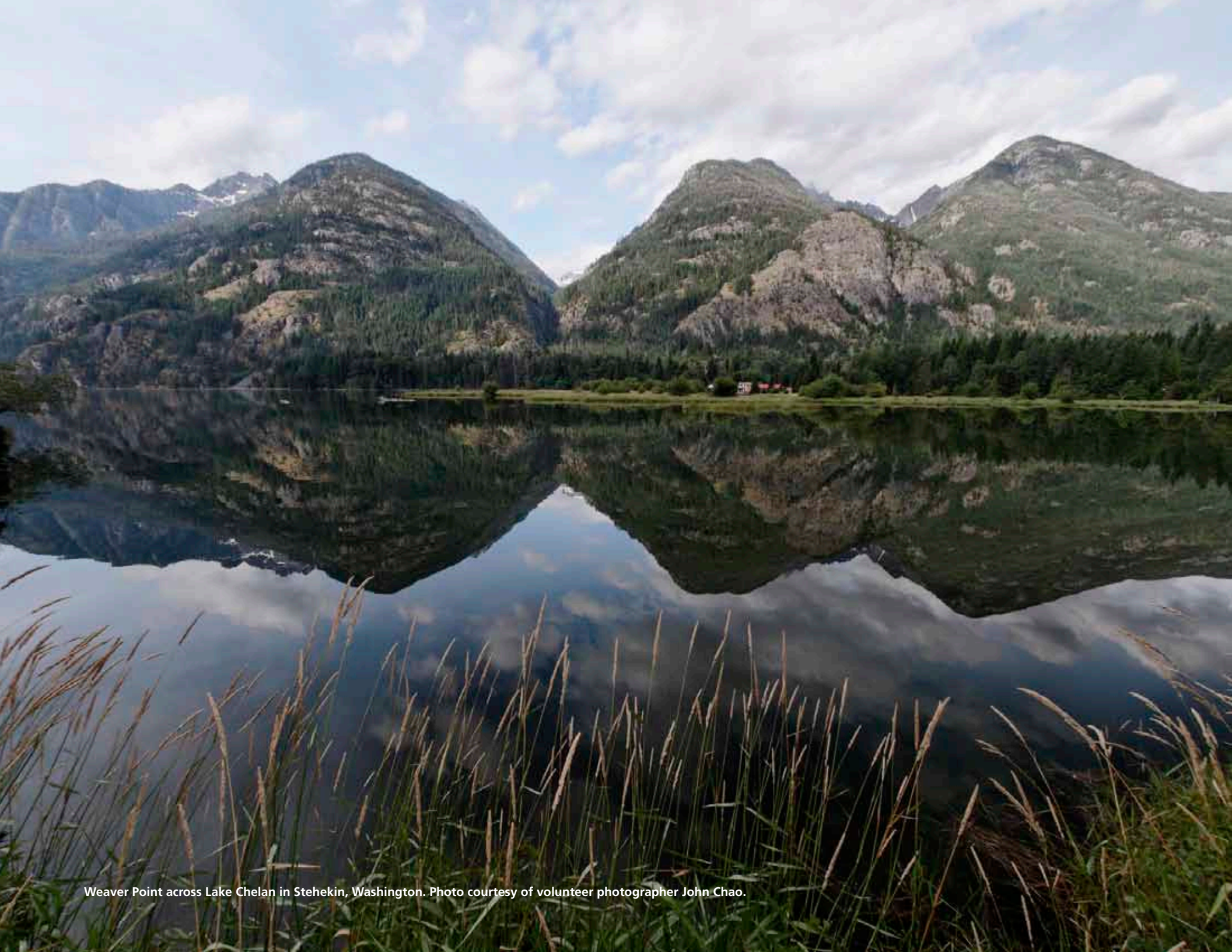
National Park Service
U.S. Department of the Interior

Lake Chelan National Recreation Area

Land Protection Plan

North Cascades National Park Service Complex
Lake Chelan National Recreation Area
July 2012



Weaver Point across Lake Chelan in Stehekin, Washington. Photo courtesy of volunteer photographer John Chao.

Lake Chelan National Recreation Area

Land Protection Plan

North Cascades National Park Service Complex
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Cover: Early Morning on Lake Chelan. Photo courtesy of volunteer photographer John Chao.

Stehekin Landing at Sunrise.

Summary

All National Park Service (NPS) units that contain private or other nonfederal land or interest in land within their authorized boundaries are required by policy to complete a Land Protection Plan in order to achieve management purposes consistent with public objectives of the unit.

This plan revises the 1995 Lake Chelan National Recreation Area (LACH) Land Protection Plan, largely in response to the changing Stehekin River flood conditions within the Stehekin Valley since that time. Consistent with guidelines, this plan sets priorities for lands that may be suitable for the NPS to acquire an interest in to protect key features of importance to LACH, based on an objective set of eight criteria established through this plan revision. Although all criteria reflect resource concerns, of primary concern are those tracts that lie within the Stehekin River channel migration zone (CMZ), with a particular focus on sediment deposition zones within the CMZ. The CMZ is the channel of land through which the Stehekin River has migrated over the last 1,000 years.

This plan does not constitute an offer to buy or exchange property; all land acquisitions and exchanges with the NPS are handled individually, on a willing seller/willing buyer basis and are dependent upon Congressional allocations of funding.

Lake Chelan National Recreation Area:

1. **Current ownership (acres):**

Landowner	Acres
Federal	59,337.01
State	1,994.43
Chelan County Public Utility District #1	198.94
Stehekin School District	3.20
Private	416.80*

** As of fall 2011 there are 416.80 acres in private ownership. Of those acres, 21.38 acres are under scenic easement or other deed restrictions with the NPS. An additional 3.40 acres of Port of Chelan County and Stehekin School District lands are under easement as well.*

2. **Number of private tracts remaining:** 168

3. **Acquisition of interest priority (based on the criteria and scoring found in Appendix D):**

Priority	Tracts	Acres
High	31	189.62
Medium	72	148.84
Low	65	78.34

4. **Other actions:**

Areas	Tracts	Acres
Federal land available for exchange	8	29.41

5. **High priority:** Properties that lie within sediment deposition zones within the Stehekin River CMZ and/or have other resource concerns that cumulatively elevate the need to protect the properties for resource protection are most likely to be suitable for exchange, acquisition, easements or other interest by the NPS. The full list of resource values considered for each parcel includes the relationship of each parcel to the Stehekin River CMZ, alluvial fan migration zone, or debris cones; location within a sediment deposition zone of the Stehekin River CMZ; wetlands; habitat for rare/protected species; large undeveloped parcels; presence of a structure; visual sensitivity along the lakeshore; and cultural resources.

Stehekin Valley. Photo courtesy of O'Casey.

Table of Contents

Summary i

Chapter 1. Introduction 2
- 1.1 Purpose of the Plan 2
- 1.2 Disclaimer 3
- 1.3 Management Goals 3
- 1.4 Management Objectives 4

Chapter 2. Purpose of the Recreation Area and Resources to be Protected 6
- 2.1 Purpose and Significance 6
- 2.2 History, Development, and Use 7
- 2.3 Laws, Regulations, and Policies 10

Chapter 3. Nonfederal Ownership and Uses 12
- 3.1 History and Current Status of Land Protection Actions 12
- 3.2 Characteristics of Non-federal Landowners 14
- 3.3 Compatible and Incompatible Uses 16
- 3.4 Compatibility Criteria 18
  - 3.4.1 General Criteria 18
  - 3.4.2 Request for Determination of Compatibility 18
  - 3.4.3 Incompatible Uses of All Property within Lake Chelan NRA 20
  - 3.4.4 Incompatible Uses of Public Property Within Lake Chelan NRA 20

Chapter 4. Techniques for Protecting Resource Values on At Risk Land 22
- 4.1 Agreements 22
  - 4.1.1 Application 22
  - 4.1.2 Effectiveness 22
- 4.2 Zoning and Public Review 22
  - 4.2.1 Application 22
  - 4.2.2 Effectiveness 23
  - 4.2.3 Overlay District 23
- 4.3 Regulations 24
  - 4.3.1 Application 24
  - 4.3.2 Effectiveness 24
- 4.4 Acquisition 25
  - 4.4.1 Fee 25
  - 4.4.2 Easements 25
- 4.5 How NPS Can Secure Interest in a Property 26
  - 4.5.1 Donation 26
  - 4.5.2 Exchange 26
  - 4.5.3 Purchase 27
  - 4.5.4 Purchase and Sellback 27
  - 4.5.5 Reservation of Life or Term Estates 27
  - 4.5.6 Condemnation 27

Chapter 5. Recommendations 30
- 5.1 Guidelines 30
- 5.2 Process For Establishing Priority Interests in Parcels 31
- 5.3 Land Protection Priorities 48
- 5.4 Land Available to Exchange 56
  - 5.4.1 Criteria for Decision-Making Between Multiple Interests in New Land Exchanges 57

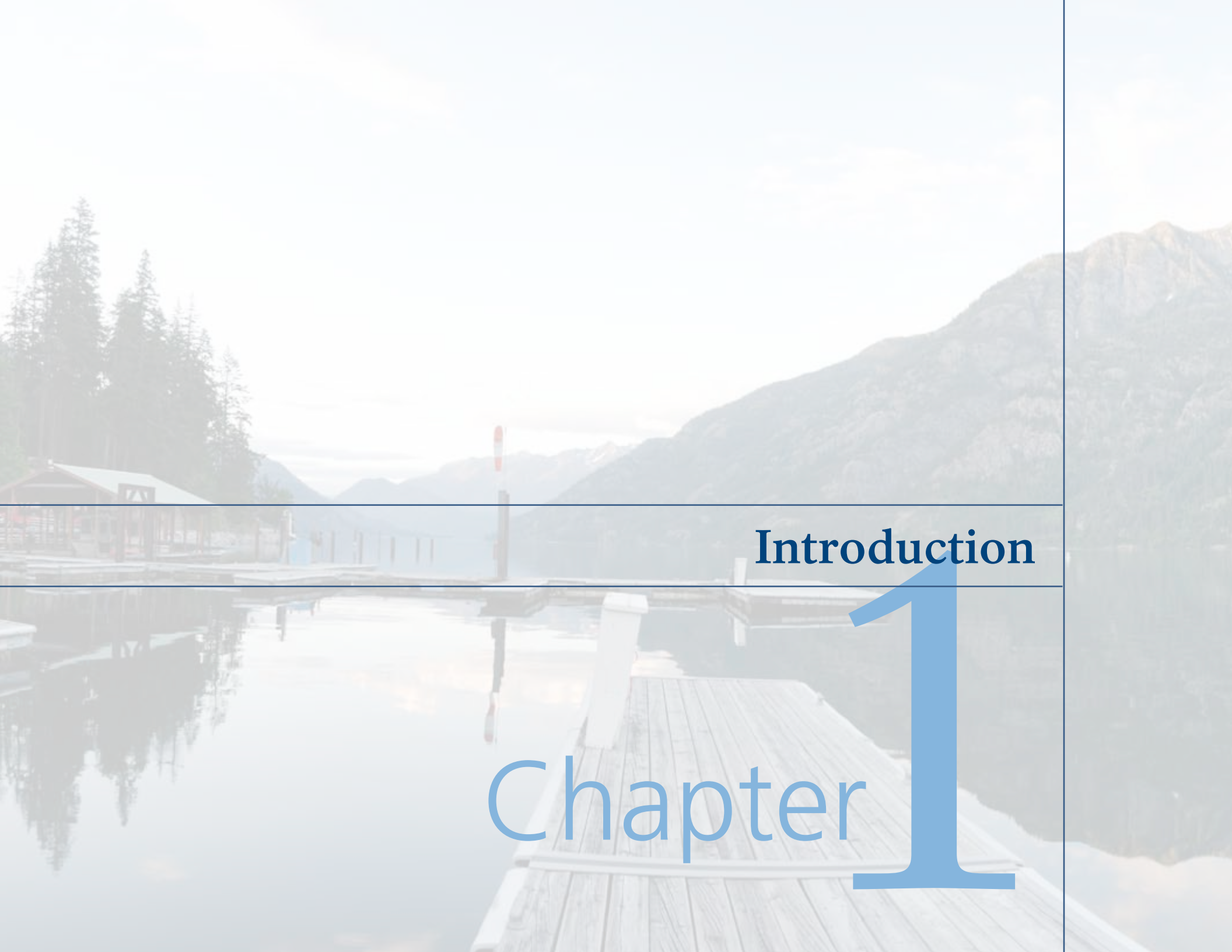
Appendices and List of Preparers 64
- Appendix A: Status of Land Protection Program 64
- Appendix B: Nonfederal Land Acquired in Fee as of 2011; Lake Chelan National Recreation Area 65
- Appendix C: Stehekin Overlay District 66
- Appendix D: Resource Analyses for All Criteria for Private Property in Stehekin 69
- Appendix E: Lake Chelan National Recreation Area Enabling Legislation (Public Law 90-544) 76
- List of Preparers 80

Tables

Table 1: Stehekin population and tract information 8
Table 2: Current Non-federal Ownership in Lake Chelan NRA .. 14
Table 3: Distribution of Total Private Acreage in Stehekin (2011) 14
Table 4: Parcel Evaluation Criteria 35
Table 5: Overall Tract Priority 48
Table 6: Scenic easement interest priority based solely on visual sensitivity 48
Table 7: Priorities for Land Protection interests for each Tract 50
Table 8: NPS Lands Available for Exchange 57
Table B-1: Nonfederal Land Acquired in Fee in Lake Chelan National Recreation Area (1968-2011) 65
Table D-1: Points Assigned to Private Property in Stehekin Based on Resource Analysis 69

Figures

Figure 1: Private Land in Lake Chelan NRA, by acreage (1969-2011) 15
Figure 2: NPS Land Acquisitions in Lake Chelan NRA 15
Figure 3. Private Land Ownership in the Lower Stehekin Valley 17
Figure 4: General NPS Approach to Responding to Requests from Property Owners Interested in Selling or Exchanging Land 28
Figure 5: Channel Migration Zone vs. Floodplain in the Lower Stehekin Valley 32
Figure 6: Net Gravel Deposition and Transport Zones 36
Figure 7: Channel Migration Zone - River Miles 8-9 37
Figure 8: Channel Migration Zone - River Mile 6 38
Figure 9: Channel Migration and Alluvial Fan Migration Zones - River Mile 5 39
Figure 10: Channel Migration and Alluvial Fan Migration Zones - River Mile 4 39
Figure 11: Channel Migration and Alluvial Fan Migration Zones - River Miles 2-3 40
Figure 12: Channel Migration and Alluvial Fan Migration Zones - River Mile 2 40
Figure 13: Channel Migration and Alluvial Fan Migration Zones - River Mouth 41
Figure 14: Stehekin River Deposition Zones - River Miles 8-9 42
Figure 15: Stehekin River Deposition Zones - River Mile 5 43
Figure 16: Stehekin River Deposition Zones - River Miles 2-3 43
Figure 17: Stehekin River Deposition Zones - River Mouth 44
Figure 18: McGregor Meadows Urgency Zones 45
Figure 19: Debris Cone Hazards - Purple and Imus Creeks 46
Figure 20: Debris Cone Hazards - Hazard Creek 46
Figure 21: Debris Cone Hazards - Fourmile Creek 47
Figure 22: Debris Cone Hazards - Flick Creek 47
Figure 23: Number of Parcels by Priority 49
Figure 24: Exchange Land Availability 58
Figure 25: Possible Exchange Lands, Stehekin Valley Ranch and Airstrip Areas 59
Figure 26: Possible Exchange Lands, Rainbow Falls and Stehekin School Areas 60
Figure 27: Possible Exchange Lands, Boulder Creek Area 61



Introduction

Chapter 1

Chapter 1. Introduction

1.1 Purpose of the Plan

This Land Protection Plan (LPP) is a revision of the 1995 Lake Chelan NRA (LACH) Land Protection Plan in response to changes that have occurred to the Stehekin River since 1995. Research on and documentation of impacts associated with flooding along the Stehekin River has led to a greater understanding of the ever-changing Stehekin River. The primary issue that this revised LPP addresses is the threat posed by erosion of cabins, septic systems, and other infrastructure, and their incorporation into the river. This LPP is based on the understanding that both private property and NRA values such as aesthetics and water quality may be compromised by impacts from future floods.

Impacts associated with this plan revision are analyzed as part of the Stehekin River Corridor Implementation Plan (SRCIP) Environmental Impact Statement (EIS). Both the SRCIP and the revised Land Protection Plan implement the goals and objectives of the 1995 General Management Plan by incorporating new information and by using that information to respond with appropriate management actions to changing conditions within the lower Stehekin Valley. NPS Management Policies (2006) also directs that Land Protection Plans be periodically updated.

The guiding principle behind a Land Protection Plan is to ensure the protection of the applicable unit of the national park system consistent with its enabling legislation and the stated purposes for which the unit was created and is administered. Land Protection Plans are also guided by NPS Management Policies, applicable laws and regulations, and park general management plans. According to NPS policy, Land Protection Plans are prepared to determine:

1. What lands or interests in land would advance park purposes through public ownership;
2. What means of protection are available and appropriate to achieve park purposes as established by Congress;
3. The protection methods and funds that will be sought or applied to protect resources and to provide for visitor use and park facility development; and
4. Acquisition priorities within the park unit.

This plan revises the 1995 LACH Land Protection Plan primarily by developing new criteria to respond to threats to resources caused by unsustainable development on private property. This revision takes advantage of new or updated information on natural and cultural resources identified through ongoing research and monitoring programs. Based on this research, the Stehekin River has changed from a spring-dominated flooding regime to a fall-dominated flooding regime. This change has resulted in larger and more frequent floods within the lower Stehekin Valley, which have caused considerable damage to public and private development. This Land Protection Plan would protect the purposes of the public lands within LACH primarily by identifying the properties most at risk from severe or long-term flooding before they affect the Stehekin River and other park resources. This plan also identifies NPS land available for exchange to facilitate the removal of development from the Stehekin River floodplain. This plan identifies the relative priority of interest the NPS has in each parcel in the Stehekin Valley.

Land Protection Plans are periodically revised to reflect changed conditions in the ability to protect national park system units. Similarly, this plan will be revised as river, upland, or other resource conditions or management objectives change. It is anticipated this plan will guide park management for 5-15 years.

Photo on Chapter Cover: Stehekin Marina at Dawn.

1.2 Disclaimer

Nothing in this Land Protection Plan constitutes an offer to purchase private property, a taking of private property, or a usurpation of the responsibility of the state of Washington and Chelan County to regulate the use of private land within the Stehekin Valley. This plan is intended to guide subsequent land protection activities subject to the availability of funds and other concerns for resource impacts or administrative requirements. All land management actions outlined in this plan are based on a willing seller/willing buyer agreement. The NPS does not purchase property on the open market (e.g. from real estate agents); rather, the NPS only purchases land from property owners who approach the NPS for the sale or exchange of their property.

1.3 Management Goals

This plan is consistent with the Lake Chelan NRA General Management Plan and Stehekin River Corridor Implementation Plan goals, which are to:

- Sustainably operate and maintain NPS administrative facilities, public access (via roads, including motor vehicle access to High Bridge, and trails), and campgrounds;
- Protect water quality, scenic values, habitat, and natural processes of the Stehekin River; and
- Partner with the Stehekin Community to provide services, facilities, and experiences for visitors.

Coon Lake.

Additional goals of this Land Protection Plan are to:

- Identify private developments most threatened by new floodplain conditions;
- Prevent structures and septic systems from entering the river;
- Create new opportunities for land exchanges in sustainable areas outside the channel migration zone;
- Preclude the installation of more bank hardening and river manipulation; and
- Identify the relative priority in each parcel to guide NPS decisions if approached by a private property owner seeking to exchange or sell their property.

This plan is consistent with implementing the direction provided in the 1995 Lake Chelan National Recreation Area General Management Plan.

1.4 Management Objectives

The following specific management objectives are designed to help this plan meet the goals identified above:

- Protect Lake Chelan NRA from land uses and development that is incompatible with the purposes of the recreation area.
- Cooperate with Chelan County to facilitate implementation of the Washington State Growth Management Act, Shoreline Management Act, and other laws and regulations applicable to private property.
- Provide Chelan County additional means for the public, including Stehekin residents, to participate in land use decisions regarding the regulation of private lands in Stehekin.

This Land Protection Plan will enable the NPS to:

- Effectively respond to private property owners who willingly and voluntarily approach the NPS with the goal of exchanging or selling their land or interest in lands.
- Provide a basis for meaningful and constructive NPS review of proposals for land use change on private land within the Stehekin Valley to ensure that new or modified land use and development is compatible with the purposes of Lake Chelan NRA and/or consistent with sustainable practices within the Stehekin River channel migration zone.
- Fulfill federal policy requirements to have a plan that makes use of the full range of land protection authorities to augment the land protection measures provided by Chelan County and Washington State land use laws, regulations, and policies.
- Use land protection strategies such as easement, exchange, or acquisition to relocate or remove threatened development from the Stehekin River channel migration zone and/or encourage residents to implement advanced protection measures and ensure that structures and developments within the valley are sustainable.

The guidelines the NPS will follow to meet these objectives are described in Chapter 5.

This Land Protection Plan further defines specific land protection strategies that are to be employed relative to private property within the Stehekin Valley. It also provides a tract by tract listing of all private properties in the Stehekin Valley and the NPS relative priority identified for in those parcels, if approached by a property owner who wished to sell or exchange their property. While this listing is required to encompass all the privately owned lands in a national park unit, it does not convey NPS intent to purchase these lands. It is not the goal of the NPS to acquire all of the private land within Lake Chelan NRA.

Purpose of the Recreation Area and Resources to be Protected

Chapter 2

Chapter 2. Purpose of the Recreation Area and Resources to be Protected

2.1 Purpose and Significance

(Note: See the Draft or Final Stehekin River Corridor Implementation Plan/Environmental Impact Statement or the Lake Chelan National Recreation Area Final General Management Plan / Environmental Impact Statement for a complete discussion of the purpose and significance and affected environment of LACH.)

Lake Chelan National Recreation Area was established by Public Law 90-544 on October 2, 1968, "to provide for the public outdoor recreation use and enjoyment of portions of the Stehekin River and Lake Chelan, together with the surrounding lands, and for the conservation of the scenic, scientific, historic and other values contributing to the public enjoyment of such lands and waters."

According to Senate Report (S.R.) 700 (October 31, 1967), the Stehekin Valley, in the Lake Chelan National Recreation Area, is "one of the finest examples of glacier carved canyons in the Cascades." This area and additional land surrounding Lake Chelan was originally proposed for national park status in 1906. S.R. 700, however, recommended that the Stehekin Valley and surrounding land be designated as a national recreation area rather than included in the national park. This recommendation was primarily due to private ownership and development in the Stehekin Valley and traditional use of the surrounding land. S.R. 700 specifically states:

> *Designate the lower Stehekin River Valley and upper Lake Chelan areas the Lake Chelan National Recreation Area instead of a part of the national park: Many of the year long residents of the Stehekin Valley are descendants of the original homesteaders. Some 1,700 acres, mostly on the valley floor, are in private ownership, and in the past several decades a number of summer homes have been built. The only access to the community is by foot, horseback, boat, or plane, even though there is in existence a road of some 25 miles extending from the village up the valley. The lake, likened by most to the spectacular fjords of Norway, will serve as the primary access for park and recreation area visitors approaching from the southeast. The village and lower valley, therefore, will have considerable use, and development to accommodate these visitors will be necessary. The Stehekin Valley, the Rainbow Creek Valley, and Rainbow Ridge traditionally have been used by high country big game hunters.*

The major feature in Lake Chelan NRA is the Stehekin River, a glacier-fed stream that begins at the crest of Cascade Pass (in North Cascades National Park) and ends at the mouth of the Stehekin River where the river flows into Lake Chelan. Lake Chelan is 55 miles long, 1,450 feet deep, and was raised 21 feet by a hydroelectric power and flood-control dam. Approximately the upper five miles of Lake Chelan and the lower nine miles of the Stehekin Valley are included in Lake Chelan NRA.

As part of an earlier overall park planning process that created the Foundation Statement for the North Cascades National Park Service Complex (NPS 2011), the following "significance" statements apply specifically to Lake Chelan NRA:

- "Set in a glacier-carved trough nestled between steep valley walls, Lake Chelan is the nation's third deepest lake. Fed by glacial melt and the Stehekin River, it is known for its exceptionally cold and clear water."
- "Lake Chelan NRA provides a spectrum of recreational opportunities that transition from highly mechanized to primitive as one moves from the lake, up the Stehekin Valley, and into the wilderness."
- "Within Lake Chelan NRA, Stehekin is a private community that provides visitors with an opportunity to see and

Photo on Chapter Cover: McGregor Mountain.

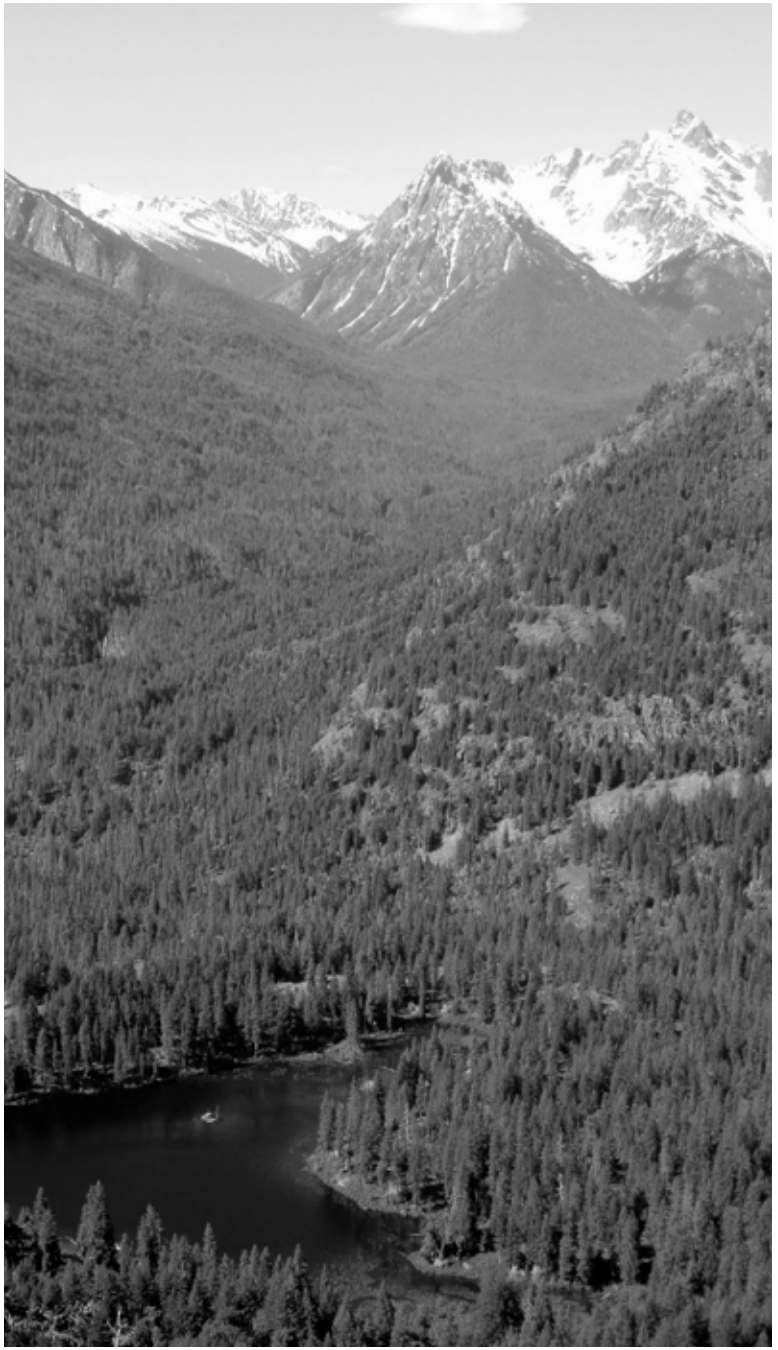
experience life in a remote setting that is not accessible by roads and is surrounded by wilderness."

