet Tubman Monument) designation took effect on the date President Obama signed the proclamation—March 25, 2013 (<http://www.whitehouse.gov/the-press-office/2013/03/25/presidential-proclamation-harriet-tubman-underground-railroad-national-m>).

##### **What are the boundaries of Harriet Tubman Underground Railroad National Monument and what specific resources make up the park?**

- The Harriet Tubman Monument, as designated by Presidential proclamation, is composed of approximately 11,750 acres of federal lands, almost all of which are part of Blackwater National Wildlife Refuge. It includes large sections of land that is significant to Tubman’s early years and evokes her life while enslaved and as a conductor on the Underground Railroad. The national monument includes these areas:

**Stewart’s Canal**, dug by hand by free and enslaved people between 1810 and the 1830s for commercial transportation. Tubman learned important outdoor skills working on the canal and when she worked in nearby timbering operations with her father, Ben Ross. A portion of Stewart’s Canal is part of the Blackwater National Wildlife Refuge. As with all the areas within the Harriet Tubman Monument that are under the administrative jurisdiction of the U.S. Fish and Wildlife Service, Stewart’s Canal will continue to remain part of the wildlife refuge.

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*More information is available at: <http://www.nps.gov/hatu>*

**Home site of Jacob Jackson**, a free African American man who used coded letters to help Tubman communicate with her family—including a message to alert her three brothers, Henry, Benjamin, and Robert that she would soon come to guide their escape from slavery to the north. The Conservation Fund donated the Jacob Jackson Home Site to the National Park Service for inclusion in the new national monument.

The State of Maryland's **Harriet Tubman Underground Railroad State Park Visitor Center** will be another key site in the national monument when it opens in 2016.

**If the monument is only 11,750 acres, why does the Harriet Tubman Monument boundary, as shown on the monument map, encompass an area of approximately 25,500 acres? What is the status of the land that is not part of the monument but lies within the monument boundary?**

- The proclamation that established the Harriet Tubman Monument set a boundary of approximately 25,500 acres so that additional lands that are currently privately owned could be added to the monument over time. Most of these privately owned lands were already within the authorized acquisition boundary for the Blackwater National Wildlife Refuge before the national monument was established. Therefore, those lands were already eligible to be acquired by the U.S. Fish and Wildlife Service.

**What sites are immediately available to visit at the national monument and what will be available in the future?**

- Harriet Tubman Monument is a new national park area. It has no planned federal public facilities and will have limited services. It is a park in progress and in the coming years, services will be added to the park in cooperation with Maryland's planned Harriet Tubman Underground Railroad State Park.

**How will the National Park Service manage the National Monument?**

- For the next few years, the Harriet Tubman Monument is expected to manage with very limited staffing as well as a limited budget. This is typical of new parks everywhere.
- The operations of National Monument will be integrated with those of the Blackwater National Wildlife Refuge and the Harriet Tubman Underground Railroad State Park.

**Isn't the National Park Service required to conduct a planning process that involves the public and landowners? If so, what is the timeline?**

- Yes, the proclamation requires the Secretary of the Interior to prepare a management plan. This would be a plan that includes the involvement of landowners and other interested members of the public.
- The National Park Service will develop a planning portfolio for the Harriet Tubman Monument that will begin with a foundation document. This document will, with the assistance of community stakeholders, the state, and other federal agencies, establish the core elements of park management; its purpose, significance, interpretive themes, and fundamental resources and values. Based on these core elements, the document will identify future planning needs and research data gaps that are needed for the park. The planning has already started with a scholar's roundtable in November, 2013, and continues with workshops and public outreach for the next year.

## **Relationship Between the National Monument Designation and Proposed Legislation for a National Historical Park**

**Why was the national monument route taken rather than waiting for Congress to pass legislation that was introduced to establish the Harriet Tubman Underground Railroad National Historical Park?**

- Supporters of giving national recognition to the life and work of Harriet Tubman have been trying for many years to get legislation passed to establish two national historical parks in her honor – one in Maryland, where she grew up and became a leader in the Underground Railroad, and one in Auburn, New York, where she spent her later years. With prospects for passage of legislation uncertain, the President decided to use his authority under the Antiquities Act to ensure the preservation of historic sites associated with Harriet Tubman where that was possible.
- The Conservation Fund’s donation of the Jacob Jackson home site to the United States presented an opportunity for the President to designate resources associated with Harriet Tubman and the Underground Railroad as a national monument. The fact that there is other federal land –the Blackwater National Wildlife Refuge--that has preserved a large swath of the area where Harriet Tubman lived and worked in much the same condition as it was during her life gave added impetus to designating the area in her honor.
- Many supporters of including sites associated with Harriet Tubman’s life and work to the National Park System, including the Department of the Interior (which includes the National Park Service and the U.S. Fish and Wildlife Service), support additional action. Before the national monument was established, the Department had testified several times during the last five years in support of legislation that would protect Tubman-related sites in Caroline and Talbot Counties (in addition to what is already protected in Dorchester County) as part of the Maryland Harriet Tubman unit and that would establish a Harriet Tubman unit in Auburn, New York.