2.2 History, Development, and Use

The Stehekin Valley shows clear evidence of use by Native American populations for at least 9,600 years, a longer time span than has been documented for any other Cascade Range watershed. The chronology of pre-contact indigenous use is based on twenty-four radiocarbon dates from excavations conducted throughout the watershed by NPS archeologists. Coinciding with the establishment of the first post-glacial forests, ca. 11,000 years ago, founding populations used the valley to procure stone for tools and as a trans-Cascade travel route connecting eastern and western Washington.

For most of this long time span, the Stehekin watershed served as a resource gathering area for bands that resided in settlements located along the lower end of Lake Chelan. Currently, 49 (37 pre-contact period; 12 historic period) archeological sites are documented from the head of Lake Chelan to the headwaters on the Cascade Range crest. There is no evidence for permanent occupation of the valley; rather, the evidence suggests intensive foraging for local subsistence resources, including ungulates, plants, and tool stone. Documented archeological resource types include short-term travel camps, stone quarries, hunting blinds, storage and cooking features, and rock art. For diverse bands settled in lowlands on both sides of the range, the valley offered one of the most popular travel routes connecting the northern Puget Lowlands with the upper Columbia River. Usage of the valley increased through time until indigenous populations crashed, an event triggered by Old World diseases introduced in the early contact-period by migrating Old World populations. At historic contact, ca. A.D. 1814, the Stehekin Valley was the traditional territory of Salish-speaking Chelan Indian bands, and today, some members of the Colville Confederated Tribes trace ancestry to these bands.

Despite the formidable mountains, settlers moved into the area not long after the earliest explorers and miners. The first settlers,



View from Coon Lake Overlook. Photo courtesy of Slotznick.

usually prospectors or people supplying the miners, moved into the Stehekin Valley in the late 1880s. A number of structures were built in the valley, the most substantial being the Fields Hotel. Originally constructed in 1900, the hotel was enlarged in 1910 and eventually could accommodate 100 guests. The hotel was torn down in the late 1920s when a dam across the outlet of Lake Chelan raised the lake level and flooded the site.

Soon after the arrival of the first settlers, enough children were living in Stehekin to hold school. For many years the community had no school house and lessons were taught in various homes and cabins. In 1921, citizens of the valley and the US Forest Service combined efforts to construct a school building near Rainbow Falls. This school was listed on the National Register of Historic Places in 1974. Due to a growing population of school age children in the valley, the NPS provided 3.2 acres of public land ¼ mile downvalley of the historic school to the Stehekin School District in 1987, and a new school was constructed on this property and opened for use in 1988.

One of the more significant homesteads in the valley is the Buckner farm established in 1899. The original cabin, built in 1910, is now designated as a locally significant historic structure on the National Register of Historic Places. Further up valley, the Courtney cabin, possibly built in the late 1800s, is also listed on the National Register for its local significance.

Most of the land comprising Lake Chelan NRA has been in the public domain since 1846 when the United States established title to the Oregon Territory. In 1897 the northern portion of the Cascade Mountains was designated as the Washington Forest Reserve, which eventually led to the establishment of the national forests. On October 2, 1968, PL 90-544 was signed, creating Lake Chelan National Recreation Area, North Cascades National Park, and Ross Lake National Recreation Area. This legislation also transferred jurisdiction of the areas from the US Forest Service to the National Park Service. The 1964 Wilderness Act and the Washington Park Wilderness Act of 1988 created a mostly contiguous area of designated wilderness surrounding Stehekin.

Table 1 shows residency and tract information since establishment of the NRA in 1968. According to the US Census Bureau's 2010 decennial census, 104 people reside in Stehekin year-round.

Table 1: Stehekin population and tract information

Year	Number (acreage) of private parcels	Number of structures	Year-round residents
1968	174 (1,620)	125	49-50
2010	168 (417)	330	104

There are approximately 417 acres in 168 tracts of private land in Lake Chelan NRA. Most private land acreage is uplake/upvalley of the Stehekin Landing (155 tracts incorporating 334 acres), while 13 tracts incorporating 83 acres are either at the Landing or downlake along the north shore of Lake Chelan. In addition to the 417 acres of land in private ownership, there are 2,196 acres of land in State and local government ownership. This includes the Chelan County Public Utility District (PUD) #1 (199 acres), the Stehekin School District (3 acres), and the State of Washington (1,994 acres). The land owned by the PUD is principally located in the lakebed in or near the drawdown zone or along the lakeshore below the Stehekin Landing; the State of Washington land is the lake bottom of Lake Chelan within the NRA boundary; and the Stehekin School District land is the site of the current Stehekin school that provides classes for K-8th grade.

Although the search for mineral resources was a key factor in the early exploration and development of the North Cascades, today there is no exploration or mining activity in Lake Chelan NRA. The 1995 Land Protection Plan was used to exchange a parcel in the Stehekin Valley for the 20 acre Black Warrior Mine tract in the south unit of North Cascades National Park in 1998.

Chelan County PUD #1 constructed a hydroelectric plant on Company Creek in 1963 to supply electric power throughout the valley. The plant was upgraded in 1968. This hydroelectric system is supplemented by diesel generators during the winter when there is minimal flow in Company Creek.

NPS employee housing is located at various sites from the Stehekin Landing to the Company Creek Road. The location and type of new replacement housing was considered in the 1995 General Management Plan and is discussed further in the SRCIP. NPS housing in sensitive areas, i.e., along the lakeshore or in the channel migration zone, is proposed for removal or relocation.

Historically, development consisted of isolated home sites along the lower Stehekin River. Today, clusters of houses are primarily located in the vicinity of the head of the lake/bakery/Keller Park, along the Company Creek and Stehekin Valley roads, and at McGregor Meadows.

The community is characterized by low density development, but with clusters of development in a variety of settings. Several development clusters are located on higher ground, protected from most floods. However, the changing flood regime of the past 15 years has now placed some clusters of development in locations, such as McGregor Meadows, that are at a higher risk of flooding and/or bank erosion. Development along the Stehekin Valley Road, the major visitor route, generally extends back from the road, away from areas seen by most visitors. Since the mid-1990s, however, there has been a general trend toward private development that is more visible along the Stehekin Valley Road. Development on the Company Creek Road, a route not usually traveled by visitors, is generally more oriented to the road, reflecting its primarily residential character.

Visitor accommodations and services are provided by Stehekin residents in various locations in the valley. Accommodations are generally in more private areas, while some visitor services, such as the Stehekin Pastry Company, are on the Stehekin Valley Road.

Old Stehekin School House. Photo courtesy of Michael Silverman.

Buildings are mostly modest structures of natural materials such as wood and stone. They have generally been sited to be unobtrusive to others and are often very private. Some have been sited to take advantage of beautiful views or are located along the river. Some development has not been sensitive to the character of the valley; however, there has been a recent trend toward stone-faced or log construction, which is consistent with more established building patterns. One-story buildings predominate, although more recent construction also includes two-story structures.

The appearance of most of the valley is generally rustic and uncrowded. Clearing has occurred at several sites for agricultural uses and pasture, including major openings at the Stehekin Valley Ranch, the Lower Field, lower Company Creek Road, and Buckner Orchard and by the Stehekin Pastry Company (between the pastry company and an NPS housing unit, the Castle). Some recent residential development has included clearings, such as in the vicinity of the Stehekin Pastry Company and along the Stehekin Valley Road.

The Stehekin Community continues to rely on an economy that focuses on providing services to visitors. The historical background of the area and rural development pattern provides the setting for that focus.

2.3 Laws, Regulations, and Policies

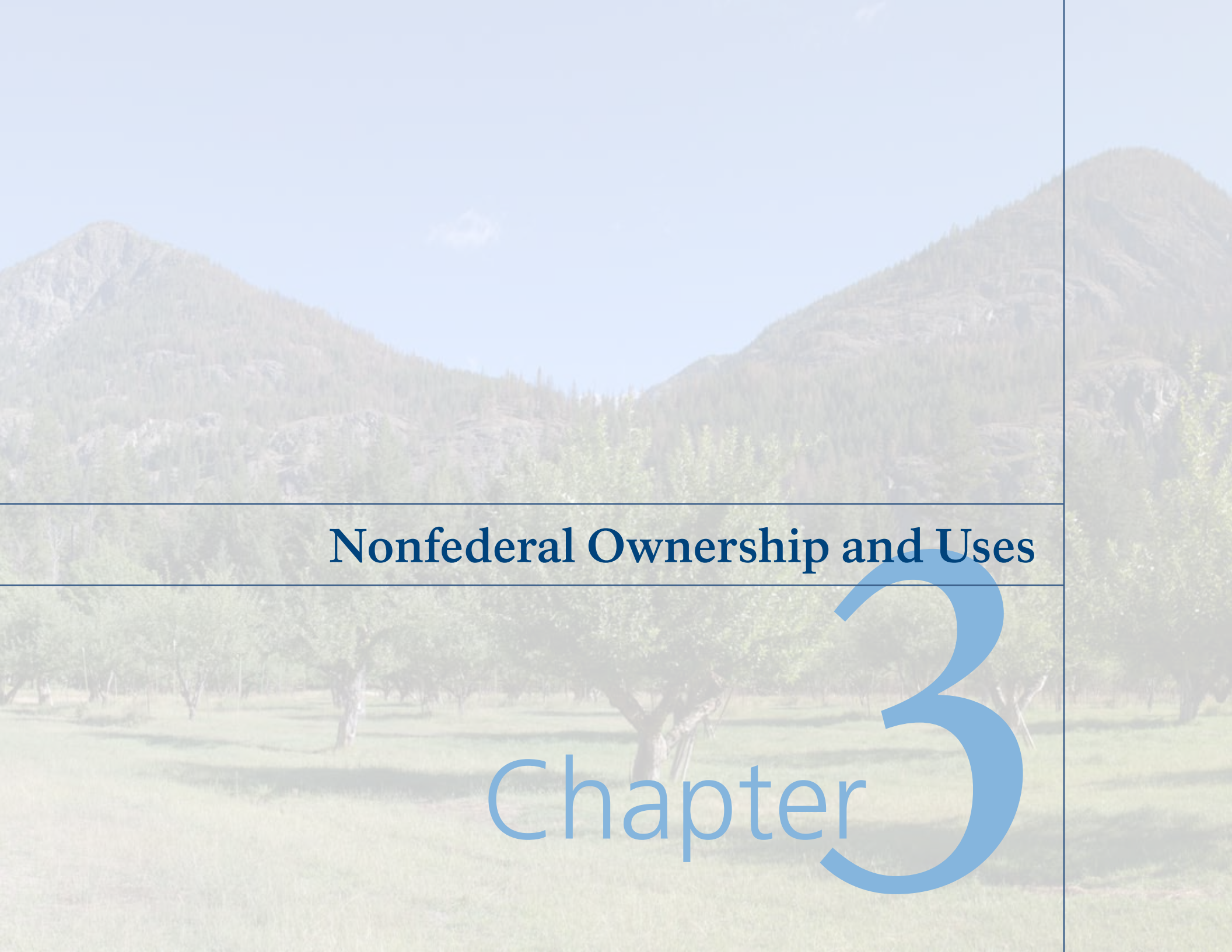
With reference to land acquisition, Public Law 90-544, title III, sec. 301, states:

> *Within the boundaries of . . . the recreation areas the Secretary of the Interior . . . may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that he may not acquire any such interests within the recreation areas without the consent of the owner, so long as the lands are devoted to uses compatible with the purposes of this Act. Lands owned by the State of Washington or any political subdivision thereof may be acquired only by donation.*

Federal regulations that are applicable to land use and development in Lake Chelan NRA include, but are not limited to, the following: Minerals Management (36 CFR 9), Rights-of-Way (36 CFR 14), and section 404 of the Clean Water Act. Federal activities must also comply with the National Environmental Policy Act of 1969 as amended.

Jurisdiction over the recreation area (proprietary) is shared between the United States, the State of Washington, and county governments. The State and Chelan County retain their general police power over the NRA. In addition, the state and the county sheriff departments are responsible for enforcement of their criminal laws throughout the recreation area. The United States through the Secretary of the Interior regulates the use of federal land and other activities on or connected with such lands and waters. The Secretary of the Interior, however, does not regulate the use of private lands within the area. State and local laws that apply to private property in the recreation area include, but are not limited to, the following: Washington State Hydraulic Code, Forest Practices Act, Shoreline Management Act, State Environmental Policy Act, and the Growth Management Act.

Under the Chelan County zoning regulations, most private land within the Stehekin Valley falls within a mix of "rural residential" zones ranging from one dwelling per 2.5 acres (RR2.5) up to one dwelling per 20 acres (RR20). In general, rural residential development within the Stehekin Valley exceeds the stated dwellings/acre definitions, largely due to that development pre-dating current zoning regulations. A property owner can also petition the county for a conditional use permit or variance for uses other than residential purposes. Such petitions are considered on a case-by-case basis. Consideration would involve public hearings before the Chelan County Hearing Examiner.



Nonfederal Ownership and Uses

Chapter 3

Chapter 3. Nonfederal Ownership and Uses

3.1 History and Current Status of Land Protection Actions

During Senate congressional hearings in 1967 to consider the creation of North Cascades National Park and Lake Chelan National Recreation Area the NPS Director listed "high density subdivisions….[and] logging" as two primary concerns related to existing conditions and potential future development threats within the Stehekin Valley (US Senate hearings on S.1321, May 1967). A third concern, the potential for development of an outside road that would lead from the "North Cross State Highway" (State Route 20) into the Stehekin Valley, was noted in Senate Report 700 (Senate Report 700, 1967). These concerns were identified prior to final establishment of the NRA because they were seen as the three greatest threats to the character of the Stehekin Valley.

The 1968 legislation that established Lake Chelan NRA included a specific provision prohibiting the construction of a road between SR20 and Stehekin, which, along with the Wilderness Act of 1988 and the creation of the Stephen Mather Wilderness, effectively eliminated the threat of a connecting road into the valley (Sec. 402(e) of PL 90-544). Threat from commercial logging within the valley was largely eliminated when lands were transferred from the US Forest Service to the National Park Service. The NPS further addressed this threat by working with willing landowners to purchase several large forested tracts, including roughly 280 acres owned by the Chelan Box Company, within the valley in the first 20 years of Lake Chelan NRA's existence.

Unlike the potential road and logging threats which were eliminated early on in the existence of the Lake Chelan NRA, the third and final threat, the potential for negative impacts from large scale subdivision development, has been reduced over the last forty years through the purchase, from willing sellers, of relatively large tracts of private land in Stehekin.

Since 1988, when the first Land Protection Plan (LPP) was developed for Lake Chelan NRA, all NPS land exchanges and acquisitions have occurred under the guidance of an LPP. The initial 1988 LPP identified 437, of the then 502, acres of private land for protection through either fee simple acquisition or easements, with no interest identified for the remaining 65 acres of private land. This plan also identified approximately 93 acres of NPS land, which had been previously purchased from private landowners, for possible exchange. In the 1988 plan, the primary considerations for land protection included the protection of visual and environmental qualities, provision of visitor and administrative facilities (e.g., employee housing), visitor access, and the protection of wetland habitat areas. As a result, the NPS gave a higher priority to the possibility of securing interest, ownership or easements for properties on the shore of Lake Chelan, along the Stehekin Valley Road, and along the Stehekin River.

In 1989, the NPS was sued over the management of the Stehekin Valley, primarily due to concerns that the cumulative effects of major planning efforts and other activities (such as the management of firewood and the use of sand, rock, and gravel in the valley) had not been adequately analyzed and disclosed to the public as required by the National Environmental Policy Act. It had been the intent of the NPS to revise and update the 1988 LPP in 1991, but resolution of the lawsuit led to the signing of a Consent Decree in 1991 that required the development of a new Land Protection Plan and several other implementation plans, as well as the Lake Chelan NRA General Management Plan and Environmental Impact Statement. These new planning efforts led to the completion of the 1995 Land Protection Plan.

The 1995 LPP identified a set of resource-based criteria (wetlands, high flood influence, riparian, and high visual sensitivity areas), coupled with various potential land protection techniques, which established a tract by tract listing of the priority interest and proposed minimum protection technique for each tract in

Photo on Chapter Cover: Buckner Orchard. Photo courtesy of Michael Silverman.

the Stehekin Valley. The 1995 plan proposed a high priority interest in 372 acres of the approximately 459 remaining acres in the valley, a moderate priority interest in 21 acres, and a low priority interest in 42 acres. One tract, approximately 23 acres in size, was expected to be shortly removed from the NRA legislated boundaries and thus was given no priority.

Under the guidance of its enabling legislation and the two subsequent Land Protection Plans, along with ongoing appropriations from Congress for the exchange and acquisition of land within the Stehekin Valley, the NPS has acquired approximately 1,202 acres in fee since the establishment of the Lake Chelan NRA for the purposes of resource protection. Designated by Congress in 1968, Lake Chelan NRA spanned an initial 58,133.9 acres that had previously been managed by the United States Forest Service (USFS). Within the first five years of its creation (1968-1973), 57 unique private landowners sold just over 980 acres in 79 tracts to the NPS. Since that time, the NPS has completed an additional 20

Buckner Orchard Harvest Fest, 2009. Photo courtesy of Herb Sargo.

fee simple land acquisitions, four scenic easement acquisitions, and three land exchanges with private landowners in the Stehekin Valley. In 1998, a 20-acre tract (Black Warrior Mine) within the south unit of North Cascades National Park was exchanged for a 5.60-acre tract adjacent to the Stehekin Valley Ranch. In 2004 the NPS exchanged a 7.15-acre tract across from the Stehekin Pastry Company and out of the CMZ for a 5.00-acre tract within the floodplain near the river mouth. Most recently, in 2007, the NPS exchanged a tract in Olympic National Park for a 0.66 acre tract in Lake Chelan NRA. In addition to these exchanges and acquisitions, the NPS disposed of a 3.20 acre tract to the Stehekin School District in 1987 while maintaining scenic easements on the property.

Of these lands activities, all four easement acquisitions, all three land exchanges, and five of the fee simple acquisitions have occurred since the 1995 LPP was adopted.

This pattern of land acquisition in Lake Chelan NRA follows the same general pattern observed at many other NPS units with private in-holdings. In the first few years after a unit is established, Congress provides funds to consolidate lands and to address primary issues. Within a few decades, land acquisitions decrease rapidly as issues or threats are resolved. This is particularly true in Lake Chelan NRA and is evident in Figures 1 and 2. As a result of past land acquisition, significant portions of the Stehekin Valley, particularly access along the Stehekin River, are now protected and accessible to the public as NPS lands. In addition, the rural, more natural, character of the Stehekin Valley has been preserved. It is not a goal of the NPS to acquire all of the private land within Lake Chelan NRA. The NPS anticipates that private property will continue to be held in the NRA in the future.

3.2 Characteristics of Non-federal Landowners

Currently there are 173 tracts of land, totaling 2,613 acres, in Lake Chelan NRA that are owned by non-federal entities (Table 2); of these, 168 tracts, totaling 416.80 acres, are privately owned.

Table 2: Current Non-federal Ownership in Lake Chelan NRA

Ownership	Tracts	Acres
Private	168	416.80
Public Utility District	4	198.94
Stehekin School	1	3.2
State of Washington	N/A	1,994.43
Total	**173**	**2,613.37**

As of 2009, these private tracts are owned by approximately 131 individual private landowners, each holding, on average, 3.18 acres of land and 1.28 tracts. Given there are more tracts than there are private landowners, approximately 26 landowners own more than one tract, with one landowner owning five tracts alone. Most landowners own only one tract of land. The largest acreage owned by any one landowner is 30.7 acres, and the smallest number of acres owned is 0.1 acres (Table 3).

Table 3: Distribution of Total Private Acreage in Stehekin (2011)

Number of Acres Owned by Individual Landowner	Number of Landowners	Percentage of Acreage (%)
30+ Acres	1	7.4
20-39.99 Acres	4	24.8
10-19.99 Acres	5	16.0
5-9.99 Acres	10	17.2
1-4.99 Acres	41	26.1
< 1 Acre	70	8.5
TOTAL	**131**	**100**

According to Chelan County tax records, approximately 80 percent of Stehekin landowners are seasonal, not year-round, residents of the valley. (These land owners use a non-Stehekin address for property tax purposes. Based on this criteria and available information from the County, the NPS could not determine the primary addresses of eight landowners in Stehekin.) These

Figure 1: Private Land in Lake Chelan NRA, by acreage (1969-2011)

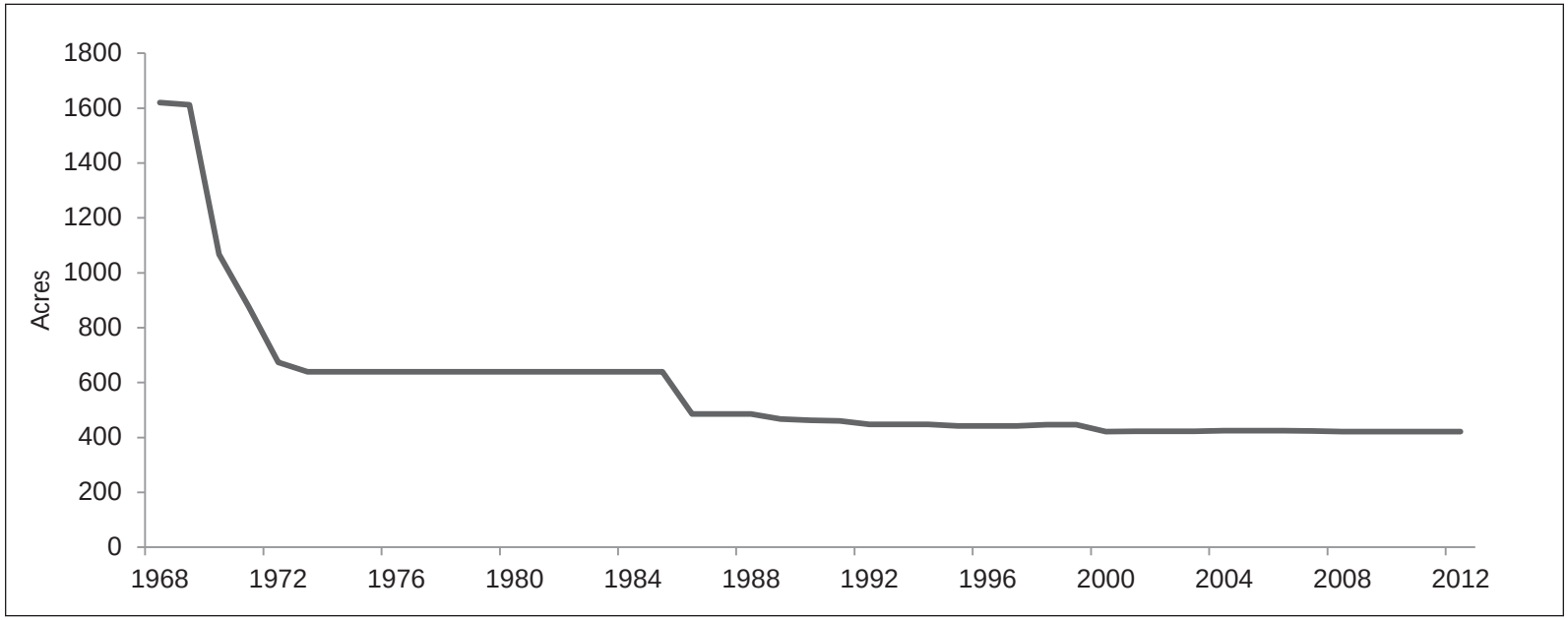
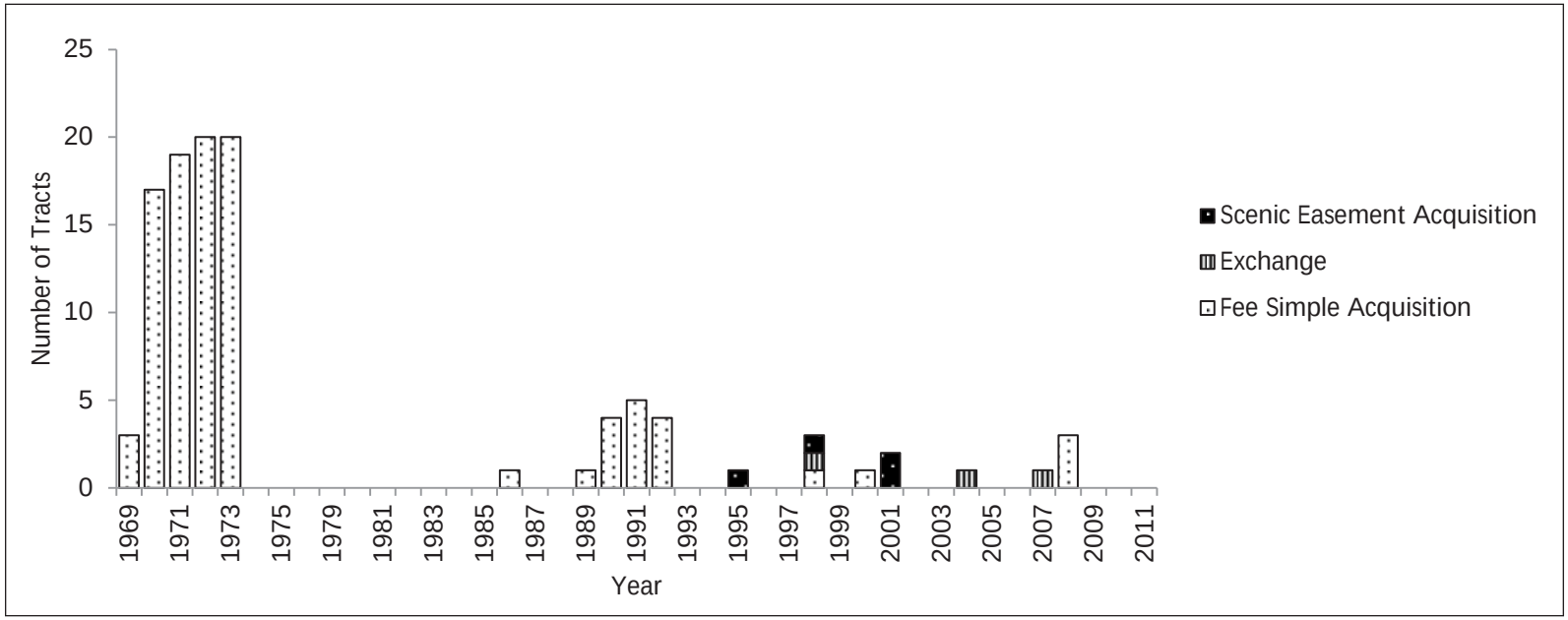


Figure 2: NPS Land Acquisitions in Lake Chelan NRA (1969-2011)



123 landowners own about 73 percent of the privately owned acres in Stehekin (Figure 3).

See the 1995 General Management Plan, pp. 243-257, and the Stehekin River Corridor Implementation Plan/Environmental Impact Statement, Chapter III, section 14, for a discussion of the socioeconomic profile of the area.

3.3 Compatible and Incompatible Uses

In Public Law 90-544, which established Lake Chelan National Recreation Area, title IV, sec. 402(a) states:

> *The Secretary shall administer the recreation areas in a manner which in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of renewable natural resources and the continuation of such existing uses and developments as will promote or are compatible with, or do not significantly impair, public recreation and conservation of the scenic, scientific, historic, or other values contributing to public enjoyment.*

Public Law 90-544 provided that the Secretary of the Interior may "acquire lands, waters and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that he may not acquire any such interests within the recreation areas without the consent of the owner, so long as the lands are devoted to uses compatible with the purposes of this act." Determining "uses compatible with the purposes of this act" has been a point of contention since the creation of the NRA.

Through the 1995 General Management Plan and Land Protection Plan, the NPS adopted a revised approach (from the compatibility standards promulgated in 1988 and updated in 1992) to determine compatibility of proposed use and development for private and nonfederal lands within Lake Chelan NRA to ensure that uses of these lands would be compatible with the purposes for which the National Recreation Area was established. This was done to give certainty to private property owners that if they worked within these standards their use would be "compatible" with the values and resources of the NRA. Where proposed private or nonfederal uses are not adequately addressed by County and State land use authorities, the application of compatibility criteria is the basis for a case-specific compatibility analysis by the NPS. These compatibility criteria from the 1995 GMP and LPP are adopted in this plan with only minor changes. These minor changes are related to the use of the Stehekin River channel migration zone (instead of only the floodplain) and to updated County and State permitting processes.

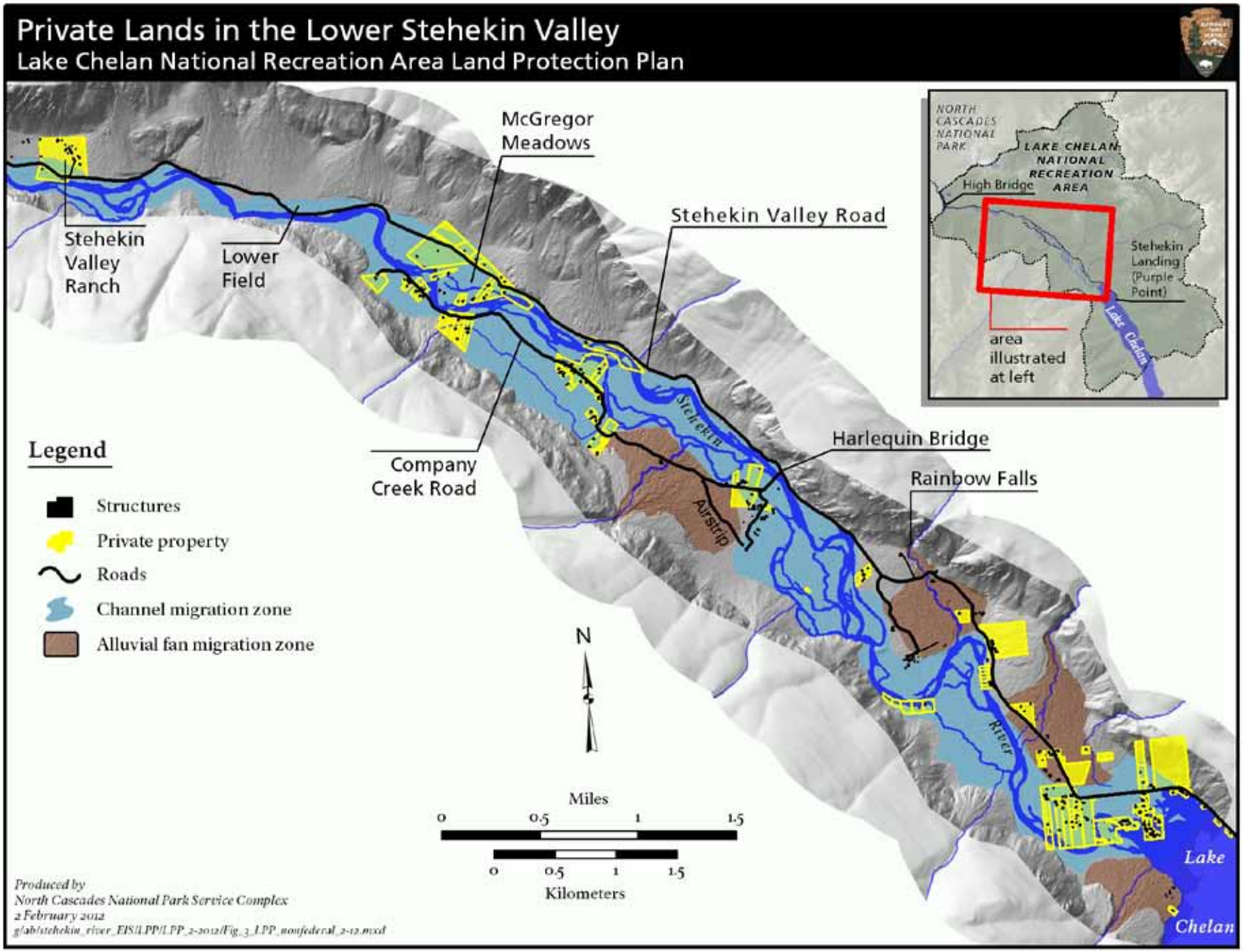
In accordance with the applicable provisions of PL 90-544, the compatibility criteria establish the basis for identifying which land uses within the Stehekin Valley are consistent with the protection of natural, recreational, scenic, scientific, and historic values of Lake Chelan NRA. They also identify land uses that are incompatible with recreation area purposes. This could result in NPS attempts to preclude the use through easements or acquisition, or, as a last resort, through eminent domain proceedings.

The compatibility criteria are not intended to duplicate Chelan County zoning standards or other applicable land use practices that are the proper jurisdiction of local government. Instead, these NPS criteria are intended to guide both NPS management and Stehekin Valley residents in distinguishing which land uses and practices are in harmony with the purposes of Lake Chelan NRA, and which create conditions inconsistent with the NRA purposes. The criteria are resource-based and have been developed to ensure the long-term protection of the natural, recreational, scenic, scientific, and historic values of the area.

Compatibility criteria are developed to provide detailed guidance in how they are applied by the NPS:

- To identify uses that would harm, degrade, or adversely affect resources of Lake Chelan NRA.
- To identify proposed types and levels of land uses that would harm resources when cumulative effects are considered in the context of previously established uses.
- To encourage uses that would enhance resource values and the general rural character of the valley.

Figure 3. Private Land Ownership in the Lower Stehekin Valley



- To encourage conversion from a higher impact land use to a lower impact land use.
- To provide certainty to property owners about what is compatible and what is not compatible use.

3.4 Compatibility Criteria

3.4.1 General Criteria

The alteration, development, and use of all public and private properties within Lake Chelan NRA must comply with applicable federal laws, rules, and regulations, and must be compatible with the congressionally designated purposes of Lake Chelan NRA. The purpose of these criteria is to protect adjacent public land and the natural, cultural, and scenic resources of Lake Chelan NRA and to advise property owners and other interested parties as to the issues/areas of interest that the National Park Service will evaluate when asked to make a determination of compatibility.

3.4.2 Request for Determination of Compatibility

The legislation for Lake Chelan NRA does not grant the Secretary of the Interior zoning authority. It does, however, impose responsibility on the NPS to ensure that existing and proposed uses are compatible with the purposes for which the National Recreation Area was created. The current zoning ordinances of Chelan County substantially satisfy this intent of the Lake Chelan NRA legislation and therefore constitute the primary basis for implementing these compatibility criteria.

Landowners or other interested or affected parties can make a written request to the superintendent for a determination as to whether an existing or proposed use is in compliance with the compatibility criteria. Generally, the superintendent will find that existing and proposed land uses are compatible if such uses conform to applicable local, state, and federal laws and if they are not located within incompatible use areas, i.e., the CMZ, wetlands, and geological hazard zones.

Requests for a determination of compatibility must be made in writing to the superintendent and include the following information:

1. Description/location of the property and the applicable county or local zoning classification, e.g., rural residential or rural waterfront.
2. Existing use and/or development being proposed on the property.
3. Statement as to whether the county or local zoning for the property will allow for the proposed use or development without the need for a variance.
4. Statement as to how the use or proposed development will comply with the compatibility criteria, including all applicable federal, state, and local laws.

The superintendent will review the request and notify in writing, the landowner, authorized representative, or other affected party making a request within 45 days after receiving a request for determination whether the existing use or proposed development and use is in compliance with the compatibility criteria. The superintendent may need to extend the schedule for making a determination of compatibility by 30 days if additional information is needed.

The initial evaluation of proposed use and development of private property will include, but is not limited to, the following considerations:

- **Proposed use** – Is the proposed use or development for residential, industrial, or commercial purposes? If commercial, will the proposal contribute to visitor use and enjoyment of the area? Is the proposal for new construction or is it an addition to or change in use of an existing development? Is the proposal consistent with the General Management Plan, existing legislation, and other planning documents in effect for Lake Chelan National Recreation Area?

- **Location** – Is the proposed activity or development adjacent to public land, the Stehekin River, the Stehekin Valley Road, historic structures or districts? Is it within the floodplain and/or CMZ?
- **Ground disturbance** – Will excavation or fill be required? What is the source of fill material? Where will excavated material be deposited? Could the proposal contribute to erosion and/or siltation that would adversely impact adjacent public land, resources, or facilities, e.g., the Stehekin Valley Road, Stehekin River, Lake Chelan, etc.?
- **Vegetation** – Would the proposal involve removal of more than 75 percent of the vegetation from the tract resulting in adverse impact on aesthetics and adjacent resources?
- **Access** – Would access across public land be required? Can the existing transportation infrastructure safely accommodate the additional load?
- **Power** – Would the proposal require extension of electric transmissions lines across public land? Does the PUD have the capacity to accommodate the additional demand?
- **Water** – Is potable water currently available or is there sufficient room to develop a well on the private land?
- **Waste** – Is disposal of human waste practicable on the property with adequate separation and setbacks from wells, springs, surface water courses, and property lines? Is there likelihood of pollution of adjacent water courses or public land?
- **Cultural resources** – Will the proposal impact the historic scene or other cultural resources?
- **Exotic species** – Would the development introduce exotic species (plant or animal), disease, or pathogens into the area? Is the introduced species the host for disease of pathogens that could adversely affect the surrounding natural environment?

This evaluation, and any additional considerations, will form the basis for responding to property owners, Chelan County, and other agencies or interested parties regarding proposals.

Buckner Orchard Harvest Fest, 2009. Photo courtesy of Herb Sargo.

In the event the superintendent determines an existing or proposed use or development is not in compliance or not compatible based on the supplied information and a field check by NPS staff, the superintendent will give the landowner written notice of the manner and nature of the incompatibility. To the extent practicable, the notice will include suggestions or alternatives for working with landowners to achieve compatibility.

3.4.3 Incompatible Uses of All Property within Lake Chelan NRA

The following uses of all public and private property within the Stehekin Valley are incompatible with the purposes of Lake Chelan NRA:

1. Any subdivision of land except as permitted through the Chelan County Subdivision Regulations and as consistent with Chelan County health standards and Washington Growth Management Act.

2. The siting or construction of any new building, including but not limited to, residential, commercial, and industrial buildings, in an identified:
   - Area with rapidly eroding bank along the river (i.e., cutbanks on outside of bends on main channel and large side channels;
   - Wetland;
   - Area that is in violation of the Shoreline Management Act;
   - Highly unstable areas, e.g., active parts of debris cones, or slopes greater than 20 percent, where potential impacts cannot be confined to the affected private land parcel; and
   - Floodplain/CMZ if the building or septic system is not elevated or otherwise flood-protected (see Advanced Protection Measures for Stehekin, provided by the US Army Corps of Engineers, in Appendix 7 of the Stehekin River Corridor Implementation Plan).

3. Any dredging, filling, or armoring of shoreline of Lake Chelan or the Stehekin River that is not in full compliance with the US Army Corps of Engineers, Washington Hydraulic Code, and Shoreline Management Act permitting process and/or appropriate authorization from the State of Washington.

4. The cutting of timber for sale and transport outside the Stehekin Valley.

5. The cutting of timber in violation of Washington State Department of Natural Resource regulations.

6. The mining of sand, rock, or gravel for sale or transport outside the Stehekin Valley.

3.4.4 Incompatible Uses of Public Property Within Lake Chelan NRA

In addition to those uses of public and private property listed above, the following uses of all public property within the Lake Chelan NRA are incompatible with the purposes of the NRA. While these standards have not been applied to private lands within the Stehekin Valley, it is highly recommended they be adopted by Chelan County within the County zoning ordinances and the proposed Stehekin Valley Overlay Zone.

The NPS will not locate a major new building, without mitigation, in an indentified:

- River or major tributary Channel Migration Zone;
- Wetland, including soils not conducive to building foundations, leachfield percolation, or site drainage;
- Geological hazard area, such as a rockfall zone or a debris flow zone;
- Area with an unstable slope (>20 percent gradient); and
- Area of high visual sensitivity, except where screening and landscaping can successfully mitigate.

Techniques for Protecting Resource Values on At Risk Land

Chapter 4

Chapter 4. Techniques for Protecting Resource Values on At Risk Land

The land protection methods discussed in this section have been considered for their applicability in protecting resource values on nonfederal land in Lake Chelan National Recreation Area.

4.1 Agreements

Agreements are written descriptions of how two or more parties will take certain actions. For example, in 1998-99 the NPS and several landowners in the McGregor Meadows area completed a signed agreement that led to a cooperative effort to identify methods to reduce or minimize the effects of periodic flooding in McGregor Meadows. Follow-up actions eventually included the installation of grade control structures to prevent side channel formation within McGregor Meadows. In response to the 2006 flood, the NPS and private landowners agreed to work together to build grade control structures on upper Company Creek road.

4.1.1 Application

Agreements can provide for access and exchange or transfer of services, funds, or benefits. The advantages of agreements include their flexibility, relatively low cost, and ability to establish cooperative management arrangements. Disadvantages of this tool include the ability of one party to terminate the agreement on short notice and the lack of permanent protection.

4.1.2 Effectiveness

Agreements are likely to be most effective for land owned by entities other than individuals. These include state or local governments, private nonprofit organizations, federal agencies, and corporations. Agreements are more likely to be workable with these groups than with individuals because organizations often have the necessary resources (staff, equipment, money) to make an agreement worth considering in the first place and to carry out the terms of the agreement over a long period of time. Under the Consolidated Natural Resource Act of 2008 (PL 110-229, Title III, Section 301), the NPS may enter into cooperative agreements with participating private landowners for the purpose of protecting natural resources through collaborative efforts. In recent years, the use of a similar authority that predated this Act (Wyden Amendment) allowed the NPS to expend resource protection funds to work on private land when both the private landowner and the NPS consented to the work. For example, these authorities are used for hazard fuel reduction around private property in Stehekin and non-native plant removal projects following the 2006 Flick Creek fire.

Cooperative agreements are appropriate when both parties have similar or compatible management objectives. They can be used as interim protective measures when long-term goals cannot be immediately achieved. The expenditure of federal funds to provide permanent facilities is generally prohibited under short-term cooperative agreements.

4.2 Zoning and Public Review

Zoning is based on the power of state and local governments to protect public health, safety, and welfare by regulating land use. Zoning can be used to accomplish a variety of land management goals — e.g., specify and locate minimum lot size, maintain ratio of housing units to acreage, and ensure consistency with the area carrying capacity related to the existing infrastructure.

4.2.1 Application

Within units of the national park system, local zoning regulations can be used to limit the density, type, location, and character of private development. Zoning should be considered as an appropriate protection method when:

Photo on Chapter Cover: Flooding at Mouth of Stehekin River.

- Local government has a zoning ordinance in place or appears to be willing to adopt one that is supportive of NPS objectives;
- There is evidence of state and local support for protection of area objectives;
- Some reasonable private use of land is consistent with purposes of the area; and
- Private land use should be controlled and managed rather than prohibited to meet area objectives.

4.2.2 Effectiveness

Local zoning can be highly effective as a long-term protection tool provided that the local governing body, in this case, Chelan County, appropriately and consistently enforces zoning regulations.

Zoning is limited when local governing bodies routinely grant variances, fail to enforce regulations, and/or refer to the zoning ordinance as merely a guideline.

4.2.3 Overlay District

The 1995 Land Protection Plan proposed the establishment of a "Stehekin Overlay District" ordinance for consideration by Chelan County to adopt as part of their review of land use actions on private land within the Stehekin Valley. This proposal is similar in concept to county regulations governing land use in the Icicle Valley Overlay District area of Chelan County. The proposed overlay district would create a review board comprised of Stehekin private landowners and designated resource specialists to review all land use and development proposals within the district and to make recommendations to Chelan County regarding the appropriateness of each land use proposal. This district is proposed as a means of encouraging uses on public and private lands that could be developed and used compatibly with the purposes of the Lake Chelan National Recreation Area. The proposal that follows has not been adopted by Chelan County to date.

The State of Washington has a sophisticated framework of land use controls and planning, and the NPS, acting through the superintendent, strongly encourages use of local authorities and existing land controls for regulation of private land within Lake Chelan NRA. Therefore, the NPS has proposed that the county discuss, refine, and adopt a new zoning code chapter establishing an overlay district for review of proposed uses and developments on private lands within the Stehekin Valley. This would be in addition to enforcement of applicable State laws and local controls, including the Washington State Growth Management Act, Chelan County zoning ordinance, subdivision regulations, and shoreline management master program.

To be consistent with PL 90-544 and the purposes for which Lake Chelan NRA was established, the NPS proposes that the overlay district, modeled after the Icicle Valley Overlay District in Chelan County Zoning Code (Chelan County Code, chapter 11.39B), meets the following standards:

- Be applicable to all properties in Stehekin that are subject to county jurisdiction;
- Preserve the recreational, scenic, and historic values and rural character of the valley setting through review standards for frontage, setback, density, height, sustainable design, size, materials, nonconforming uses, and new subdivisions;
- Discourage variances or exceptions for any new use or additional development that does not meet established controls or overlay review standards or NPS compatibility criteria;
- Recognize formally the role of the superintendent of the North Cascades NPS Complex, or his/her designees, in participating in all proceedings before the county concerning land use or developments that may have an effect on NPS lands and resource values and/or the visitor experience within Lake Chelan NRA;
- Provide that the superintendent be given timely prior written notice of all proposed changes to any Chelan County plans, ordinances, or regulations affecting the Stehekin Valley, and of all applications for permits or approvals within the National Recreation Area or related areas of concern; and

Rainbow Falls. Photo courtesy of Michael Liang.

- Demonstrate a clear and consistent commitment to sound land use principles and a method of enforcement by local authorities and, where applicable, the NPS.

The detailed proposal for the Stehekin Valley Overlay District is included as Appendix C.

4.3 Regulations

Regulatory controls stem from authority vested in federal, state, and local governments that may be available to help protect park resources.

4.3.1 Application

Regulations cannot usually provide for public use, but they can prevent harm to natural or cultural resources. For example, federal, state, and local regulations often impose strict limits on dredging or filling of wetlands that would destroy wildlife habitat or degrade water quality. Local subdivision and environmental regulations may restrict residential development that is not adequately served by roads, water, and sewage treatment facilities. It is much more difficult for regulations to absolutely prohibit an activity than to simply limit the type, amount, or intensity of the activity.

4.3.2 Effectiveness

In areas where the impact of development is already evident, regulations are more likely to be effective in reducing adverse effects of major projects. In relatively pristine areas, regulations may be of little use in efforts to preserve natural systems from any intrusions of development. Regulations are more likely to be effective where there is a good base of information about the impacts of certain activities on resources. County Health Department regulations control such activities as the location of septic systems. Variances to the regulations, however, are possible based on the use of new technologies.

4.4 Acquisition

Acquisitions involve the transfer of one or more property rights from one landowner to another through the donation, sale and purchase, or exchange of property.

4.4.1 Fee

When all of the interests in a property are acquired, it is owned in fee simple.

Since the establishment of the Lake Chelan NRA in 1968, the NPS has acquired (through fee simple acquisition) 1,202 acres of land in the Stehekin Valley at a cost of $5,381,056.40 (dollars not adjusted for inflation). Most (82%) of these acres were acquired between 1968 and 1973. The NPS has participated in three fee simple acquisitions (from two individual landowners), totaling 2.64 acres, in the last ten years.

4.4.1.1 Application

Fee acquisition may be recommended when other methods of protection have been found to be inadequate, inefficient, or ineffective to meet management needs. Fee acquisition is most often appropriate where the land:

- Is needed for development of NPS facilities or significant public use;
- Must be maintained in a pristine natural condition that precludes reasonable private use (e.g., floodplain);
- Is owned by individuals (willing property owner) who do not wish to sell less-than-fee interests; or
- Cannot be protected in accord with National Recreation Area purposes by other methods, or other alternatives would not be cost-effective (e.g. imminent erosion of cabin and septic system).

4.4.1.2 Effectiveness

Fee-simple acquisition is an effective and secure land protection alternative. Generally, it is also the most expensive form of land protection.

Advantages of fee acquisition include the following:

- Permanent assurance of complete NPS control over use of the land;
- Provision of public access and access for management for public benefit;
- Ability to develop necessary facilities;
- Familiarity to landowners; and
- Opportunity for continued private use under reservation of use and occupancy.

Disadvantages of fee acquisition include the following:

- Initial acquisition costs;
- Maintenance and management requirements, especially for developed properties; and
- Impact on local community from relocation of previous owner, or removal of housing from local market, or termination of seasonal use.

4.4.2 Easements

Land ownership may be envisioned as a package of rights. Easements convey only some of those rights from one owner to another, while all other rights of ownership remain unchanged. Easements can be positive (conveying a right of access) or negative (limiting specific uses of the land).

The NPS has purchased easements on four tracts of land since the establishment of the Lake Chelan NRA. These easements, all of which occurred since 1995, are on 8.63 acres of land and have cost the NPS $167,550.00 (dollars not adjusted for inflation).

4.4.2.1 Application

Easements are most likely to be useful where:

- Some, but not all, existing or potential private uses are compatible with NPS purposes;
- Current owners desire to continue current types of use and occupancy of the land under conditions conveyed to the NPS; and

- Scenic values and protection or access by the public or the NPS is needed only over a portion of the land. Easements should be acquired in various areas to ensure preservation of scenic values and maintenance of existing land uses.

Specific easement terms can be developed to fit the topography, vegetation, visibility, and character of existing or potential developments on each tract. Easement provisions to protect area resources could address the following points:

- Clearing of vegetation;
- Location and design of new access roads and utilities;
- Density, height, design, and color of development visible to the public; and
- Access for management of natural and cultural resources.

4.4.2.2 Effectiveness

Because easements are enforceable interests in property, they provide greater assurance of permanent protection than do agreements or zoning ordinances. Easements are binding on future land owners.

Advantages of easements include the following:

- Continuation of private ownership and use subject to the terms of the easement;
- Lower initial acquisition costs than fee simple acquisition, and potential to protect more land; and
- Reduced impact on local property taxes.

Disadvantages of easements (as compared to fee) include the following:

- Potential difficulty in enforcement of easement terms;
- Potential need for additional personnel;
- Unfamiliarity of landowners with less than fee ownership;
- Relatively high cost of acquisition on undeveloped properties where no further development is compatible; and
- Increased costs in monitoring terms and conditions of easement provisions.

4.5 How NPS Can Secure Interest in a Property

There are several ways willing owners can make their property available to NPS. The primary methods are defined below.

4.5.1 Donation

Landowners may be motivated to donate property or interests in the land to achieve conservation objectives. Tax benefits of donation also may be an important incentive.

Landowners are encouraged to consult with a qualified tax advisor to discuss the detailed advantages of donations. NPS representatives may be able to provide some general examples of tax advantages, but cannot provide tax advice or commitments regarding what deductions will be allowed by the Internal Revenue Service.

4.5.2 Exchange

Land or resource protection may be achieved by exchanging land or interest in land. The lands to be exchanged must be of approximately equal value, based on the value of the federal land. Differences in value may usually be resolved by either party making cash equalization payments. If equalization is owed by the NPS, an appropriation of funds for Lake Chelan NRA would be necessary before the exchange could proceed.