**What’s different about the national monument as designated by the President from the legislative proposal for the national historical park?**

- The National Park Service Special Resource Study of Harriet Tubman-related sites concluded that two separate parks should be established: one located in three counties on Maryland’s Eastern Shore to include large sections of landscapes that are evocative of Tubman’s life as a slave and the conductor on the Underground Railroad, and the second, located in Auburn, NY, to focus on her later years where she was active in the women’s suffrage movement and providing for the welfare of aged African Americans.
- The President’s proclamation for Harriet Tubman Underground Railroad National Monument is limited to Dorchester County, Maryland, and, consistent with the Antiquities Act, is focused on historic resources that are owned or controlled by the federal government together with the “smallest area compatible” for the proper care and management of those resources. The federal government already owned Stewart’s Canal and other lands managed by the U.S. Fish and Wildlife Service as part of Blackwater National Wildlife Refuge. The Secretary of the Interior accepted a donation of land abutting Stewart’s Canal on which is situated the historic site of the Jacob Jackson home. These parcels provide the necessary resources to commemorate Harriet Tubman’s birth, youth and young adult life on Maryland’s Eastern Shore, as well as the sites significant to the Underground Railroad.

**Why did the size of the “proposed Tubman protection area” that was discussed in 2010 with the public and landowners for establishment of a National Historical Park grow from approximately 4,500 acres to the 25,500 acres with establishment of the monument? Why weren’t landowners provided an opportunity to participate in the decision to increase the size of the Tubman protection area?**

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- In 2010, the proposal under discussion was Senator Cardin’s legislation, which gives authority to acquire about 4,500 acres in the vicinity of Blackwater National Wildlife Refuge containing significant Harriet Tubman-related resources for a national historical park. For the national monument boundary designated by President Obama in 2013, a decision was made to include a portion of the existing Refuge (and its approved acquisition boundary) along with lands outside the refuge and its acquisition boundary that had been identified in the legislation for inclusion in the national historical park. This choice provided for the broadest potential interpretation and protection of Tubman associated resources within the area that had previously been identified by the National Park Service as nationally significant landscape associated with Harriet Tubman.

### **Landowner Concerns about the National Monument**

**Were any of the lands for the national monument seized under eminent domain (condemnation)? Would the National Park Service consider taking land from landowners for future additions to the national monument?**

- No land for the Harriet Tubman Monument was acquired using eminent domain.
- It is the National Park Service’s policy and practice to seek to acquire lands from willing sellers. Therefore, the National Park Service has no intention of acquiring land in the Harriet Tubman Monument from any owner who is not a willing seller.

**If land is within the acquisition boundary of the Blackwater National Wildlife Refuge and also the boundary of the national monument, and the owner wants to sell it, does the owner have to sell it to the federal government?**

- No. Whether the land is within the wildlife refuge boundary, the national monument boundary, or both, the owner is free to sell to whomever he or she wants. The landowner has a potential buyer in the federal government. That is not true for land that is outside of the boundaries—in that case, neither the U.S. Fish and Wildlife Service nor the National Park Service would have authority to acquire it.

**If the owner of land within both boundaries wants to sell land to the federal government, which agency would the landowner sell to U.S. Fish and Wildlife Service or National Park Service?**

- When the federal government acquires land, title is held by the United States, not by a specific agency. The proclamation provides that if land is acquired within the boundaries, the Secretary of the Interior shall determine whether it will be administered by the U.S. Fish and Wildlife Service as part of the refuge or by the National Park Service as part of the National Park System. Informally, the two agencies are in agreement that almost all of the land within both refuge and monument boundaries should be added to the refuge if it is acquired.

**Will my rights as a property owner be restricted if my property is within the monument boundary? Will I still be able to hunt and fish on my property? Farm my property?**

- So long as property within the monument boundary remains privately owned, the National Park Service regulations generally will not apply to it. Under federal law, an owner would not be able to establish a landfill, but otherwise there will be no other restrictions on the use of the property apart from those that may exist under state law or local ordinances.

- The National Park Service wants to help others preserve this landscape and would like to see historical activities and uses of the land associated with Tubman, such as agriculture, forestry, hunting, fishing, trapping, etc., continued in perpetuity. But, as recommended in the National Park Service Special Resource Study, the National Park Service might establish agreements with willing landowners for public access to certain properties. The National Park Service would not interfere with traditional hunting and fishing or agricultural or forestry management practices. Any proposed agreements would be strictly voluntary, and provide financial incentives to you to continue the great job you have been doing. It's an opportunity to ensure that your rural legacy is preserved in perpetuity.