The NPS considers some federal lands within the authorized boundary that were previously in private ownership as potential exchange lands to strengthen development patterns, consolidate new development into the most suitable areas, and protect other significant areas. This authority to exchange formerly private lands is different than for the US Forest Service and other federal agencies, who can also exchange lands that have always been in the public domain. Other federal lands, outside Lake Chelan NRA, that become surplus to agency needs would go through other disposition procedures, including public sale. Lands within the Lake Chelan NRA proposed for exchange in this Land Protection Plan are shown in Chapter 5: Recommendations.

Since 1995, the NPS has completed three land exchanges with private landowners in Lake Chelan NRA (one of these exchanges resulted in the disposition of land in Olympic National Park). These exchanges have resulted in a net increase of approximately seven acres of private property within Lake Chelan NRA. The NPS also disposed of a 3.2 acre parcel, with reserved easements, to the Stehekin School District in 1987.

4.5.3 Purchase

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

Figure 4 on page 28 describes the general approach that the NPS will take in the event a landowner approaches the NPS with an interest in selling or exchanging their property.

4.5.4 Purchase and Sellback

In this scenario, land would be purchased in fee, appropriate restrictions would be attached to the deed, and the restricted land would then be sold or leased to another owner. This method ensures that the property owner has only those rights specified in the deed. When disputes arise, this option may provide greater protection of resource values than easements.

4.5.5 Reservation of Life or Term Estates

The enabling legislation, PL 90-544, Sec. 303, states:

> *Any owner of property acquired by the Secretary which on the date of acquisition is used for agricultural or single-family residential purposes, or for commercial purposes which he finds are compatible with the use and development of the . . . recreation areas, may, as a condition of such acquisition, retain the right of use and occupancy of the property for the same purposes for which it was used on such date, for a period ending at the death of the owner or the death of his spouse, whichever occurs later, or for a fixed term of not to exceed twenty-five years, whichever the owner may elect. Any right so retained may during its existence be transferred or assigned. Any right so retained may be terminated by the Secretary at any time after the date upon which any use of the property occurs which he finds is a use other than one which existed on the date of acquisition. In the event the Secretary terminates a right of use and occupancy under this section, he shall pay to the owner of the right the fair market value of the portion of said right which remains unexpired on the date of termination.*

This method is subject to approval by the NPS Regional Director.

The NPS has rarely used this method to secure interest in properties within the Lake Chelan NRA.

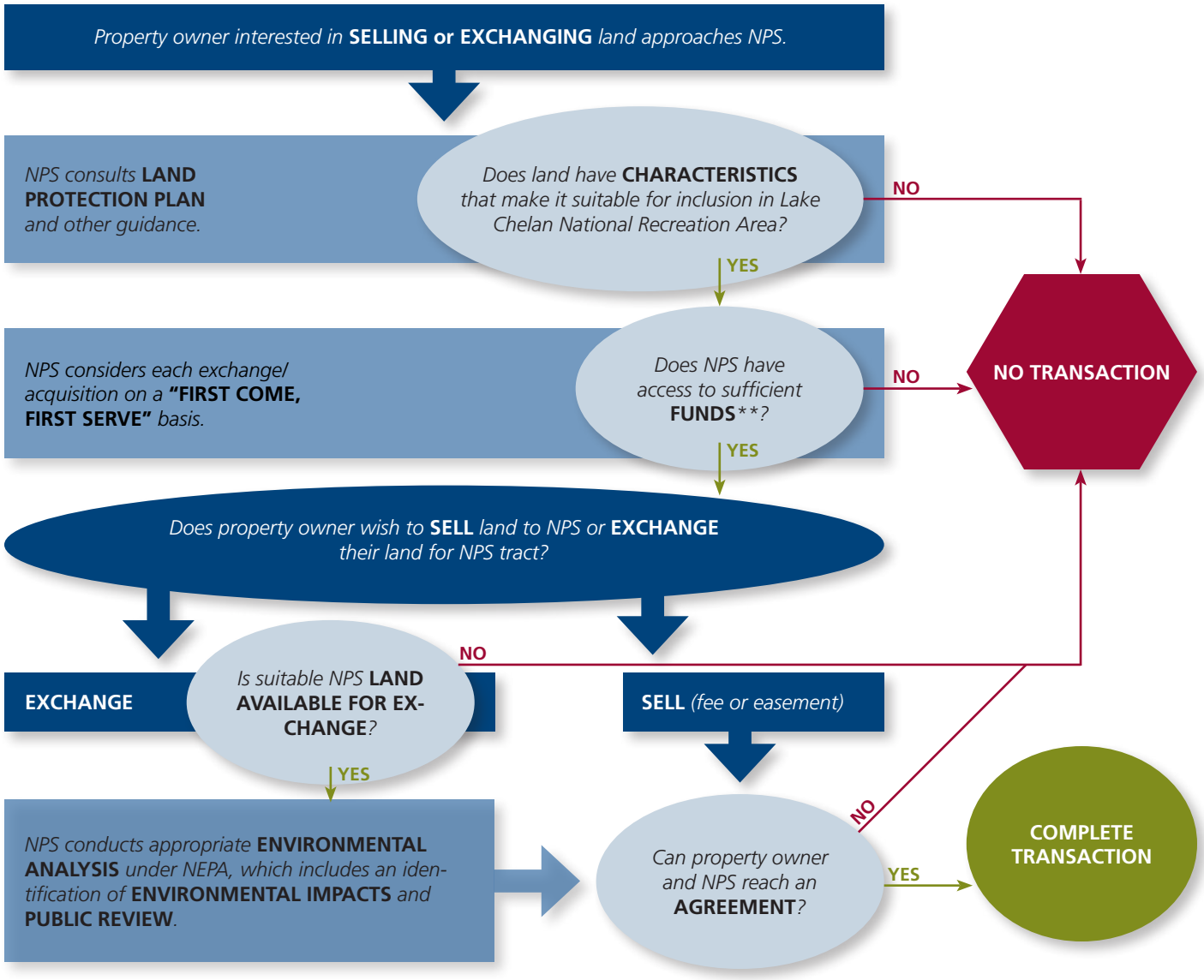
4.5.6 Condemnation

The NPS has never exercised its authority, nor sought the necessity, to condemn private property in Lake Chelan NRA.

PL 90-544 states that the Secretary "may not acquire any such interests within the recreation areas without the consent of the owner, so long as the lands are devoted to uses compatible with the purposes of this Act." Condemnation may not be used to simply acquire land. Congress directed that condemnation could be used to prevent or remove incompatible uses if other methods are inadequate to prevent the incompatible use. Condemnation could be used with the owner's consent to clear title or to establish just compensation.

The NPS does not expect to have the need to or interest in condemning private property in Lake Chelan NRA in the future.

Figure 4: General NPS Approach to Responding to Requests from Property Owners Interested in Selling or Exchanging Land*



** Note: This diagram is a simplified portrayal of how the NPS responds to sale or exchange requests from property owners. There are additional details and sub-steps involved in the process that are not represented above. There may also be exceptions (e.g. situations of hardship) that would follow a slightly different process.*
*** Note: Funds are necessary to conduct 'due diligence' for exchanges and purchases, such as checking that the title is clear, conducting an appraisal, completing surveys, etc. on the property.*

Recommendations

Chapter 5

Chapter 5. Recommendations

In May 1982, the Department of the Interior issued a policy statement for use of the federal portion of the Land and Water Conservation Fund requiring that, in carrying out its responsibility for land protection in federally administered areas, each agency using the fund will:

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

2. Use to the maximum extent practicable, cost-effective alternatives to direct federal purchase of private lands and, when acquisition is necessary, acquire or retain only the minimum interests necessary to meet management objectives;

3. Cooperate with landowners, other federal agencies, state and local governments, and the private sector to manage land for public use or protect it for resource conservation;

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

In response to this policy, the NPS requires that a Land Protection Plan be prepared for each unit in the national park system that contains private or other nonfederal land or interest in land within its authorized boundary (NPS Management Policies, 2006).

5.1 Guidelines

The following guidelines are used throughout this Land Protection Plan to meet the goals and objectives discussed in Chapter 1:

1. Use local zoning and county and state government land use authorities to regulate private land uses within the Stehekin Valley.

2. Encourage Chelan County to provide opportunities for local review of Stehekin Valley land use proposals and to provide an appropriate forum to accept this input.

3. Use land protection strategies such as exchange, easement, or acquisition to provide willing seller opportunities to relocate or remove development that is threatened by flooding and/or threatens to negatively impact resources within the Stehekin River channel migration zone.

   a) Land exchanges may be used to protect natural, cultural, recreational and scenic resources. To be a viable option, the private lands must offer important resources and potential exchange lands must have resources with low priority for protection.

   b) Where appropriate, and in cooperation with private landowners, easements or other less than fee interests may meet land management goals. Easements can be used to provide greater flexibility to protect sensitive resources and/or an opportunity to provide for recreational access to sites within Lake Chelan NRA.

   c) Continue to seek willing seller/willing buyer land acquisition opportunities when public and private needs have been identified and appropriated funds are available.

   d) Use eminent domain only in circumstances that would prevent imminent degradation or loss of recreation area values and only when there are incompatible uses on private lands, threats to public safety, and/or, as a last resort, when other prudent and reasonable measures to protect National Recreation Area resources and public safety by eliminating or mitigating the resource degradation or safety threats have been exhausted.

Photo on Chapter Cover: Private residence falling into Stehekin River.

4. Encourage Stehekin residents to implement advanced protection measures where development is located in the floodplain/CMZ.

5. Accept new residential and other private land uses that are compatible with the purposes of Lake Chelan NRA.

6. Accept new commercial uses on private lands that provide visitor and resident services and that are compatible with the purposes of Lake Chelan NRA.

7. Accept new industrial uses on private lands that are typical of and compatible with historical and industrial uses within the Stehekin Valley and that are compatible with the purposes of Lake Chelan NRA.

8. Encourage land uses that consume a low level of resources to conserve both renewable and nonrenewable resources (such as sand, rock, and gravel).

9. Encourage new construction and conversion of existing facilities that adhere to sustainable design principles.

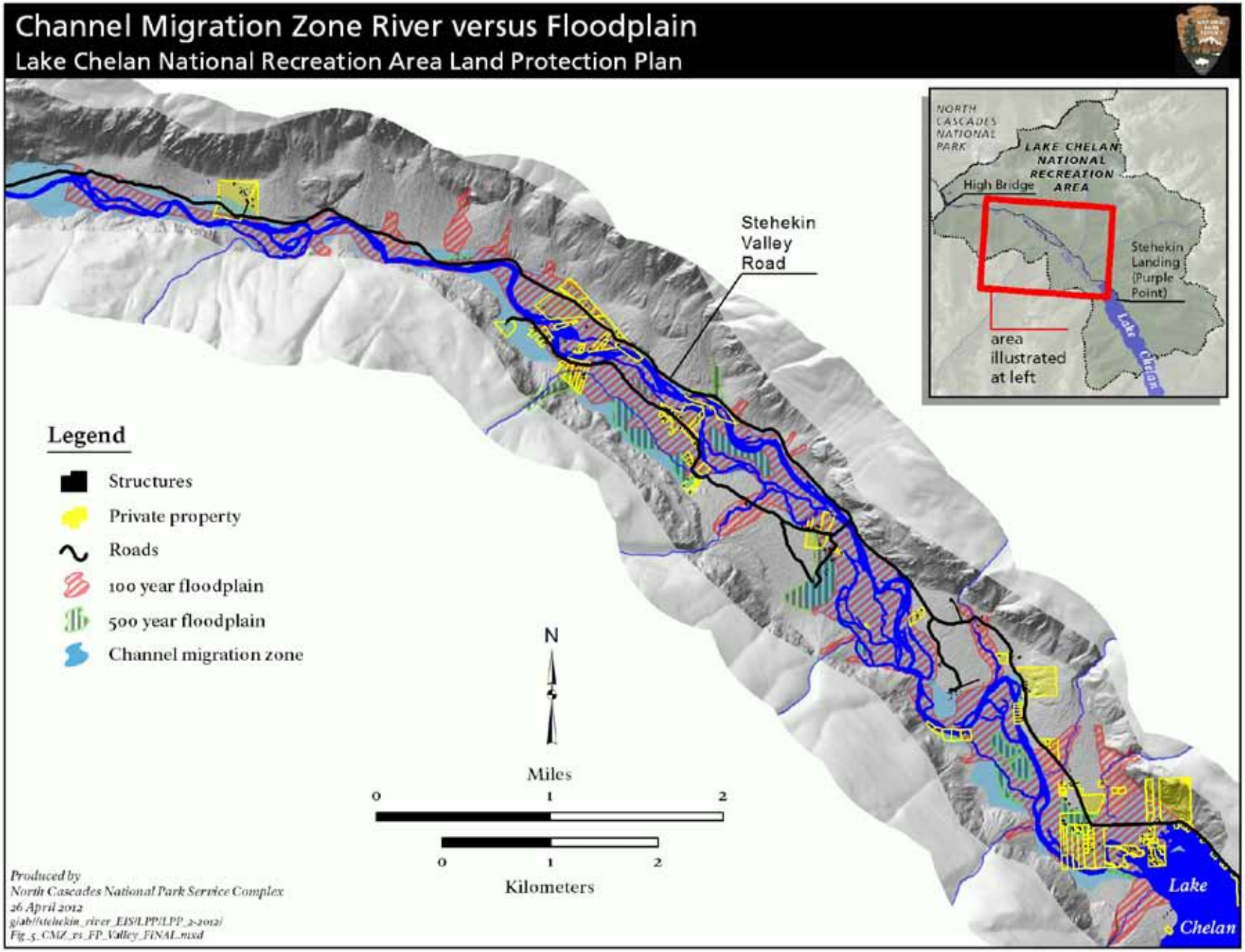
10. Use a simple, transparent process to identify properties that have high resource sensitivity and/or values; and/or that provide for compatible visitor use and public community needs consistent with the purposes of Lake Chelan NRA. Criteria established to help the NPS determine an interest in an individual private parcel include the channel migration zone of the Stehekin River or its tributaries, wetlands, large unbroken or contiguous tracts of wildlife habitat, rare species habitats, visually sensitive areas along Lake Chelan, and areas with cultural resources.

5.2 Process For Establishing Priority Interests in Parcels

The 1995 Land Protection Plan established priorities for recommending the minimum NPS interest in each parcel based on the size of the tract and the presence of wetlands, high flood influence areas, riparian communities, and high visual sensitivity areas related to each tract. Because of the increase in Stehekin River flood magnitude and frequency since 1995 and availability of ad-

The Stehekin River Delta.

Figure 5: Channel Migration Zone vs. Floodplain in the Lower Stehekin Valley



ditional natural and cultural resource information, a revised and expanded set of eight criteria were developed to establish NPS interests. These criteria have been applied to each private land parcel.

This Land Protection Plan is being revised as part of the development of the *Stehekin River Corridor Implementation Plan/Final Environmental Impact Statement* (SRCIP/FEIS). This version has been modified based on public comments. The Preferred Alternative (now Alternative 5) focuses on allowing the Stehekin River, to the degree possible given the current land use patterns, to flood and store sand and gravel within its natural Channel Migration Zone (CMZ). The CMZ is an accepted concept for land use planning along active mountain rivers and is defined as the area within which the Stehekin River has historically migrated during the last 1,000 years. Use of the CMZ maps as a planning tool offers several advantages over floodplain mapping based on hydraulic models. FEMA maps require expensive aerial or on-the-ground topographic surveys and computer time and are often rendered inaccurate after big floods. Further, the CMZ of the Stehekin River is not substantially different from the 1992 NPS and FEMA 100 year floodplain map (Figure 5).

An objective resource analysis, based on eight criteria, was applied to all private land parcels in Stehekin in order to establish priority interests in parcels. This analysis, along with its established criteria and associated points, reflects the broad conceptual direction of Alternative 5 in the SRCIP/FEIS and is structured to give the most weight (points) to parcels that are most threatened by flooding and/or erosion and to those parcels with the greatest identified resource values (criteria). For reference, the analyses for the SRCIP/DEIS preferred alternative (Alternative 2) and Alternatives 3 and 4 of the SRCIP/DEIS are the same as presented in the draft LPP (2010). This resource analysis used for this Land Protection Plan is described below.

Because the primary driving factors for this resource analysis include flooding and streambank erosion impacts on development, the first criterion used to prioritize non-federally owned lands is location with respect to the CMZ and deposition zones. Flooding and erosion are most pronounced in areas where the river deposits gravel and large wood (deposition zones). These areas are located at distinct points where the valley widens (McGregor Meadows); between large tributary alluvial fans of Company, Boulder, and Rainbow Creeks; and at the Stehekin River mouth (Figure 6). Similar hazard concerns exist for alluvial fans and debris cones within Lake Chelan NRA, but that threat is considered less severe and therefore less weight (fewer points in the resource analysis) is associated with these concerns. Other criteria include the presence of wetlands, rare species habitat, and cultural resources, as well as a criterion that emphasizes larger, mostly undeveloped blocks of land within the valley.

More specifically, these eight criteria include (the application of criteria and associated point schemes are provided in Table 4):

1. Location of an overnight dwelling (or potential for development) within an active channel migration zone on the floodplain (CMZ) (Figures 7-13) and/or deposition zone of the Stehekin River (Figures 14-17).

   The presence of an overnight structure is important to consider because the incorporation of cabins, drain-fields, and septic tanks into the river during a flood is a major threat to the community, water quality, and scenic resources. This characteristic also applies to criteria 2 and 3 below.

   For those properties in deposition zones, the greatest weight (most number of points) was given to the McGregor Meadows area because of rapid gravel accumulation, bank erosion, flooding, channel changes, and high potential for additional rapid change during large floods. This area was further analyzed by recognizing four priority zones ("Urgent Zones 1-4"), which relate to the urgency of the threat (Figure 18), with Urgent Zone 1 representing the area most at risk and Urgent Zone 4 representing the area least at risk within the broader McGregor Meadows area. The second greatest weight was given to the river mouth deposition zone, and the least weight was given to other lower valley deposition zones where the river has more room to flood and migrate than at the river mouth or McGregor Meadows.

2. Location of an overnight dwelling or potential for development within an active tributary alluvial fan channel migration zone (AFMZ) (Figures 9-13).

3. Location of an overnight dwelling or potential for development within a debris cone hazard zone (DCHZ) (Figures 19-22).

4. Large undeveloped parcels. Larger parcels without current development represent the greatest risk of habitat fragmentation within the valley.

5. Presence of wetlands and/or riparian habitat, based on mapping completed in 1986. These habitats are defined by the US Fish and Wildlife Service as "lands transitional between terrestrial and aquatic systems where water is usually at or near the surface or the land is covered by shallow water." A site is a wetland if it contains one or more of three diagnostic characteristics: vegetation, soil characteristics of wet areas, and at least the seasonal presence of water. Riparian zones represent a type of wetland that includes the diverse vegetation along the active river channel, tributaries, and side channels.

6. Presence of protected plant and animal species habitat, including federal and state threatened, endangered, rare, or candidate species; species of special interest, including locally sensitive species; and unique, rare, or high diversity habitat.

7. Presence of a cultural resource or related concern.

8. Location along the shore of Lake Chelan. This area has the highest visual sensitivity in the Lake Chelan National Recreation Area. This criterion is not used in the overall resource analyses to establish High-Medium-Low priorities for each tract, but rather is used to establish scenic easement priorities for tracts visible along the lakeshore. The points associated with this criterion are included in Appendix D.

The complete results from the resource analysis, along with point determinations for all criteria for each parcel, are found in Appendix D. Please note that more detailed field inspections of land in private ownership may reveal additional information that could support a modification of priorities or recommendations for specific individual tracts. Individual property owners may request NPS verification of resource values and appropriate adjustment of priorities during the next plan update.

Alluvial Fan Migration Zone – Alluvial fans are deposits of sand and gravel deposited by larger tributary streams when they reach the larger Stehekin River. They are distinguished from debris cones deposited by smaller streams because they have surface slopes of less than five degrees. There are three alluvial fans in Lake Chelan NRA, including Company Creek, Rainbow Creek, and Boulder Creek. Some parts of these fans were deposited at the end of the last ice age and are now perched above the actively forming part of the fan and are known as fan terraces. The active part of the fan is where the stream is currently active or has the potential to become active following a shift in channel position on the fan and is known as the alluvial fan migration zone.

Debris Cone Hazard Zone – Debris cones are deposited by small, steep tributaries to the Stehekin River when they reach the floor of the valley. They are distinguished from alluvial fans because they have surface slopes greater than ten degrees and have levees and debris flow deposits on their surfaces. Like alluvial fans, some debris cones have relict surfaces that are unlikely to be affected by future debris flows – particularly those along Lake Chelan. The lowest parts of these cones that contain the active stream channel are prone to inundation during debris flows, which can occur at virtually any time of year. In recognition of the threat debris flows pose to public health and safety, the lowest, active parts are mapped as debris cone hazard zones.

Table 4: Parcel Evaluation Criteria

Application of Criteria	Point Scheme
CMZ Deposition Zone: Presence of overnight dwelling within a CMZ *(Based on criterion 1)*	10 points = overnight dwelling in McGregor Meadows CMZ in deposition zone, Urgent Zone 1
	8 points = overnight dwelling in McGregor Meadows CMZ in deposition zone, Urgent Zone 2
	6 points = overnight dwelling in McGregor Meadows CMZ in deposition zone, Urgent Zone 3
	5 points = overnight dwelling in Stehekin River mouth CMZ deposition zone, or McGregor Meadows Urgent Zone 4
	4 points = overnight dwelling in other CMZ deposition zone
	3 points = overnight dwelling in CMZ but not deposition zone
	2 points = No overnight dwelling in CMZ deposition zone on > 2.5 acres
	1 point = No overnight dwelling in the CMZ on > 2.5 acres
	0 points = No overnight dwelling, out of CMZ or in CMZ on < 2.5 acres
AFMZ: Presence of overnight dwelling in an alluvial fan migration zone *(Based on criterion 2)*	2 points = overnight dwelling in AFMZ
	1 point = No overnight dwelling in AFMZ on > 2.5 acres
	0 points = No overnight dwelling in AFMZ on < 2.5 acres
DCHZ: Presence of overnight dwelling in a debris cone hazard zone *(Based on criterion 3)*	10 points = overnight dwelling in defined DCHZ
	6 points = No overnight dwelling in DCHZ but property has hazard zone on it and > 2.5 acres
	0 points = No overnight dwelling in DCHZ and property has < 2.5 acres undeveloped
Undeveloped Parcels: Larger parcels that are undeveloped (removing 2.5 acres for allowable development per county code) *(Based on criterion 4)*	6 points = Undeveloped block > 20 acres
	4 points = Undeveloped block of 10-20 acres
	2 points = Undeveloped block of 5-10 acres
	0 points = Undeveloped block < 5 acres
Wetlands *(Based on criterion 5)*	1 point = Parcel includes wetland
	0 points = No wetland on parcel
Rare Habitat: Parcel with rare species/suitable habitat for those species *(Based on criterion 6)*	1 point = Parcel includes rare species or habitat
	0 points = Parcel does not include rare species or habitat
Cultural Resources *(Based on criterion 7)*	1 point = Presence of cultural resources on parcel
	0 points = No cultural resources on parcel
Scenic Viewpoint: Visual Sensitivity (relevant for considering which lakeshore parcels would be priority for scenic easements – see Appendix D) *(Based on criterion 8)*	4 points = Parcel visible from all three key viewpoints (landing, first mile Stehekin Valley road, or Lake Chelan)
	2 points = Parcel visible from two viewpoints
	1 point = Parcel visible from one viewpoint
	0 points = Parcel not visible from any of three key viewpoints

Figure 6: Net Gravel Deposition and Transport Zones

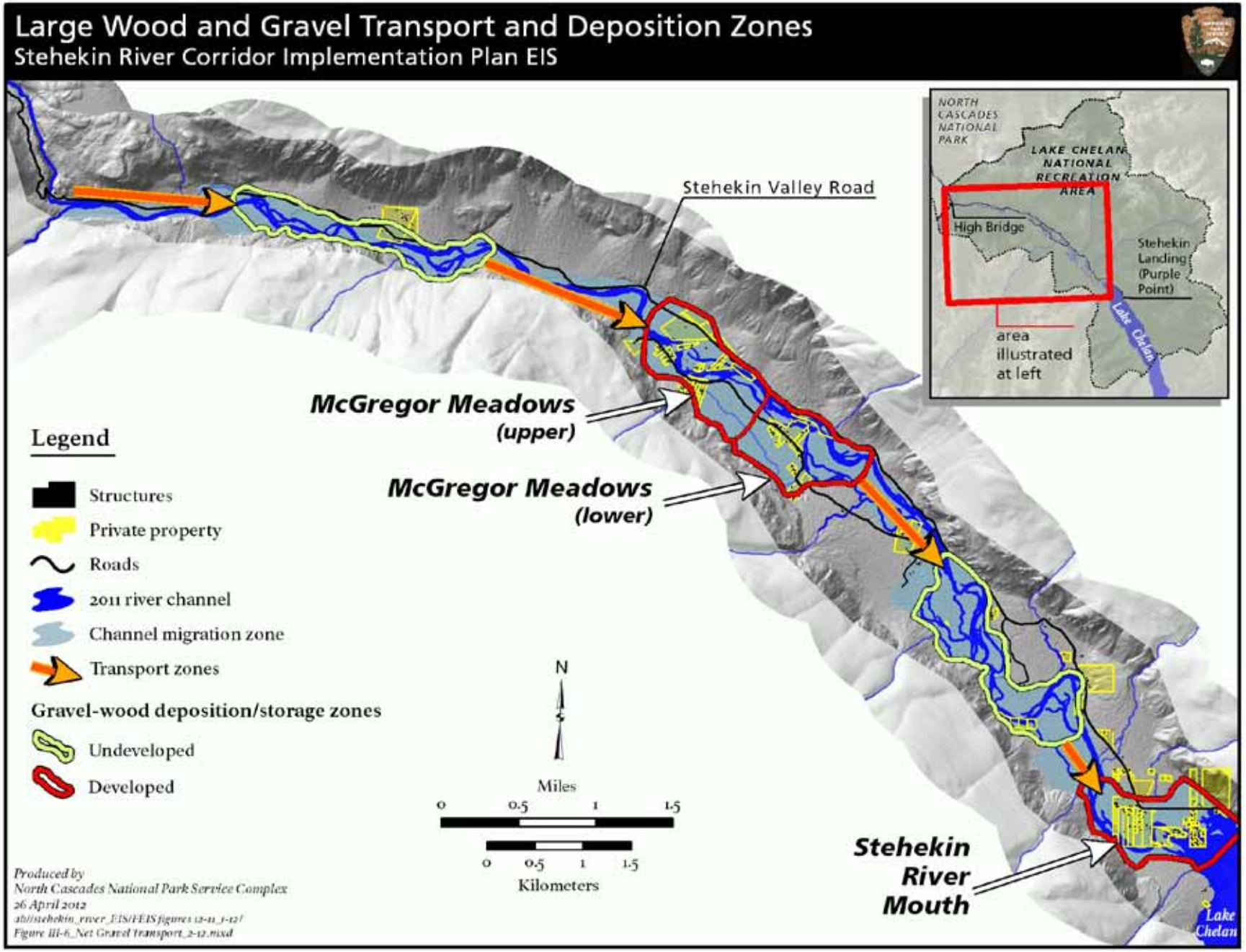


Figure 7: Channel Migration Zone - River Miles 8-9

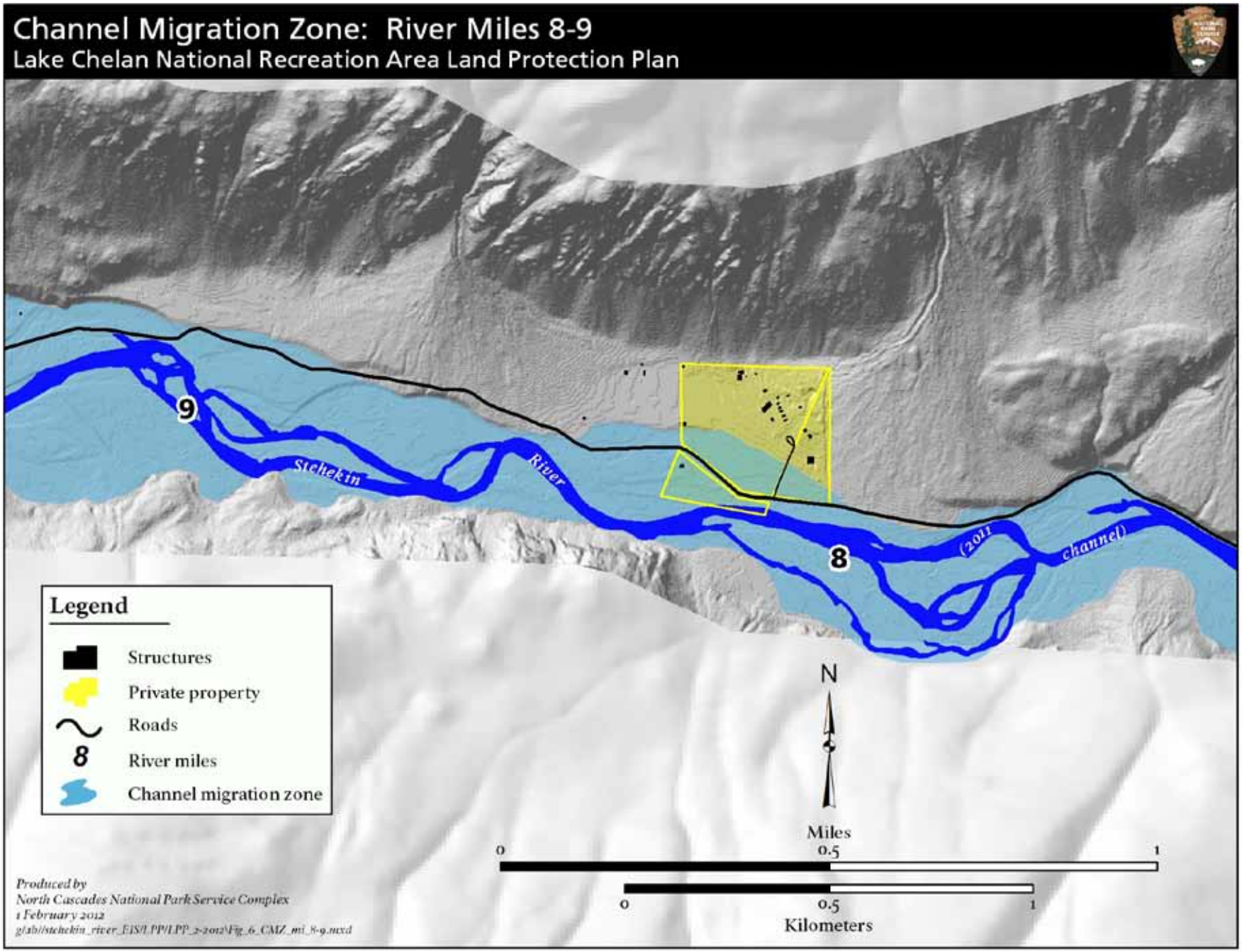


Figure 8: Channel Migration Zone - River Mile 6

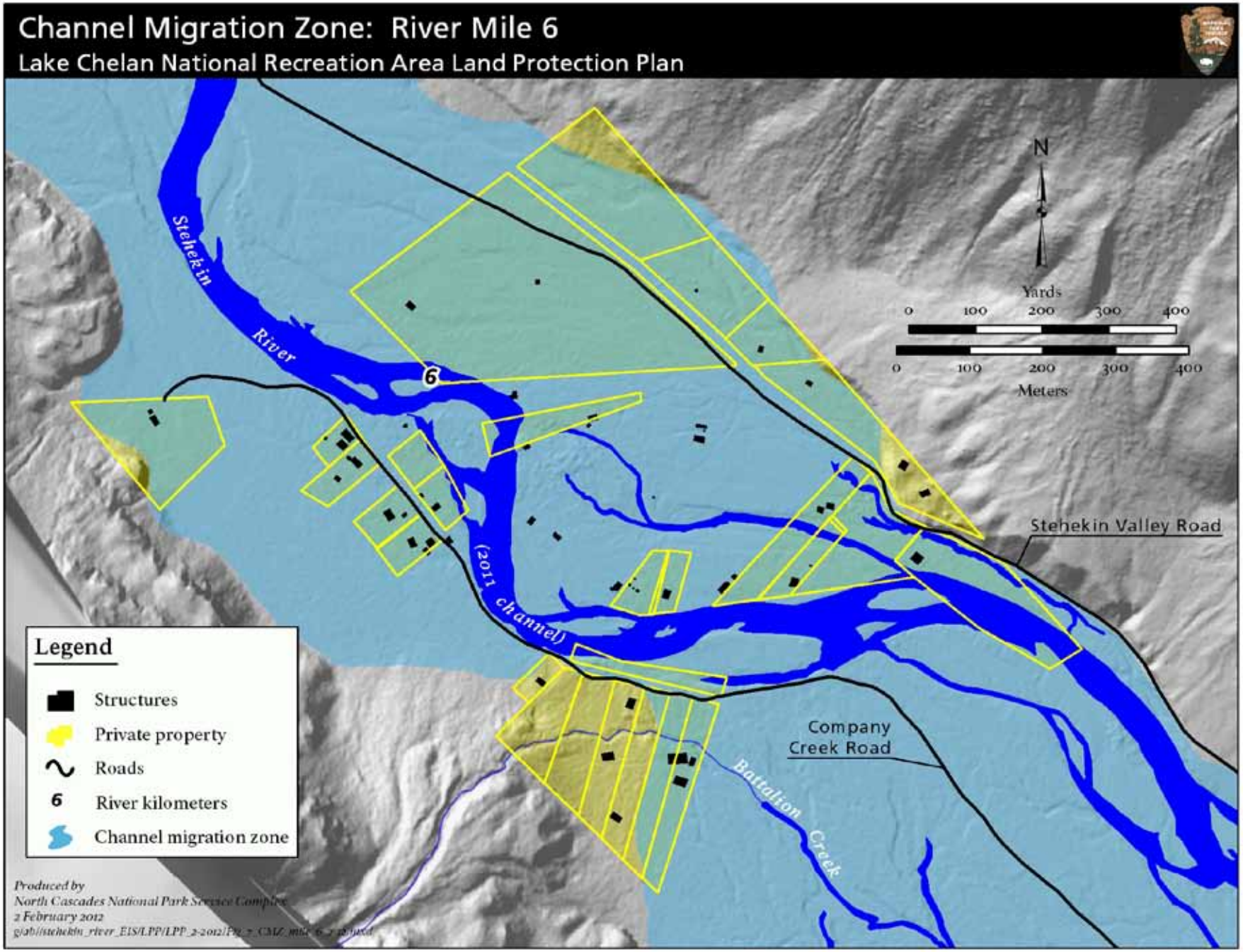


Figure 9: Channel Migration and Alluvial Fan Migration Zones - River Mile 5

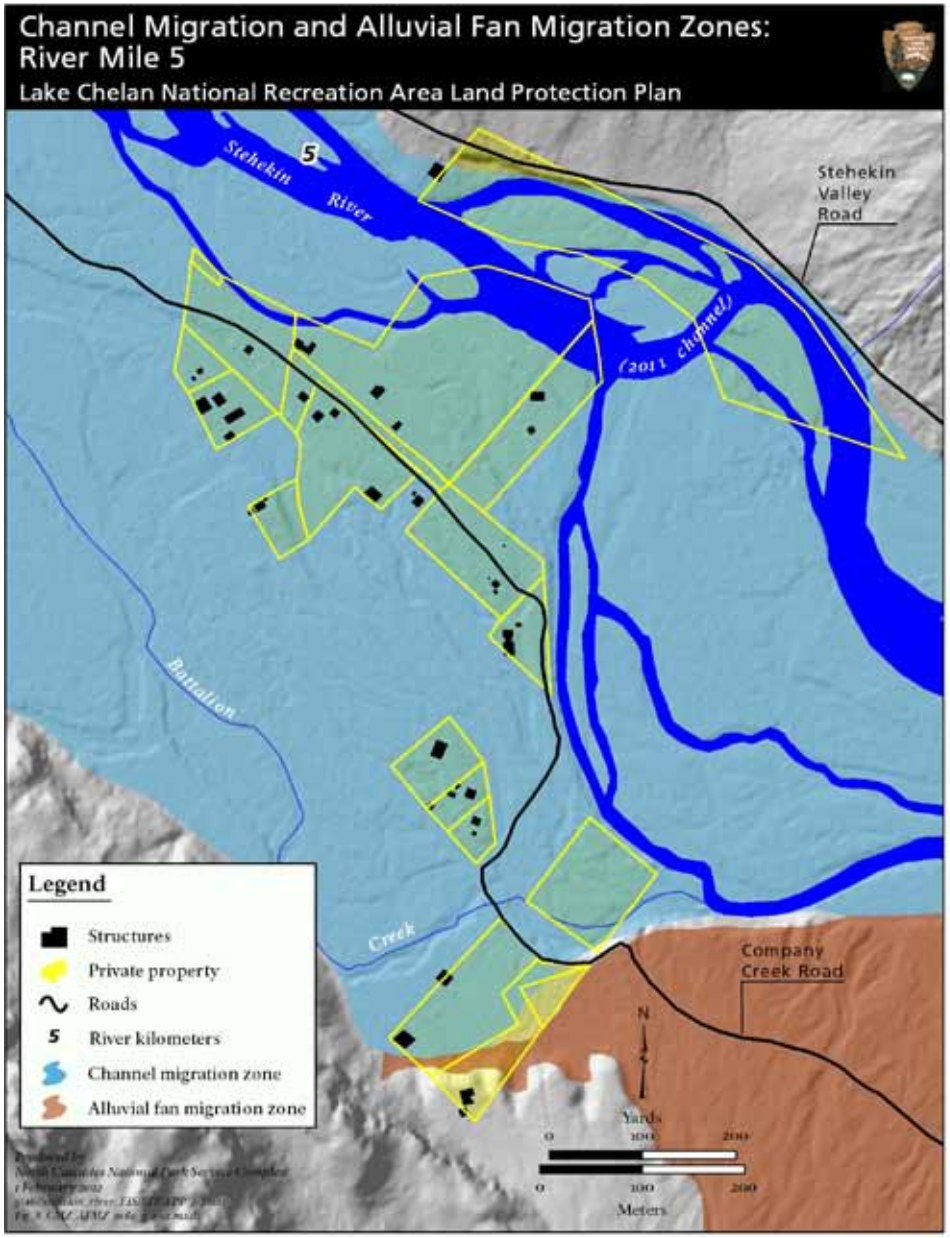


Figure 10: Channel Migration and Alluvial Fan Migration Zones - River Mile 4

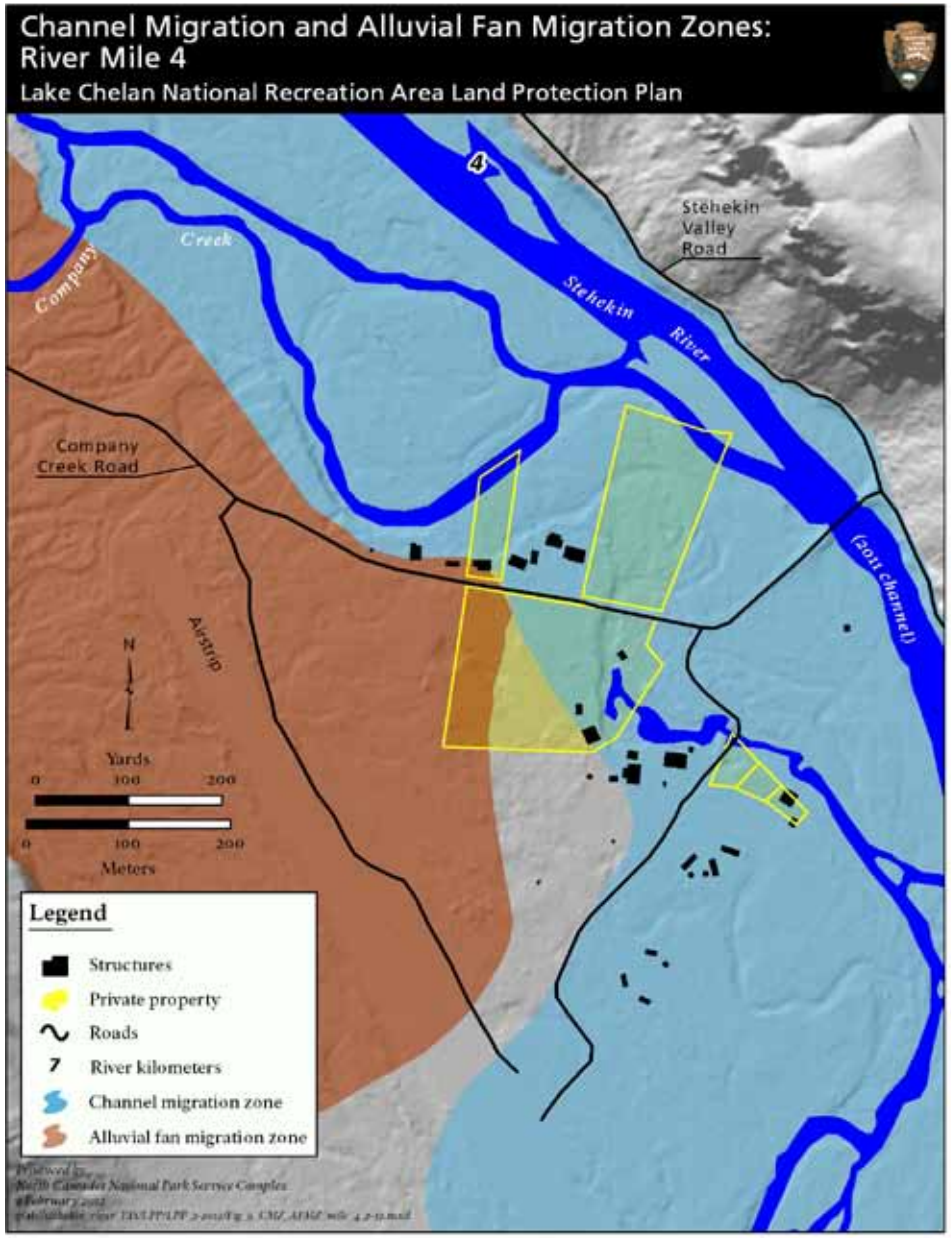


Figure 11: Channel Migration and Alluvial Fan Migration Zones - River Miles 2-3

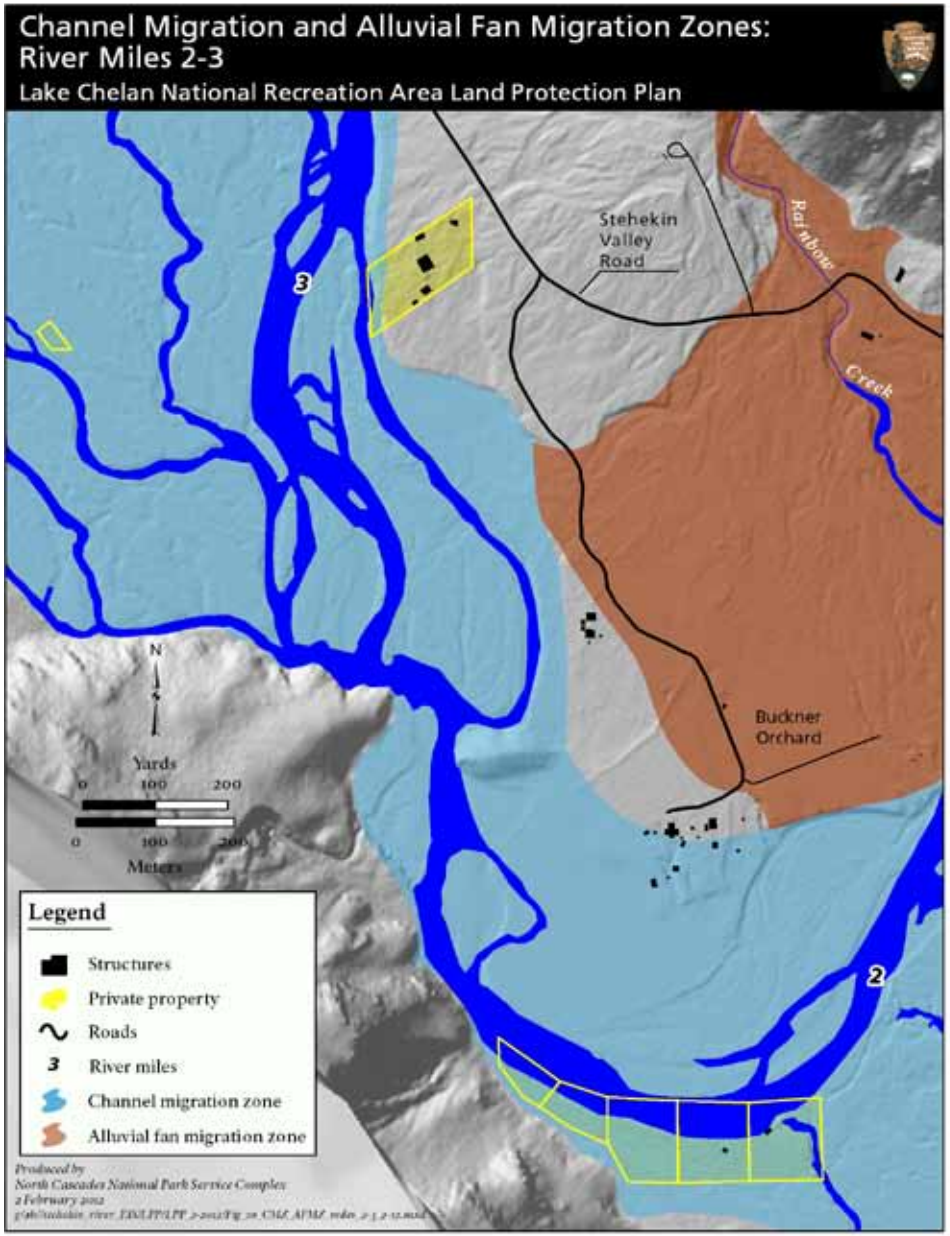


Figure 12: Channel Migration and Alluvial Fan Migration Zones - River Mile 2

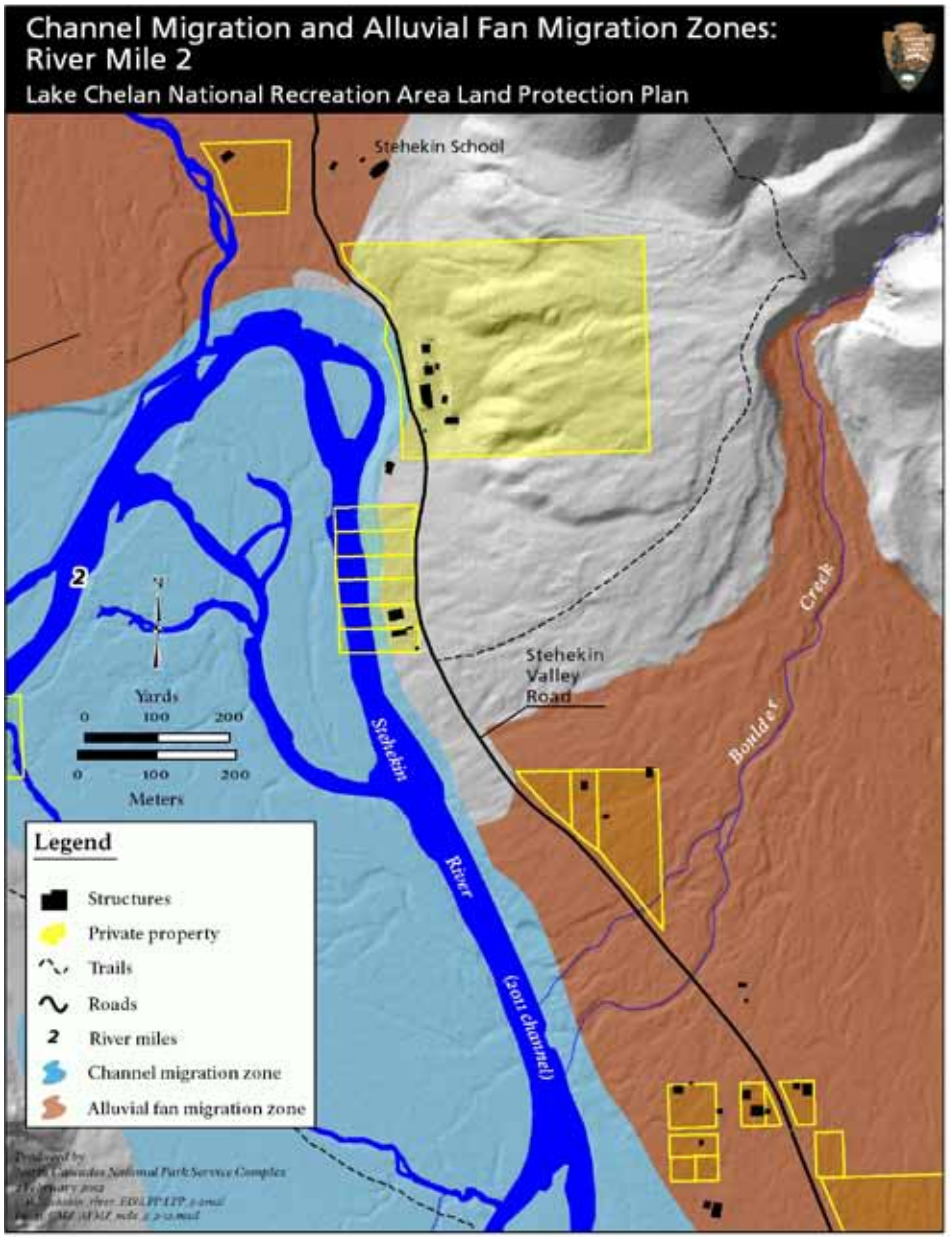


Figure 13: Channel Migration and Alluvial Fan Migration Zones - River Mouth

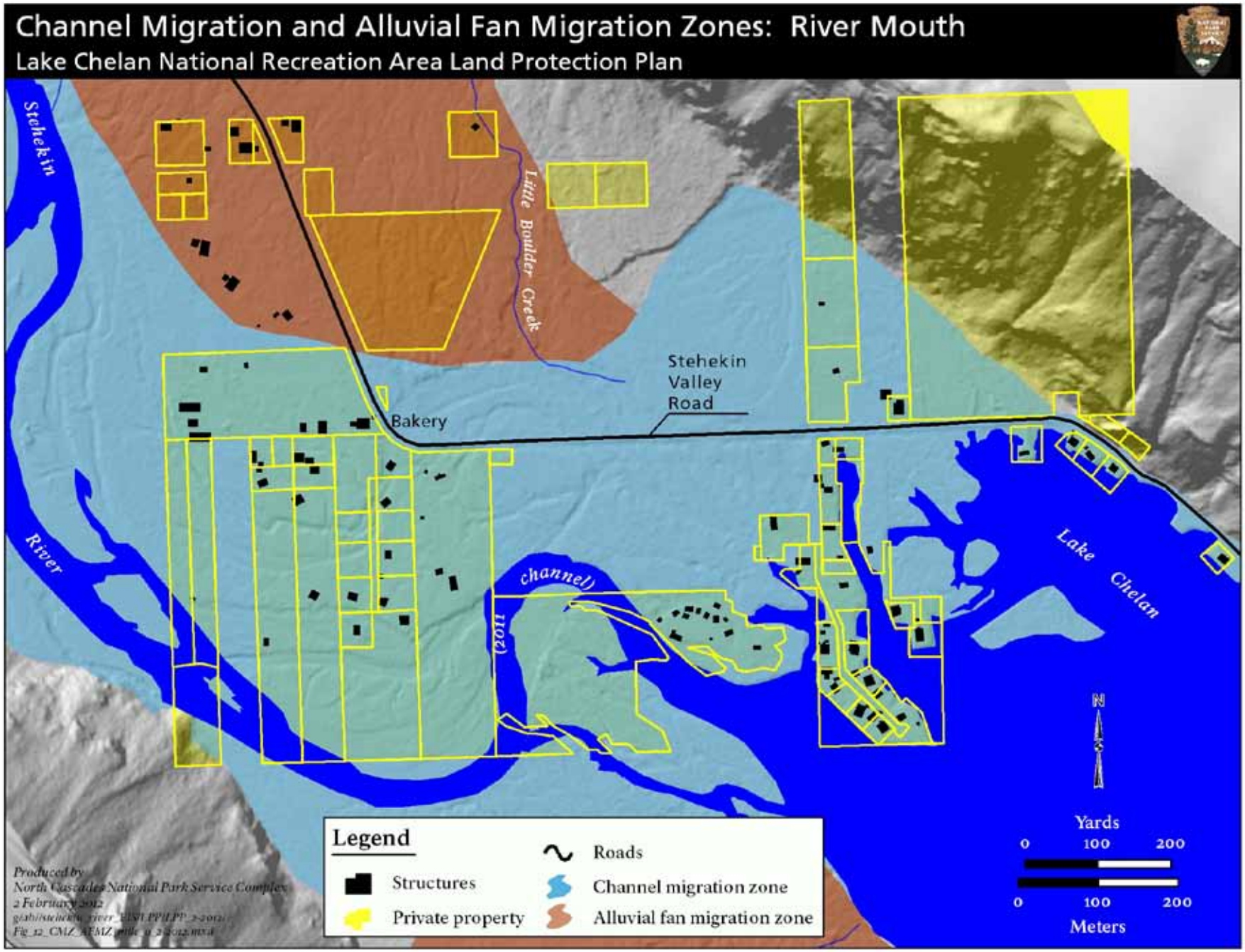


Figure 14: Stehekin River Deposition Zones - River Miles 8-9

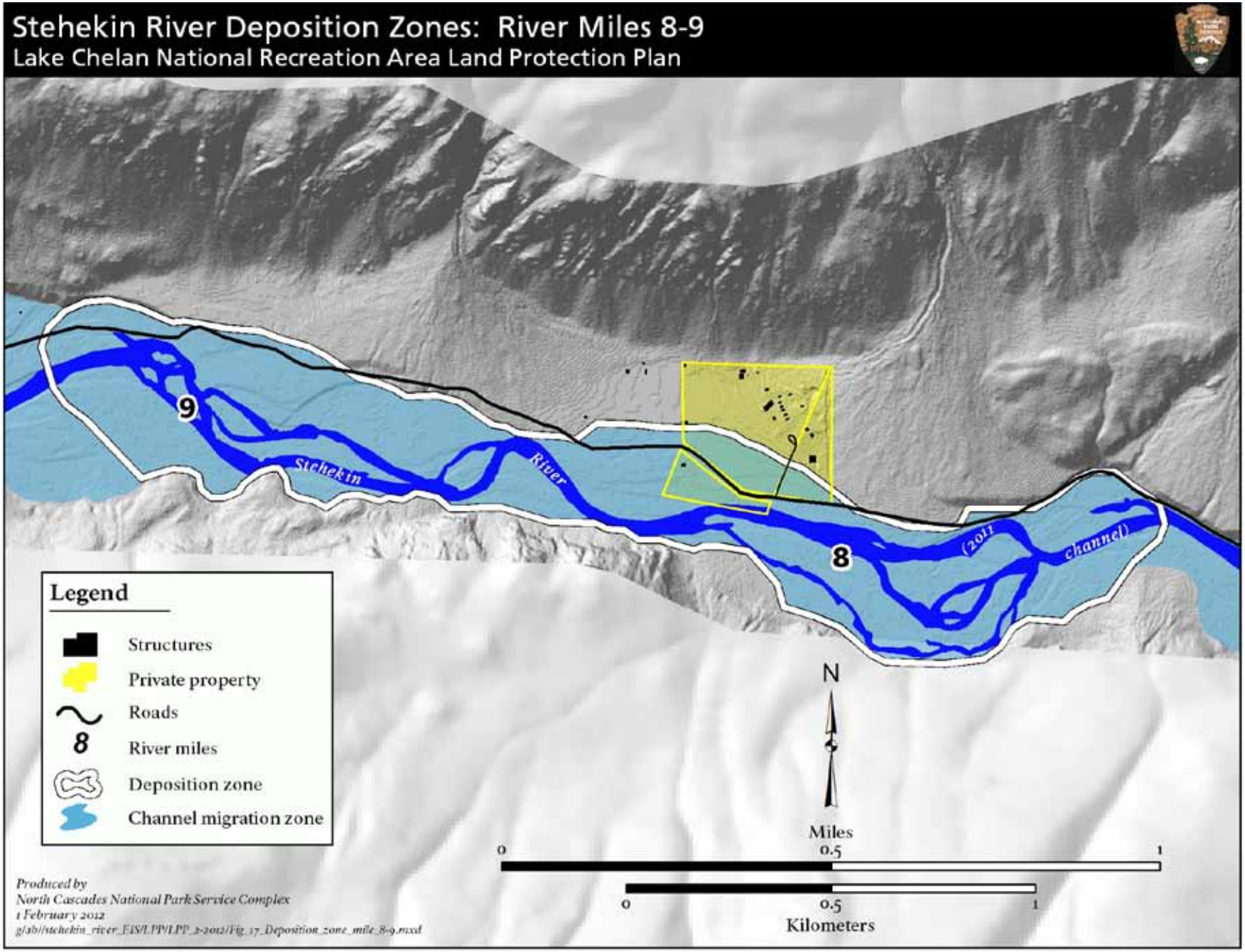


Figure 15: Stehekin River Deposition Zones - River Mile 5

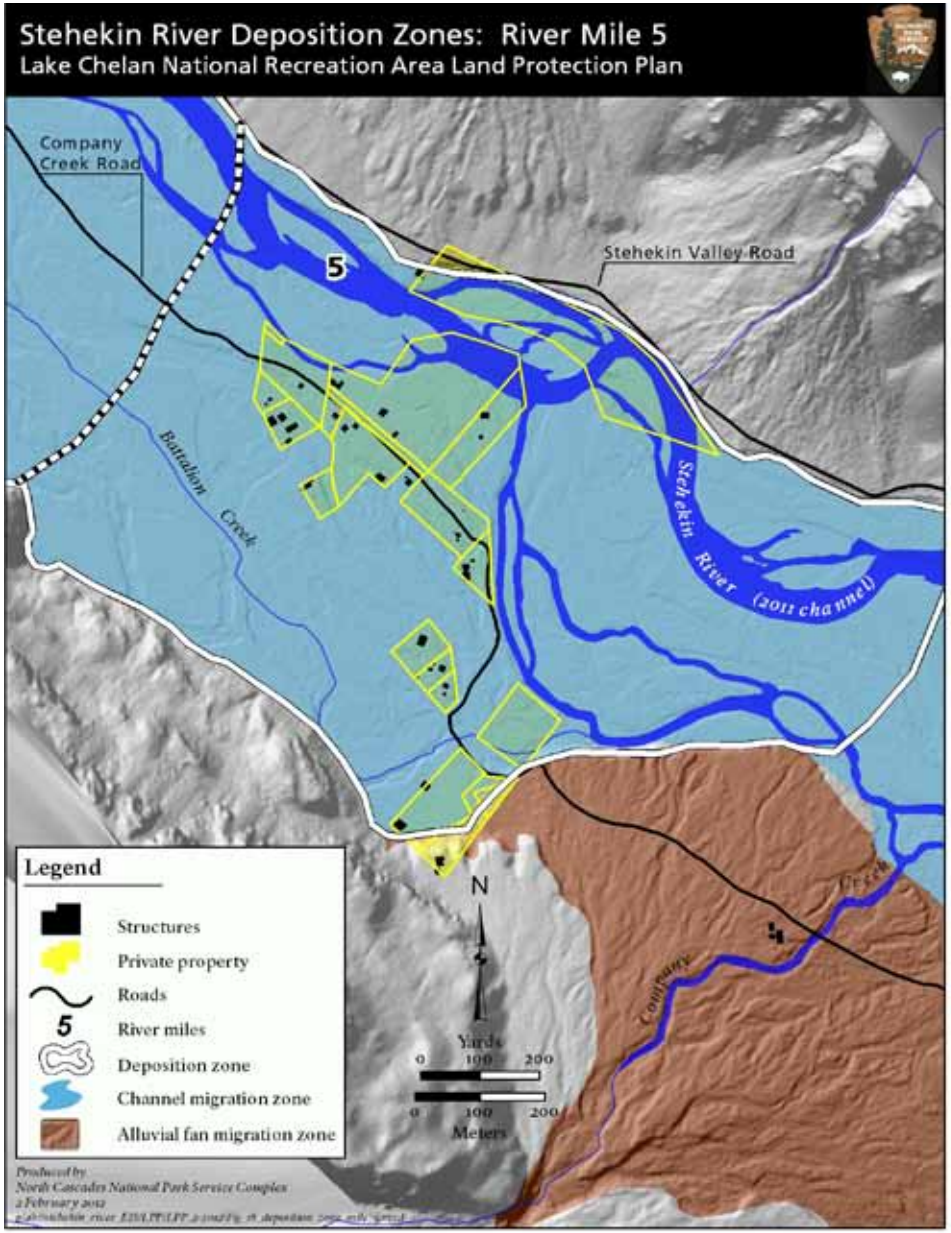


Figure 16: Stehekin River Deposition Zones - River Miles 2-3

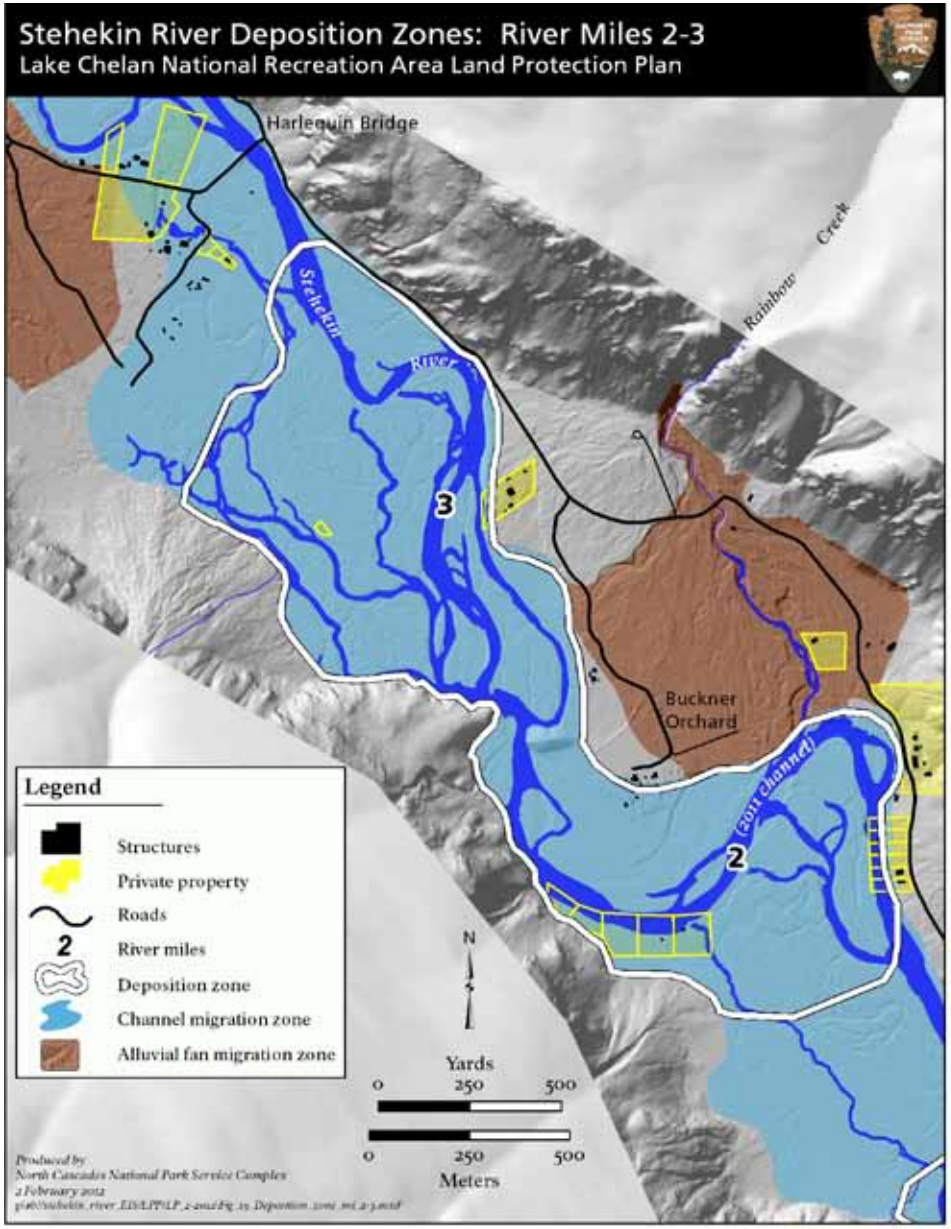


Figure 17: Stehekin River Deposition Zones - River Mouth

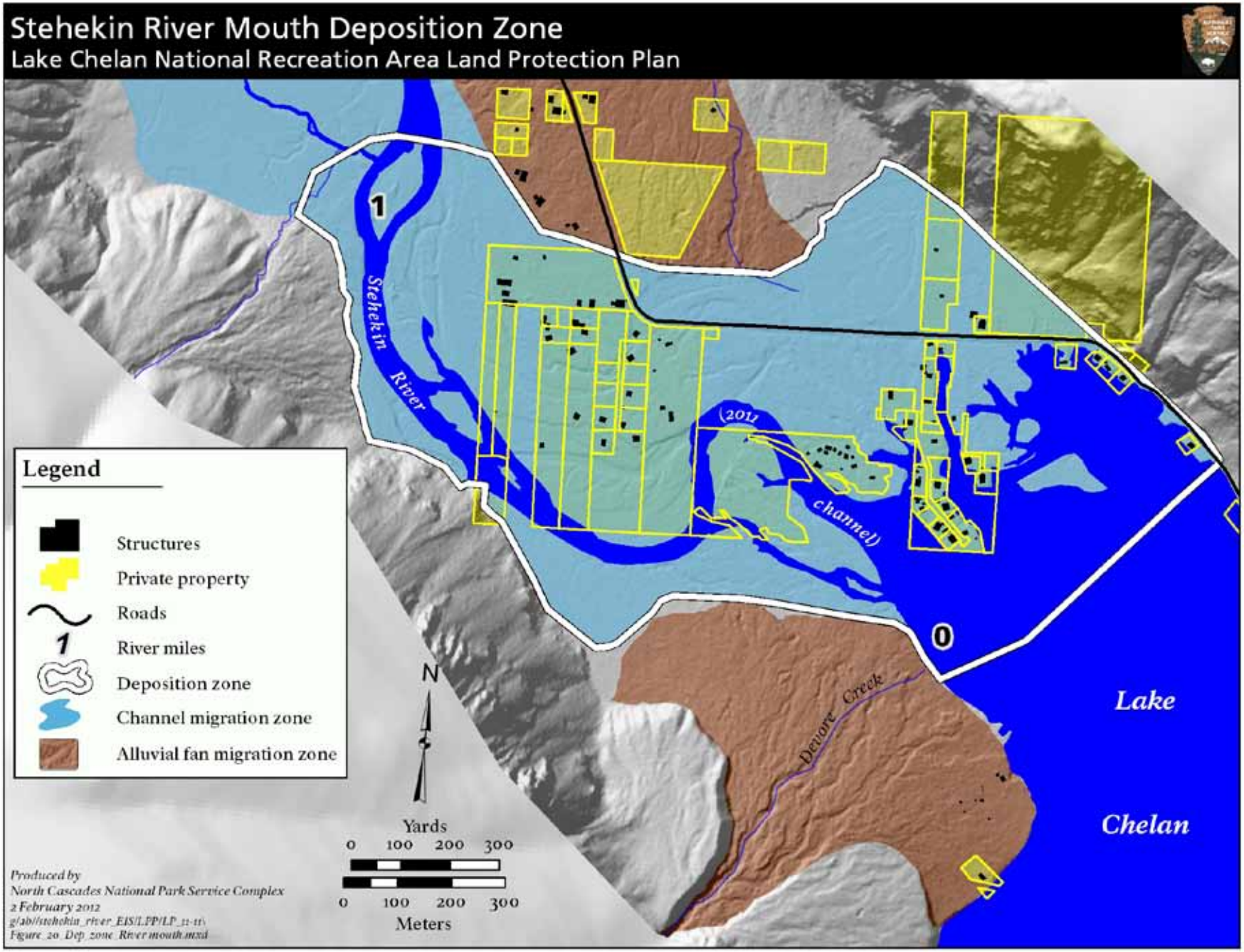


Figure 18: McGregor Meadows Urgency Zones

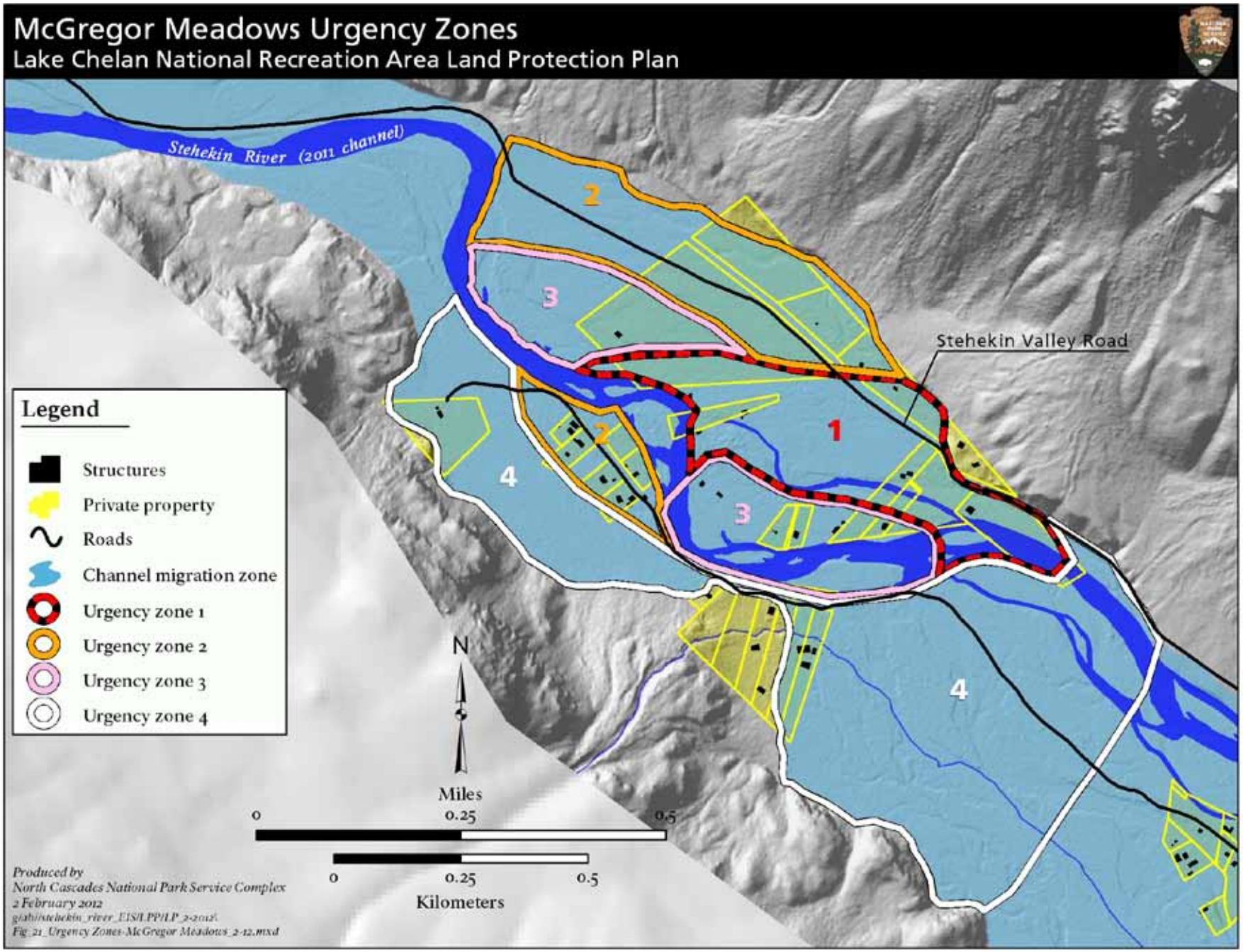


Figure 19: Debris Cone Hazards - Purple and Imus Creeks

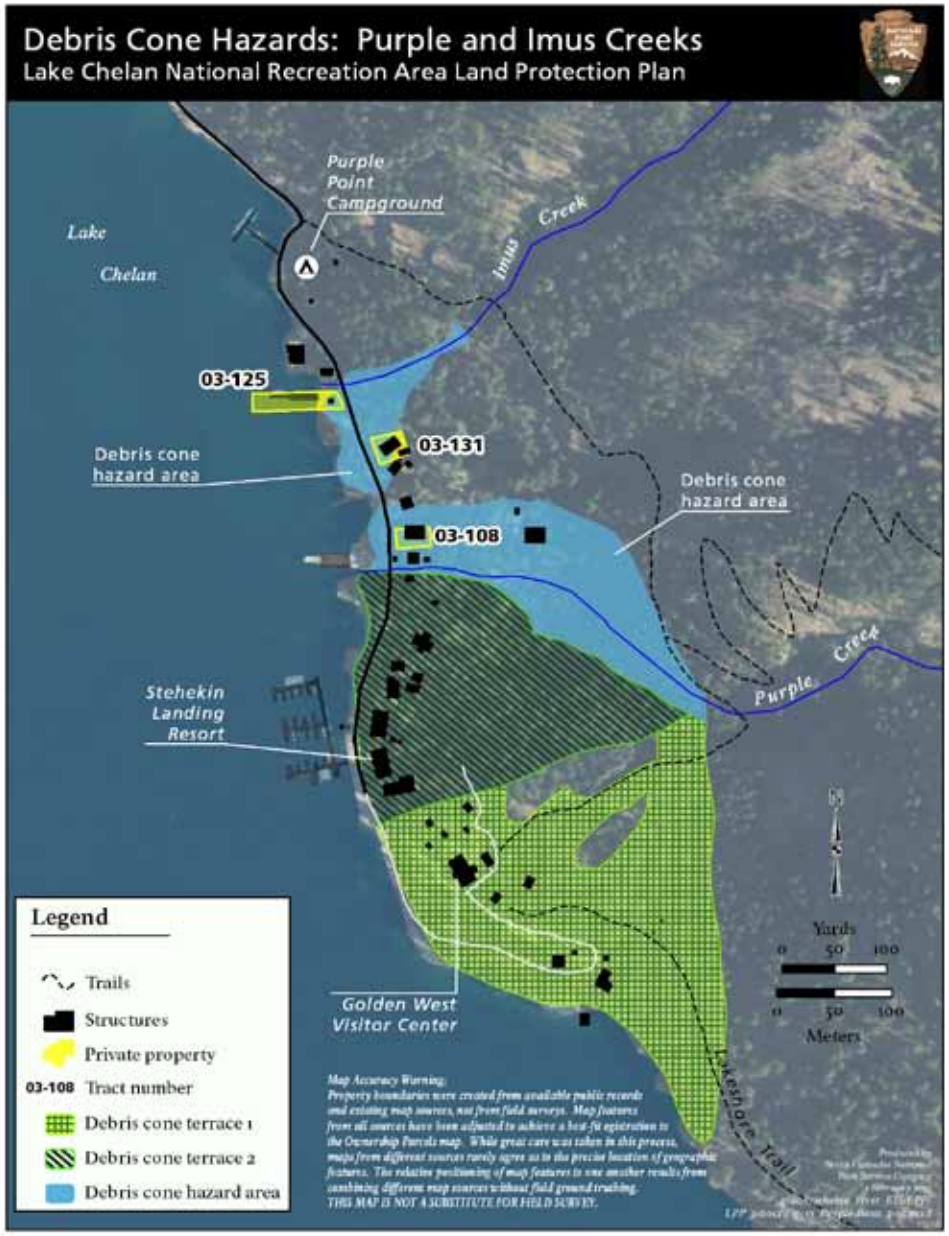


Figure 20: Debris Cone Hazards - Hazard Creek

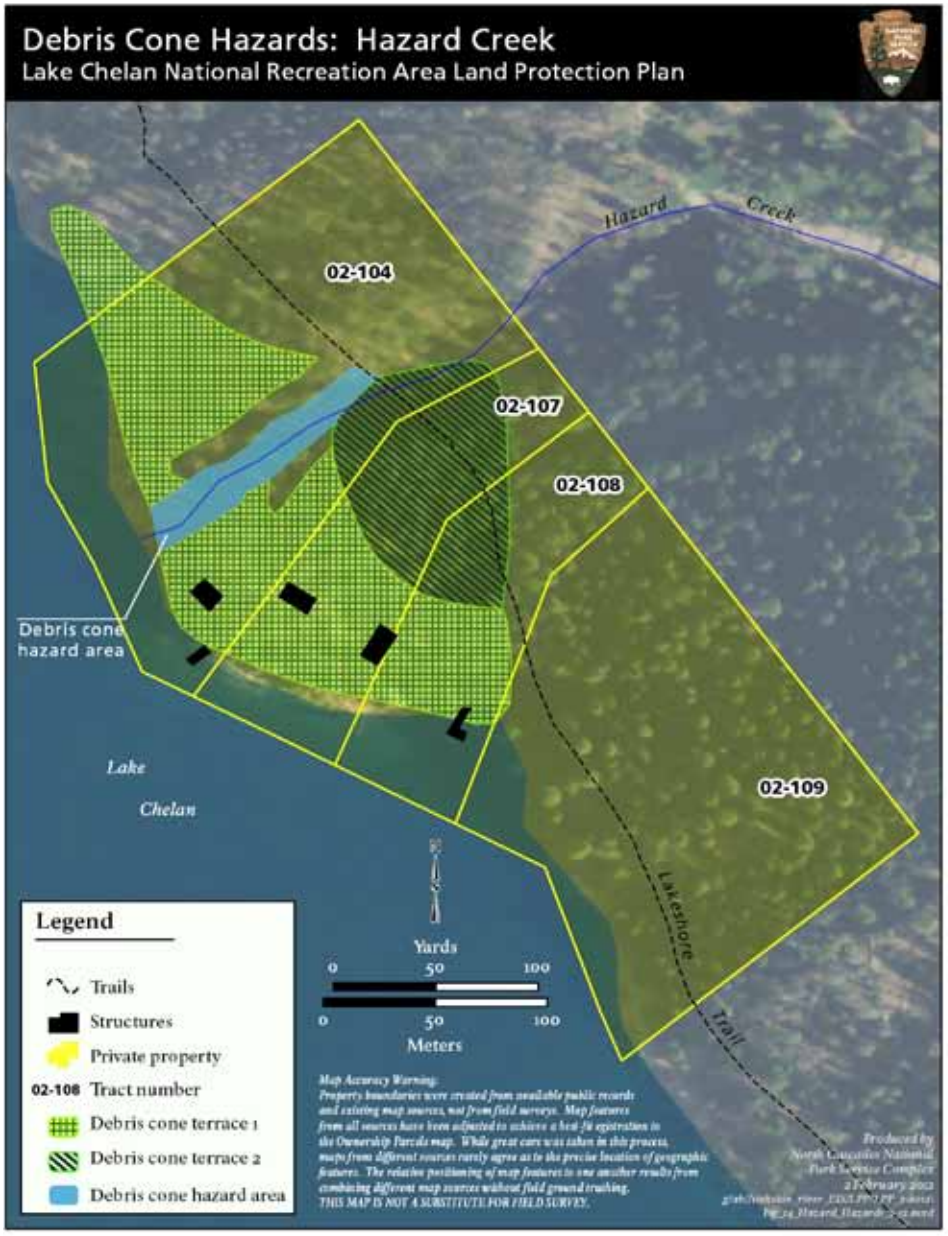


Figure 21: Debris Cone Hazards - Fourmile Creek

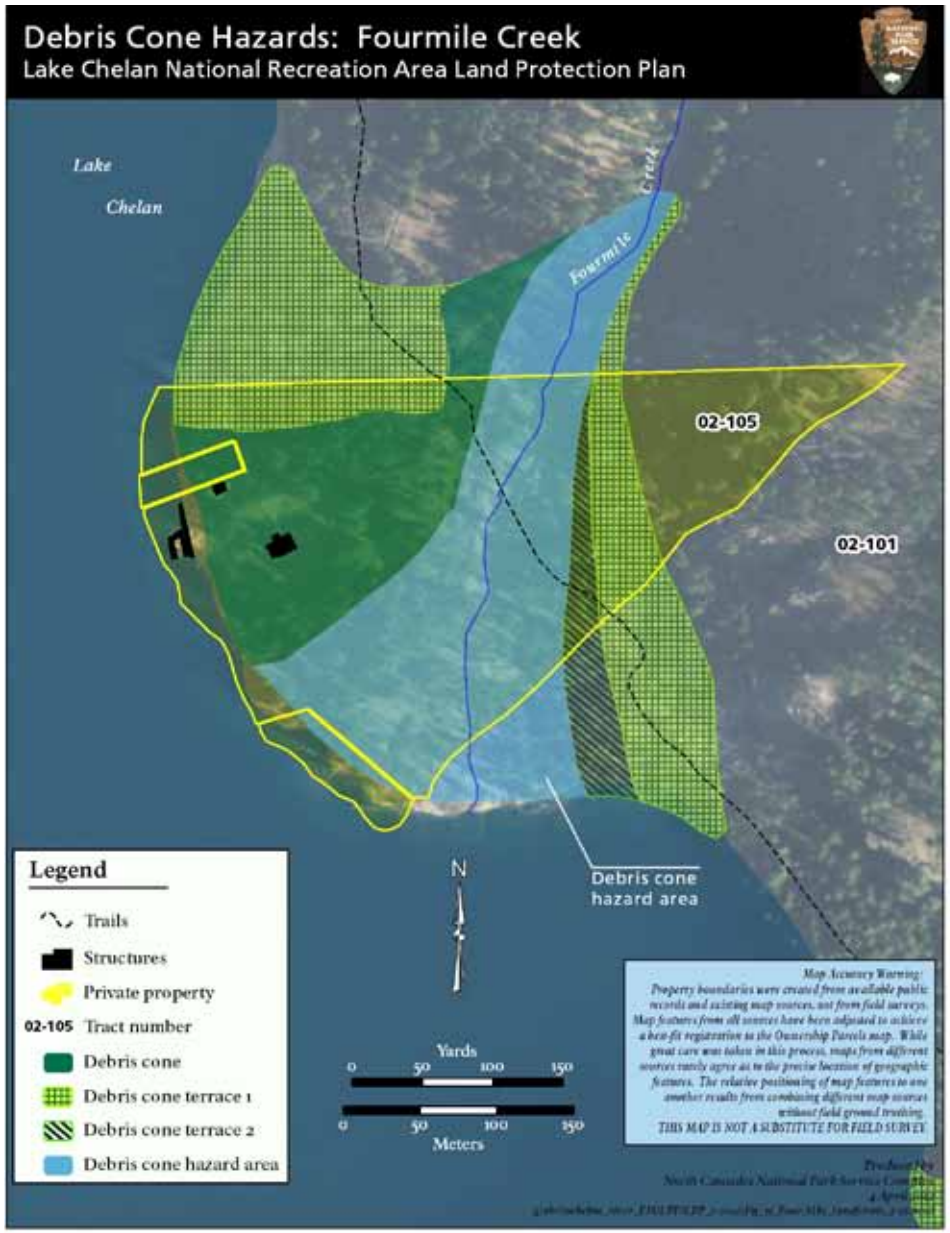
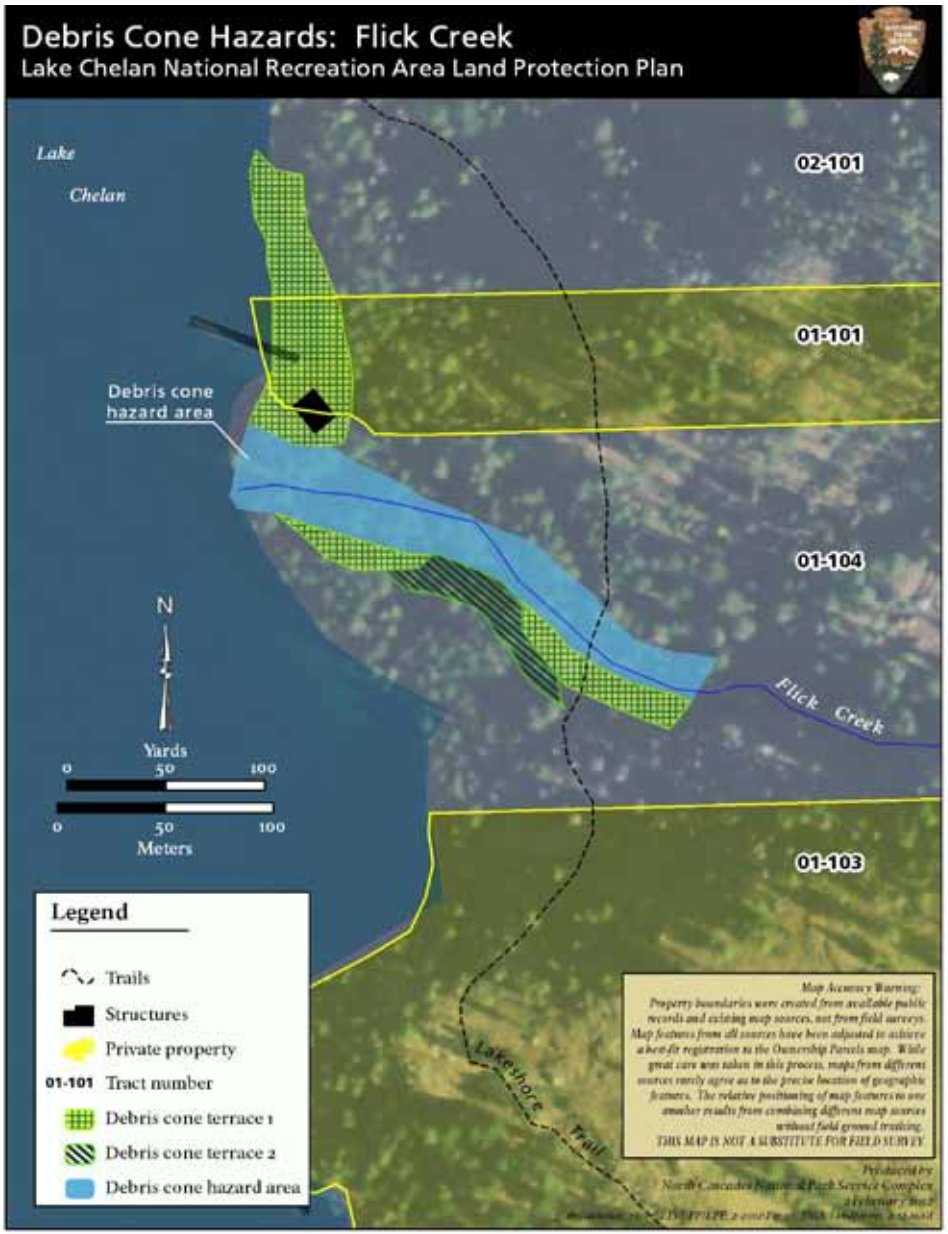


Figure 22: Debris Cone Hazards - Flick Creek



5.3 Land Protection Priorities

Individual tracts were assigned an interest priority based on the total number of points assigned to the tract from the resource-based analysis described in section 5.2 above excluding points associated with the scenic viewpoint criteria. The NPS requires such an identification of priorities to enable analysis of land protection funding needs across the entire National Park Service.

For this final LPP, those tracts with 7-15 points were considered a "High" priority; tracts with 3-6 total points were given a "Medium" priority; and tracts with 0-2 total points given a "Low" priority (Figure 23). This new process results in placing those parcels most at risk within the Stehekin River CMZ into the High category, along with a few other parcels that are a high priority because of their large acreage and/or other multiple resource values. Generally those parcels that lie within the CMZ but appear to have a less immediate threat from flooding and erosion are considered Medium priority parcels, and those tracts either outside the CMZ or at current minimum risk within the CMZ are considered Low priority parcels. Table 5 shows a summary of priorities from the 1995 LPP, the 2010 draft LPP, and this final LPP.

Table 5: Overall Tract Priority

Priority	Tracts (acres) – 1995 LPP	Tracts (acres) - 2010 draft LPP	Tracts (acres) – 2012 final LPP
High	62 (372.26)	66 (271.50)	31 (189.62)
Medium	18 (21.29)	98 (141.22)	72 (148.84)
Low	86 (42.43)	4 (4.75)	65 (78.34)
Total	**166 (435.97*)**	**168 (417.47)****	**168 (416.80)****

** Does not include acreage that was intended for removal from NRA boundaries.*
*** Figure reduced from 2010 revised LPP due to correction in mapping for one parcel.*

Due to unique individual tract characteristics, exceptions to the general priorities may become necessary. Exceptions, resulting in raising or lowering the listed priority of a specific tract, can be anticipated as more detailed, site-specific information becomes available. These new conditions will be described in subsequent updates of this plan.

A summary of the "visual sensitivity" criterion is shown in Table 6. This criterion focuses on lakeshore parcels and their visibility from various viewpoints within the valley. Parcels with four points are considered a High priority for scenic easements; parcels with 1-3 points are Medium, and parcels with 0 points are Low priority.

Table 6: Scenic easement interest priority based solely on visual sensitivity

Priority	Number of tracts
High	18
Medium	28
Low	122
Total	**168**

Table 7, beginning on page 50, summarizes the total points and provides interest priority for each parcel within Lake Chelan NRA based on the first seven criteria. The complete results from the resource analysis are found in Appendix D.

Chapter 4, Techniques for Protecting Resource Values on At-risk Land, describes how the NPS can acquire an interest in a property. Other methods, in addition to purchase or exchange, e.g., easements, purchase and sellback, or reservation of life or term estate, may be considered on an individual basis. Hardship and emergency cases will be considered as they arise, regardless of priority. Where fee interest is acquired in developed residential properties, the NPS acknowledges the seller's possible retention of use and occupancy or life estate.