**Will the National Park Service purchase only easements -or does the National Park Service intend to purchase lands in fee for either the monument or the National Historical Park?**

- Under the monument designation, if a property owner within the boundary were willing to donate property, the National Park Service could accept a donation. If a property owner were willing to sell property and if funds were available, the National Park Service could consider purchasing property.

**Will the National Park Service be purchasing land in fee within the Tubman National Monument boundary?**

- The National Park Service is authorized to acquire lands by donation or by fee or less than fee purchase; however fee acquisition would not be the intention of the National Park Service as continuing the private operation and farming/forestry practices on these lands is considered more important.

**If my property is within the Tubman National Monument boundary, does that mean the National Park Service will try to allow public access on my property?**

- No. Owning property located within the national monument boundary does not mean the National Park Service can grant public access to or use of your property. But in the future, the National Park Service may establish agreements with **willing** landowners for public access to certain properties.

**What activities does National Park Service consider appropriate uses of lands within the 25,500-acre monument boundary?**

- The National Park Service has no authority to determine the use of private property within the monument boundary. Federal law prohibits landfills on land within the boundary of a unit of the National Park System, but that is the only applicable federal restriction on private land associated with land being inside the monument boundary.

**Roles of the National Park Service and the U.S. Fish and Wildlife Service**

**Is the National Park Service taking over management of Blackwater National Wildlife Refuge?**

- No, the two agencies have two different missions. U.S. Fish and Wildlife Service lands will continue to be managed by U.S. Fish and Wildlife Service under their policies and regulations (<http://www.fws.gov/blackwater>). As stated in the proclamation "*The Refuge has helped to conserve the landscape since 1933 and will continue to conserve, manage, and restore this diverse assemblage of wetlands, uplands, and aquatic habitats that play such an important role in telling the story of the cultural history in the area.*"

- Some confusion has occurred because the proclamation gives general responsibility for administration of the monument to the National Park Service. But it also states that this responsibility is “*subject to the responsibility and jurisdiction of the U.S. Fish and Wildlife Service to administer the portions of the national monument that are within the National Wildlife System.*” That wording is clear that any lands within the refuge (including those that are added to the refuge in the future) will be under the control of the U.S. Fish and Wildlife Service.

**What is the National Park Service’s role in the management of the National Monument?**

- As stated in the proclamation, “*The National Park Service shall have the general responsibility for the administration of the monument, including the Jacob Jackson Home Site...*,” The National Park Service and U.S. Fish and Wildlife Service will enter into agreements to cooperatively manage the national monument as stated within the proclamation. The National Park Service will also enter into agreements with the State of Maryland, particularly with respect to providing exhibits for the new state visitor center.

**Will Blackwater National Wildlife Refuge continue to allow hunting and manage timber on their properties?**

- U.S. Fish and Wildlife Service lands will continue to be managed by the U.S. Fish and Wildlife Service under their policies and regulations (<http://www.fws.gov/blackwater/hunting.html>). This information can also be found in the proclamation: “*Hunting and fishing within the National Wildlife Refuge System shall continue to be administered by the U.S. Fish and Wildlife Service in accordance with the provisions of the National Wildlife Refuge System Administration Act and other applicable laws.*”

**Will the National Park Service open up hunting on the Jackson home site?**

- The Jacob Jackson Home Site is considered as a historic resource associated with Harriet Tubman and the Underground Railroad. It would be used for public interpretation, and there would be no hunting allowed on it.
- If the National Park Service acquires any land in fee within the monument boundary, it is likely that it will be for the land’s value as a historic resource associated with Harriet Tubman and the Underground Railroad. In that case, it would be used for public interpretation, and there would be no hunting allowed on it.

**Why have two federal agencies now managing the same area?**

- Designation of the national monument under the authority of the Antiquities Act accomplishes several purposes:
  1. Permanently protects federally owned nationally significant resources associated with Harriet Tubman and the Underground Railroad, including areas under the management of the U.S. Fish and Wildlife Service as well as the donated Jacob Jackson site.
  2. Authorizes the National Park Service to interpret the landscape and significant sites within the landscape as Harriet Tubman’s homeland.
  3. Authorizes the National Park Service to provide technical and financial assistance to owners of sites associated with Tubman and the Underground Railroad to interpret and protect those sites.
  4. Authorizes the National Park Service to assist the state of Maryland to staff and program the state park.
  5. Allows both agencies to accomplish their missions and allows for collaborative management.

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