Before NPS buys a property or an easement, or seeks to secure any form of interest in land covered by this plan, the specific tract will be surveyed for the presence of hazardous or contaminated materials. Negotiations between the NPS and the owner for the proper disposal of any such waste would be completed prior to finalization of the terms of an agreement.

Figure 23: Number of Parcels by Priority

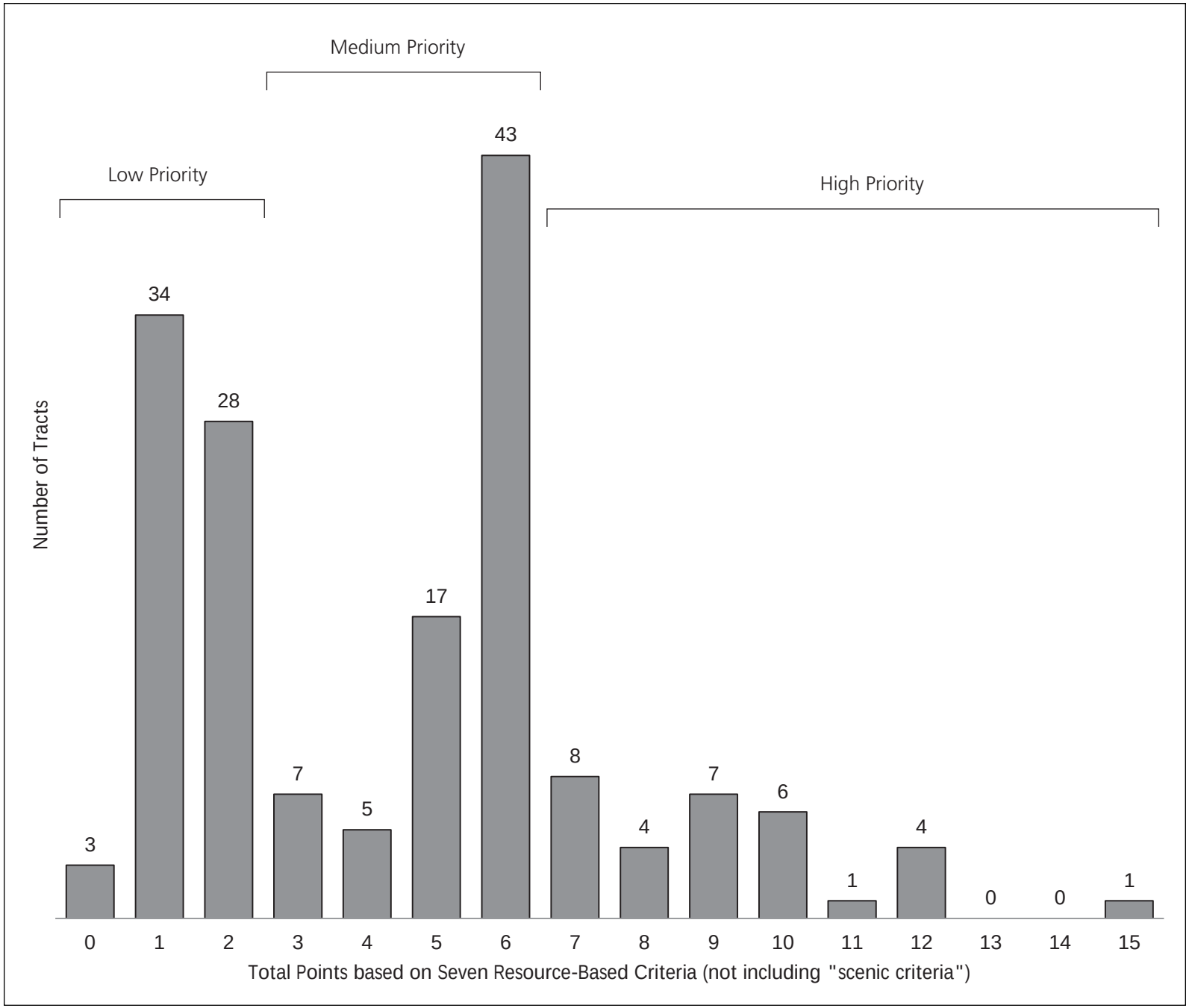


Table 7: Priorities for Land Protection Interests for Each Tract

NPS Tract Number	Assessor's Parcel Number	Name (as of 2011)	Acres	Total Points	Priority
1101	321817120050	Barnhart, Michael J. et ux	8.38	4	Medium
1102	321817130100	McKellar, Richard V., et al	6.39	2	Low
1103	321817130050	Lewman, Darrel, et al	30.7	8	High
2102	321808340050	C& M I, LLC	0.7	2	Low
2104	321806420050	Kaminski, Perry	6.65	10	High
2105	321808340100	Pinnow, Edward M., et al	17.9	12	High
2106	321808330050	Kinman, Marilyn M.	0.3	2	Low
2107	321806420020	Kaminski, Perry	2.49	2	Low
2108	321806420030	Britt, James M., et us	2.35	2	Low
2109	321806420040	McMurry, John, et ux	6.28	2	Low
3100	331831230080, 331831230060	Stifter, Patricia	13	5	Medium
3108	331831340150	Stevens, John T., et ux	0.11	10	High
3125	331831340050	Courtney, Thomas H., et ux, trustees	1	1	Low
3131	331831340110	Purple Creek Corp.	0.16	11	High
4100	331736220900	Hegge, Gary L., et ux	1.73	1	Low
4101	331736220850	Hegge, Gary L., Trustee	1.73	6	Medium
4102	331736220950	Bouslaugh, Tom A., et ux	1.74	1	Low
4104	331736220750	Darvill, Virginia T., et al.	4.31	7	High
4105	331736220500	Ellis, James L., et ux	0.37	5	Medium
4106	331736220550	Bell, Lloyd	3.65	7	High
4108	331736220100	Bishop, James L., et ux	0.59	6	Medium
4110	331736220400	Petersen, Gregory H., et al	0.5	6	Medium
4112	331736220350	McGinness, Collin	4.09	7	High
4114	331736220055	Clark, James D.	1.69	6	Medium
4115	331736220060	Weavtel LLC	1.69	1	Low
4116	331736210100	Morse Resort Inc.	11.7	9	High
4117	331736645020	Heimbigner, Christine	0.14	1	Low
4120	331736645030	Blackburn, Ovidia L., et al	0.69	7	High
4121	331736220050	Clark, Judith	6.62	7	High

NPS Tract Number	Assessor's Parcel Number	Name (as of 2011)	Acres	Total Points	Priority
4124	331736420050	McLean, Mark A	0.58	4	Medium
4127	331736121550	Griffiths, William S., et al	0.2	6	Medium
4128	331736121700	Bridges, Jon	0.16	6	Medium
4130	331736121200	Pearl, Warren L.	0.36	1	Low
4131	331736121050	Parks, Terry V.	0.21	1	Low
4136	331736120750	Davis, Lewis V., et ux	0.2	5	Medium
4137	331736120700	StewFam LLC	0.18	6	Medium
4139	331736140150	Glenn, Nicholas A.	0.91	1	Low
4143	331736121000, 331736120950	Sherman, Angela C.	0.33	6	Medium
4144	331736121250	Breeze, William E.	0.28	6	Medium
4145	331736121500	Freeman, Lillian A., et al	0.22	6	Medium
4147	331736121600	Hubbard, Duane L., et ux	0.2	6	Medium
4148	331736121350, 331736121300, 331736121400	Dinwiddie, Randall R.	0.7	6	Medium
4149	331736120350	Stehekin Joint Venture LLC	0.24	6	Medium
4150	331736121450	Dinwiddie, Randall R., et ux	0.24	6	Medium
4153	331736220600	Libbey, Caroline L.	0.2	1	Low
4154	331736120200	Buehler, Walter E., et al, Trustees	0.53	6	Medium
4155	331736120150	Bohn, Willis C., et al, Trustees	0.32	6	Medium
4156	331736120100	Liberty, Janet L., et al	0.64	6	Medium
4157	331736120050	First United Methodist Church	0.55	1	Low
4158	331736110150	Higgins, Ben C., et al	0.48	6	Medium
4162	331736140050	Morehead, Harriet O., Trustee	0.55	1	Low
4163	331736140100	Hazell, Marjorie J.	0.71	1	Low
4165	331736120900, 331736120850, 331736120800	Menefee, Jill D., et al	0.56	6	Medium
4166	331736121100	Blackburn, Ovidia L., et al	0.66	1	Low
4169	NO DATA	Parks, Terry	0.42	1	Low
4172	NO DATA	Parks, Terry	0.72	1	Low

NPS Tract Number	Assessor's Parcel Number	Name (as of 2011)	Acres	Total Points	Priority
4173	NO DATA	Blackburn, Ovidia L., et al	0.75	1	Low
4177	331736220300	Kelly, Patrick J., et al	0.48	6	Medium
4178	33173622050	Goodwin, Richard H., Jr., et al	0.48	1	Low
4179	331736110100	Gaukroger, James G.	0.55	1	Low
4180	331736110050	Gaukroger, Robin R.	0.55	1	Low
4181	331736645016	Parks, Terry	0.03	1	Low
4183	331736121650	Griffith, Jimmy E., et al	0.18	6	Medium
4184	331736121850, 331736645005	Gordon, Carole B., Custodian	0.48	6	Medium
4186	331736121750	Skidz LLC	0.21	1	Low
4187	331736120300	Davis, Lewis V., et ux	0.35	6	Medium
4188	331736121150	Parks, Terry	2.98	6	Medium
4189	331736121255	Noble, Daniel, et ux	0.22	6	Medium
4190	331736220650	Courtney, Cragg, et ux, Trustees	0.18	6	Medium
4191	331736220700	Libbey, Caroline	0.38	6	Medium
4192	331736220551	Karapostoles, Caitlin, et al	1	5	Medium
4193	331736221010, 331736220150	Parsons, Jeffrey L., et ux	1.18	6	Medium
4194	331736220155	Courtney, Mistaya M. (CP)	0.48	1	Low
4195	331736221005	Theubet, James H., Trustee	0.48	6	Medium
4197	331736220200	Kelly, William L., et ux, Trustees	0.48	5	Medium
4198	331736221015	Seemiller, Joseph	0.48	1	Low
4199	331736221020	Griffith, Frederick L., et al	0.48	6	Medium
5102	331726240200, 331726240250	Kelly, William L., et ux, Trustees	1.68	2	Low
5104	331726120050	Gans, William C., Jr., et al	2	3	Medium
5107	331726110210	Sherer, Wesley, M., et ux	4.85	3	Medium
5109	331726140150	Raymond, Charles F., et ux	1.52	2	Low
5111	331726140250	Raymond, Charles F., et ux	0.76	2	Low
5112	331726140300	Jacobson, Neal, et ux	0.76	2	Low
5113	331726140350	Weagent, Rodney W., et al	0.76	2	Low
5119	331726410100	Story, Michael J., et ux	0.7	0	Low

NPS Tract Number	Assessor's Parcel Number	Name (as of 2011)	Acres	Total Points	Priority
5120	331726140400	Scutt, Ronald W., et ux, Trustees	0.76	2	Low
5121	331725330100, 331725330050	Courtney, Cragg, et ux, Trustees	6.76	6	Medium
5123	331726110210	Sherer, Wesley, M., et ux	22.2	5	Medium
5124	331725645040	Morehead, Dwight T., et ux	0.21	1	Low
5125	331725645048	Courtney, Reed	0.41	1	Low
5126	331725645055	Denning, Michael	0.85	1	Low
5127	331725645060	Hudak, Renee Y., et al	0.85	1	Low
5128	331725645005	Ward, Norma V.	0.85	3	Medium
5130	331725645010	Courtney, Thomas H., et ux, trustees	0.43	2	Low
5132	331725330155	Courtney, Cragg, et ux, Trustees	7.15	3	Medium
5133	331725430050	Staley, James E., et al	0.85	4	Medium
5135	331725430050	Buehler, Thomas M., et al	27.7	10	High
5136	331725430200	Nielsen, Robert C., et ux	0.34	5	Medium
5140	331726240150	Carpenter, Adrienne, et al	2.13	2	Low
5141	331726240100	Sargo, Herbert J., et al	2.17	6	Medium
5142	331726240050	Gans, William C., Jr., et al	2.48	6	Medium
5144	331725645045	Morehead, Lawrence E., et ux	0.21	1	Low
5145	331726410050	Story, Michael J., et ux	0.65	2	Low
5147	331725645035	Morehead, Harriet O., Trustee	0.42	3	Medium
5150	331725645020, 331725645025	Courtney, Thomas H., et ux, trustees	0.58	2	Low
5157	331726410250	Goodwin, Richard H., Jr., et al	2.99	2	Low
5158	331725430150	Gaskill, Karl B.	3.03	3	Medium
5159	331725430300	Gaskill, Karl B.	1.21	6	Medium
5160	331725430170	Gaskill, Karl B.	1.65	7	High
6102	331722120050	Fultz, Elizabeth R.	4.06	3	Medium
6106	331723330050	Ward, Vince, et ux	2.9	2	Low
6111	331722440100	Peterson, Gail	0.21	1	Low
6113	331722140050	Miles, Michael, R.	0.18	5	Medium
6114	331722140100	Stevens, John T., et ux	0.24	1	Low
6116	331722120100	Valenti, Ron, et ux	0.7	4	Medium

NPS Tract Number	Assessor's Parcel Number	Name (as of 2011)	Acres	Total Points	Priority
6119	331722130050	Peterson, B. Jean	6.7	6	Medium
6120	331722140150	Stevens, John C., et al	0.32	2	Low
7100	331717110050	McConnell, Carolyn A.	4.36	6	Medium
7105	331716220600	Blomberg, John	0.5	1	Low
7107	331716210600	Courtney, James O., Trustee	1.12	2	Low
7109	331716220200	Mundal, Anne S., et al	0.71	9	High
7110	331736220250	Walker, Allan E., III, et al, Trustees	0.68	9	High
7114	331716120075	Duke, Loretta	2.15	2	Low
7115	331716120050	Thompson, Laura J., et al	2.15	2	Low
7116	331716220150	Neuzil Living Trust	1.6	12	High
7121	331716440005	Robbins, Jeffrey C., et ux	0.41	0	Low
7122	331716440050	Saulsbury, David, et ux	2.32	2	Low
7124	331716440200	Lavender, Teresa	1.18	5	Medium
7125	331716410450	Evans, Linda R., et al	2.48	6	Medium
7127	331716410550, 331716410600, 331716410650, 331716410850	Winkel, Alvy, et ux	1.78	6	Medium
7130	331716410750	Burhen, William S., et ux	2	6	Medium
7131	331716410800	Bingham, John R., et ux	0.97	5	Medium
7133	331716410300, 331716410250, 331716410200	Winkel, Martin., et ux	6.19	5	Medium
7134	331716410400, 331716410350	Winkel, Alvy H., et ux	0.7	5	Medium
7138	331716410150, 331716410100	Scutt, Ronald W., et ux, Trustees	2	6	Medium
7142	331716140050	Scherer, Jonathan, et ux	9.95	5	Medium
7145	331716410950	Pitts, Edward D., et ux	0.97	5	Medium
7147	331716410900	Pitts, Edward D., et ux	0.71	5	Medium
7149	331716220500	Barnhart, Michael J.	0.61	9	High
7150	331716220450	Barnhart, Michael J.	1.01	9	High
7153	331716220300	Schmid, Walter D.	0.9	9	High

NPS Tract Number	Assessor's Parcel Number	Name (as of 2011)	Acres	Total Points	Priority
7157	331709330050	Leader, Thomas W., et al	28.7	15	High
7166	331716410500	Pitts, Donald, et ux	0.32	2	Low
7168	331716411000	Pitts, Edward D., et ux	0.47	5	Medium
7176	331716210100	Leaf, Robert H., et al	2.48	12	High
7177	331716210250	Thompson Family Trust	0.64	8	High
7179	331716220350	Nawalinski, Thomas E., et ux	0.9	9	High
7184	331716210300	Woodward, Douglas L.	0.8	8	High
7185	331716210050	Lehman, Robert A., et ux, Trustees	0.97	8	High
7186	331716120100	Mitchell, Robert D., Jr., et al	3.53	4	Medium
7187	331716411050	Parlette, Linda O'Neal, et al	0.1	0	Low
7188	NO DATA	Unknown (Company Creek Road)	0.61	1	Low
7189	331716440150	Kurth, David W., et ux	0.58	5	Medium
7190	331716440100	Morrison, Randy C.	0.53	6	Medium
7191	331716440260	Garfoot, Wendy	3	6	Medium
7192	331716440250	Robbins, Jeffrey C., et ux	1.4	1	Low
7193	331716240050	Courtney, James O.	2.99	2	Low
7195	331716240100	Courtney, Thomas H., et ux, trustees	3.02	2	Low
7196	331716240200	Courtney, Mark L.	2.01	2	Low
7197	331716240250	Courtney, Clifford G.	2.02	7	High
7198	331716240300	Courtney, Clifford G.	2.02	7	High
7199	331716120150	Danielson Stehekin Cabin Mgt, LLC	4.97	12	High
7200	331709340100	Bowles, Stephen B., et ux, Trustees	1.74	10	High
7201	331709340300	Ramos, Myra	3	10	High
7202	331716220900	Blomberg, John	0.09	2	Low
7204	331716410850	Robinson, Aaron D.	0.4	6	Medium
8101	331707000050	Ray and Esther Courtney Family, LLC, et al	20	10	High
8105	331707240055	Courtney, Clifford G.	5.6	1	Low

5.4 Land Available to Exchange

The exchange of select public lands in the valley for private lands is a viable method of resource protection. Private lands with high resource value may be exchanged for public lands with relatively low resource value.

The Secretary of the Interior has the authority to exchange federally owned property, or interests therein, which has been determined to be suitable for exchange, or other disposal, for nonfederal property within Lake Chelan NRA. Prior to the establishment of the Lake Chelan NRA, none of the public lands administered by the US Forest Service had been determined to be suitable or classified for exchange or other disposal. Neither has the 1995 General Management Plan nor this Land Protection Plan identified any of the pre-NRA public lands to be suitable for disposal, including exchange. Therefore, exchange possibilities will be limited to certain selected federal lands that have been acquired since the establishment of the Lake Chelan NRA in 1968. Federal lands within the Lake Chelan NRA acquired in fee since 1968 total approximately 1,202 acres. In addition to the proposed exchange possibilities described below, future acquired properties may be subsequently considered for disposal by exchange after two years from the date of acquisition in order to enhance historic or traditional development patterns, consolidate new forms of approved development proposals into the most suitable areas, or protect areas of higher resource values.

This discussion is limited to lands within Lake Chelan NRA. Although private lands in the valley could be exchanged for public lands outside the recreation area, this possibility is considered beyond the scope of this plan. If landowners show interest on a willing seller/willing buyer basis, the NPS would work with the Bureau of Land Management and other federal agencies under the Federal Land Exchange Act of 1988, to determine if federal lands outside the recreation area would be available for exchange.

All potential exchanges will be based on near equal, value for value real estate appraisals (not acre for acre) and may be limited by the availability of appropriated funds if the nonfederal lands exceed the value of the federal lands to be exchanged.

Lands currently in federal ownership that may be suitable for potential exchange were examined for the same resource concerns (on the ground examination for wetlands, wildlife, rare plants, and other sensitive resources) as those applied to every private land parcel previously described in section 5.2. In sum, this revised Land Protection Plan identifies potential exchange lands that are out of the Stehekin River CMZ and that do not have other sensitive resource concerns. Some lands that had been identified as possible exchange lands in the 1995 LPP have been removed for exchange consideration due to resource concerns, such as the Lower Field area. Other lands previously not considered available as exchange lands now are available because they represent lands that appear best suited for development to minimize impacts to those resources described in the criteria outlined in section 5.2 of this chapter. The 1995 LPP identified 50 acres for exchange, and with 13 acres exchanged between 1995 and 2007, 37 acres remain potentially available under the 1995 Land Protection Plan. By applying the criteria (discussed in Section 5.2 of this chapter) to available public lands, 29.41 acres of federal land are considered suitable for exchange. This is less than the number of acres identified in the 1995 Land Protection Plan. The

Private property damaged by flooding.

identified list of potential exchange lands includes lands that are not within the Stehekin River CMZ (except for the corral near the Stehekin Pastry Company, which could be exchanged provided it remains for agriculturally-related use only, and a small portion of the exchange tract above the Stehekin Valley Ranch and along the Stehekin Valley Road, upon which restrictions would be placed to prevent structure development within the CMZ). These proposed exchange lands also allow for some degree of clustered development. Clustering future development broadens the portfolio of potential exchange lands, limits habitat fragmentation, and allows for a more sustainable development out of the floodplain. Nothing in this plan, however, would preclude reexamining the exchange portfolio in future LPP revisions. In addition, potential future development of exchange lands must conform to Chelan County zoning and regulations.

Table 8: NPS Lands Available for Exchange

Area	Acres
Above Stehekin Valley Ranch (see note below)[1]	10.2
Near airstrip (former Peterson property)	2 *
West of Rainbow Falls (former Webb property)	1.33
Near Stehekin School (former Rice property)	1.68
Boulder Creek area (former Griffin/Getty property)	3.79
Boulder Creek area (former Brownfield property)	2.61
Keller's Park	7.2
Corral area near Bakery (see note below)[2]	0.6
Total	29.41
** Up to 10 additional acres could be added to this site following completion of the development plan for the NPS maintenance and housing facility identified in the 1995 General Management Plan.*	
Notes: 1) The area above the Stehekin Valley Ranch contains acreage within the Stehekin River CMZ along the road. That acreage will have restrictions placed on it to prevent structure development within the CMZ. 2) The corral area near the Bakery lies within the CMZ, but will be made available for exchange for use only for agriculturally-related purposes (i.e., retained as a corral).	

Figure 24 provides a broad overview of possible exchange lands within the lower Stehekin Valley. Figures 25-27 provide more detailed views of the possible exchange lands.

Lands would be exchanged on a case-by-case basis, based on appraised land values, not based on a one-to-one acre exchange ratio. Appropriate Conditions, Covenants, and Deed Restrictions (CCRs) would be included to ensure compatible use by the new owner subsequent to the exchange.

5.4.1 Criteria for Decision-Making Between Multiple Interests in New Land Exchanges

It is a goal of the NPS that all land exchanges are reasonable, transparent, and fair. It is conceivable that, given the heightened concerns associated with the increasing flood magnitude and frequency of flooding on the Stehekin River, the NPS continued desire to pursue land exchanges as a means of land and resource protection, the limited availability of federal funding to complete land exchanges, and the limited availability of potential federal lands for exchange, there may be interest from multiple landowners in pursuing exchanges or multiple landowners interested in exchanging for the same federal parcel. The following criteria are those that the NPS would consider should competing interests for the same property arise:

Priority criteria:

- Landowner's current parcel is a priority based on the resource analysis described above;
- Landowner is willing to consider other ways to equalize values (including paying for costs associated with structure removal on their current parcel) or an unequal trade;
- Landowner is willing to comply with codes, covenants, and restrictions to protect resources; and
- Landowner is willing to consider cluster development and shared utilities.

Secondary criteria:

- The timing of the request for exchange (request for a parcel made months before others may be considered first); and
- Landowner is willing to help defray due diligence costs, thereby reducing costs (i.e. site contamination surveys, real estate proposals, land surveys, etc.) to the federal government.

Figure 24: Exchange Land Availability

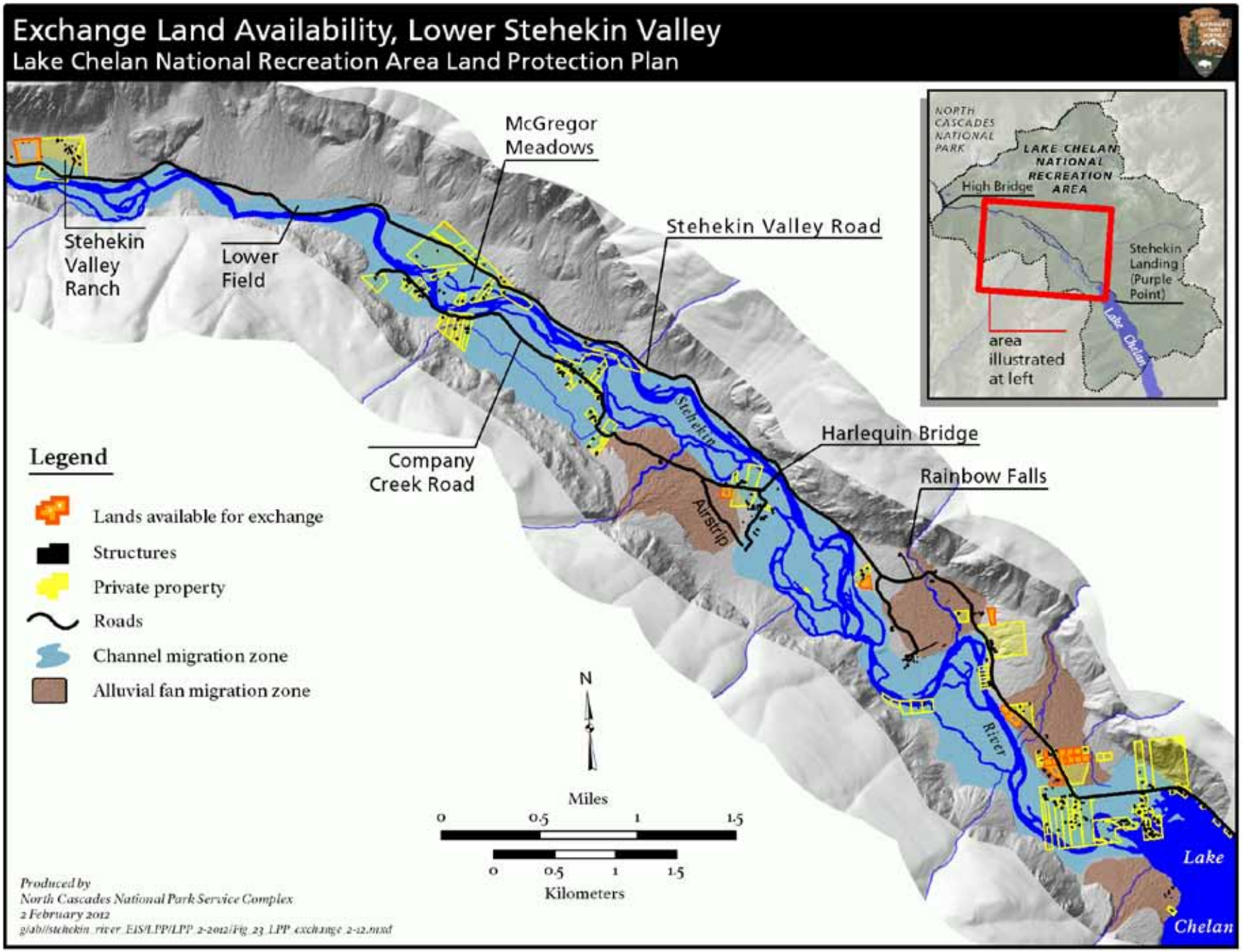


Figure 25: Possible Exchange Lands, Stehekin Valley Ranch and Airstrip Areas

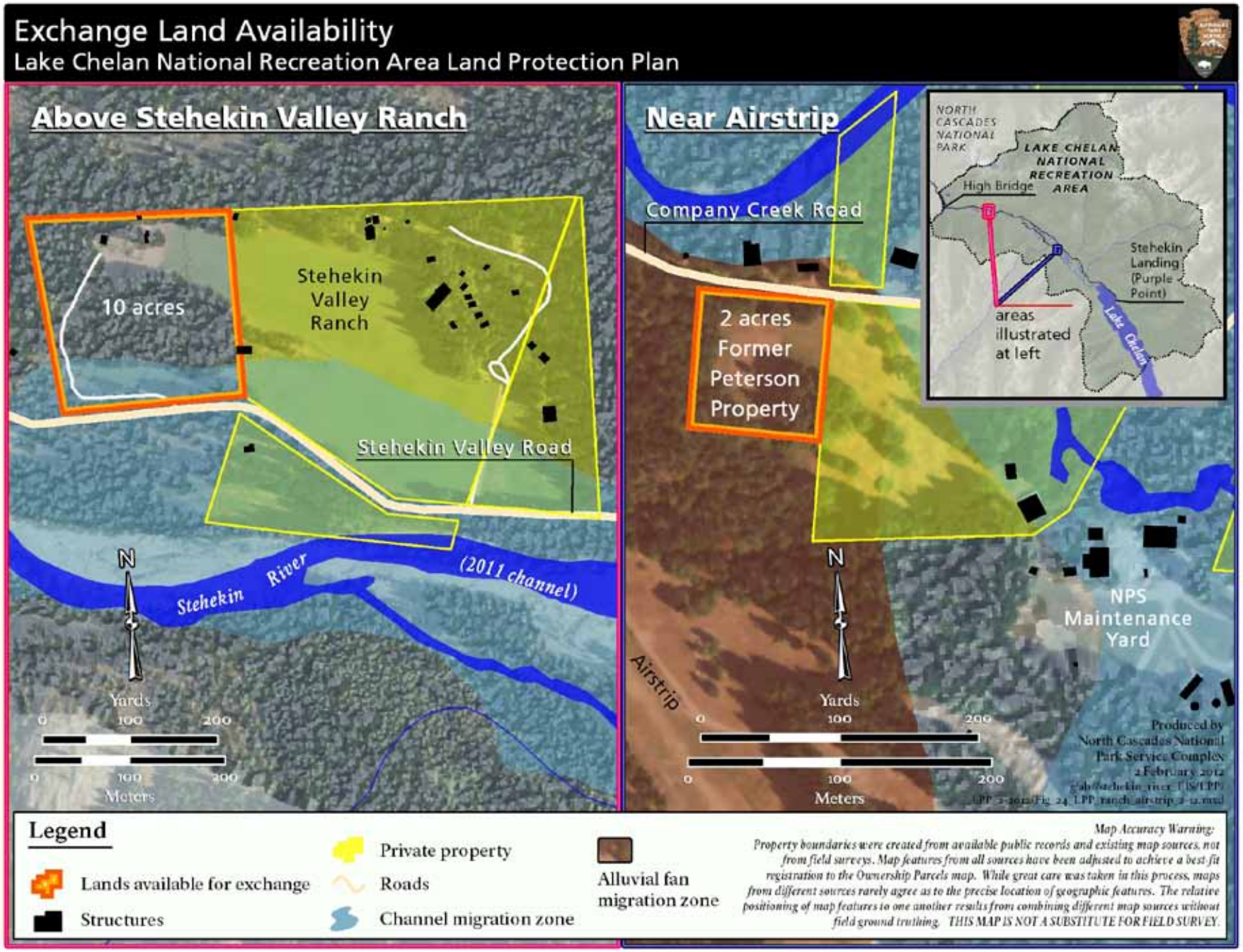


Figure 26: Possible Exchange Lands, Rainbow Falls and Stehekin School Areas

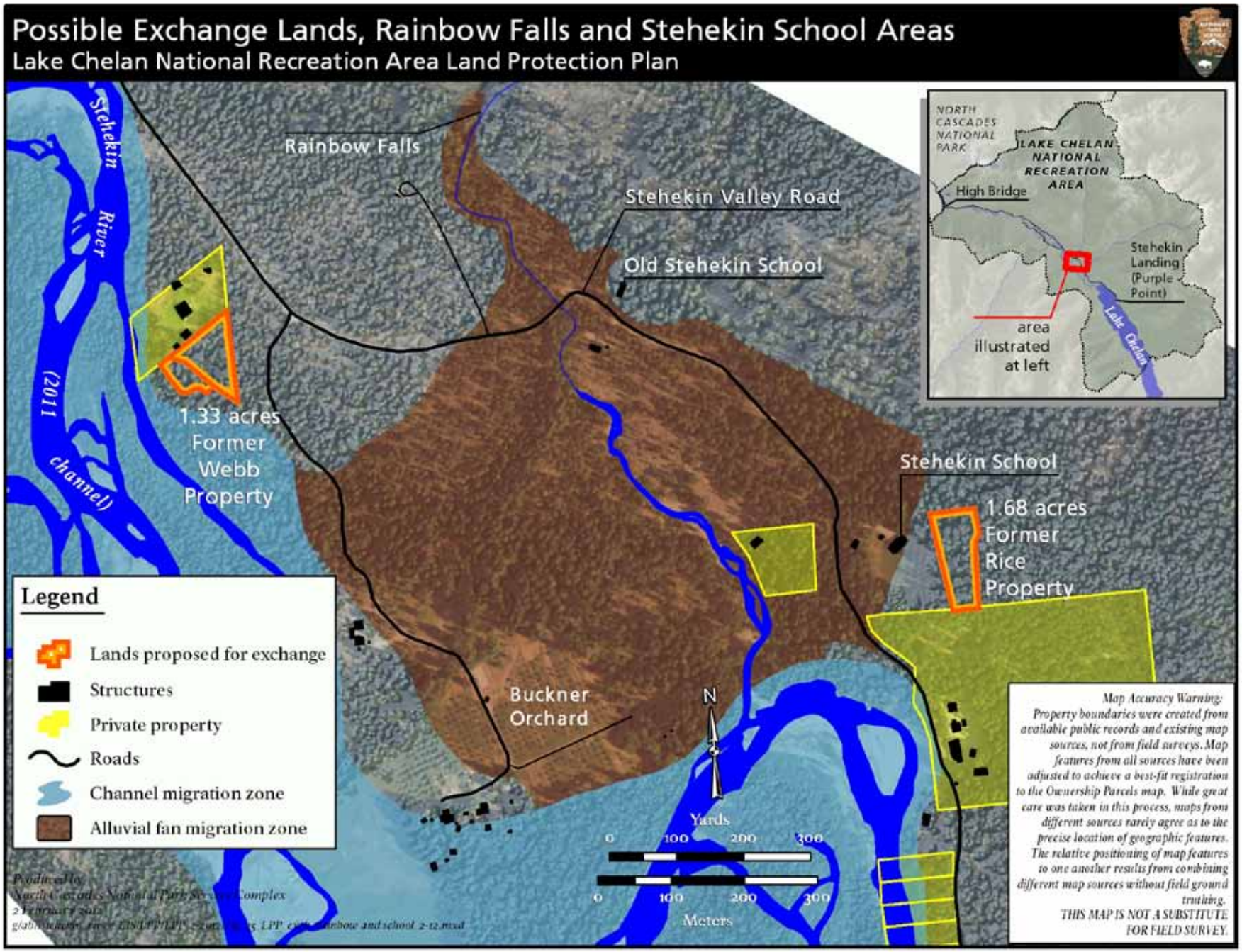
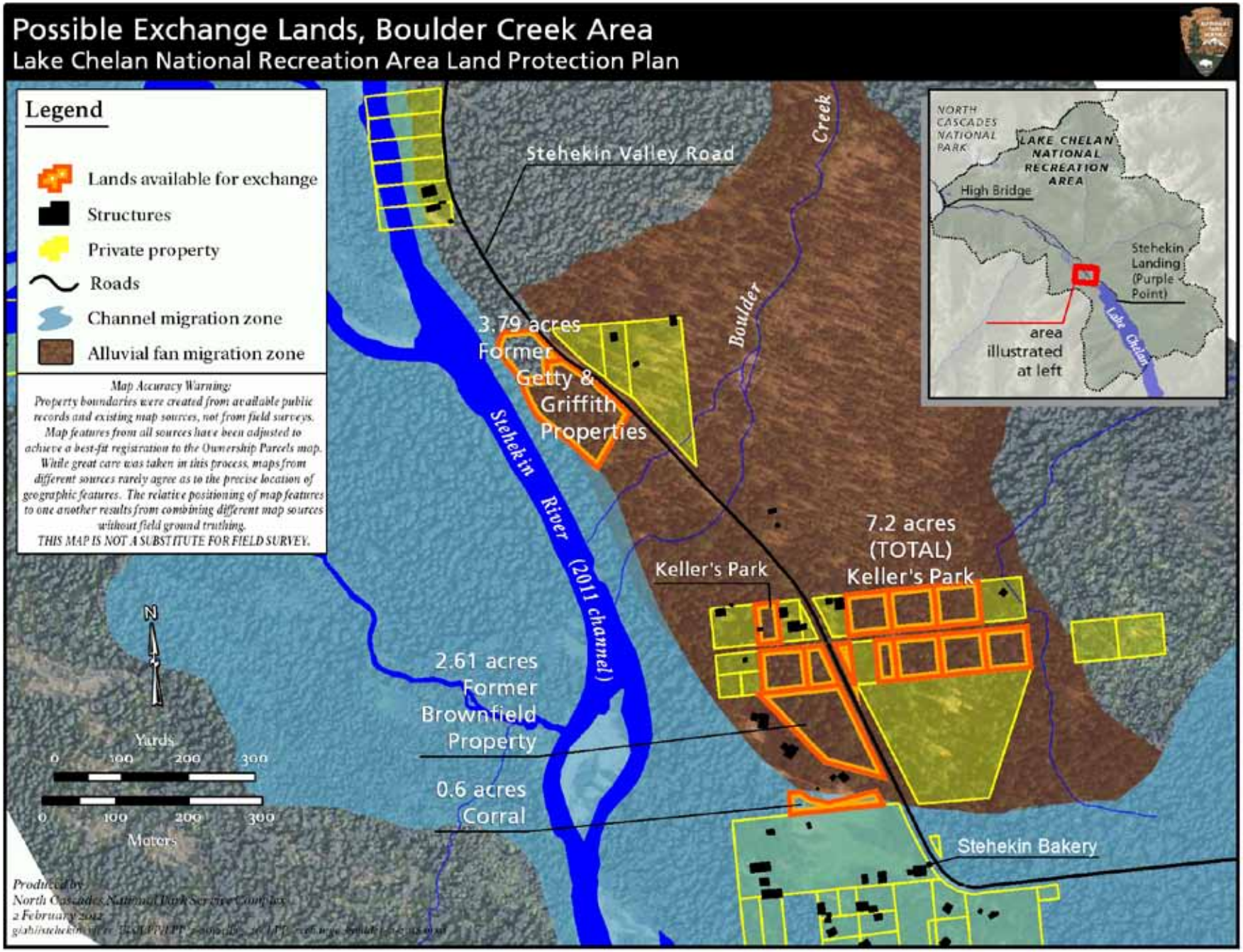


Figure 27: Possible Exchange Lands, Boulder Creek Area



View of Lake Chelan from Rainbow Loop Trail. Photo courtesy of Mendez.

Appendices and List of Preparers

Appendix A: Status of Land Protection Program

Nonfederal Land Purchased in fee: 99 tracts – 1202.45 acres

Interest Retained in Property:

Interest Retained:	Original Number Retained	Number Remaining
Life Estate	7	3
Use and Occupancy, Term	8	0

Property Acquired by Complaint in Condemnation: None

Property Acquired by Declaration of Taking: None

Property in Condemnation: None

Statutory Acreage Ceiling: None Established

Funding Status:

	Amount ($)*
Appropriated to date:	$4,566,539
Obligated to date:	$3,600,202

**These amounts are for the entire North Cascades NPS Complex since its creation in 1968: Lake Chelan National Recreation Area, North Cascades National Park, and Ross Lake National Recreation Area. The appropriation and obligation figures are lower than those reported in the 1995 Land Protection Plan due to errors in the earlier figures. The figures above represent the correct amounts as of 2010.*

Photo on Chapter Cover: Lake Chelan Reflections. Photo courtesy of John Chao.

Appendix B: Nonfederal Land Acquired in Fee as of 2011 Lake Chelan National Recreation Area

Table B-1: Nonfederal Land Acquired in Fee in Lake Chelan National Recreation Area (1968-2011)

Tract	Acres	Tract	Acres	Tract	Acres	Tract	Acres	Tract	Acres
01-104	19.36	03-127	1.80	05-116	0.73	06-118	0.95	07-165	14.16
02-101	71.80	03-130	0.35	05-118	0.60	06-121	0.28	07-170	0.54
03-101	24.97	04-118	14.11	05-122	67.73	06-122	0.59	07-171	0.65
03-102	0.39	04-119	0.14	05-129	0.43	07-101	3.25	07-172	1.24
03-103	4.43	04-122	9.95	05-137	0.23	07-111	0.66	07-173	0.60
03-104	1.40	04-125	3.21	05-138	0.43	07-119	8.38	07-174	0.58
03-106	0.32	04-133	0.16	05-139	0.41	07-139	0.98	07-175	0.71
03-107	0.97	04-140	1.26	05-143	3.42	07-140	0.83	07-178	22.57
03-109	0.13	04-141	0.32	05-148	0.77	07-141	0.56	07-180	6.19
03-111	0.13	04-142	0.34	05-151	10.00	07-143	34.62	07-182	0.40
03-112	3.04	04-152	0.17	05-152	94.52	07-144	31.78	07-183	0.60
03-113	0.75	04-159	0.62	05-154	5.90	07-148	0.55	08-100	107.83
03-116	0.13	04-161	1.10	05-156	153.60	07-151	0.86	08-102	103.86
03-118	1.69	04-168	23.30	06-104	1.02	07-155	1.22	08-103	12.40
03-119	2.10	04-170	0.37	06-105	0.61	07-158	15.51	08-104	23.00
03-120	0.09	04-182	0.45	06-107	2.90	07-159	2.96		
03-121	0.42	05-105	40.00	06-108	2.90	07-160	2.00		
03-122	5.70	05-106	13.00	06-109	72.85	07-161	0.63		
03-123	2.00	05-108	1.52	06-110	109.82	07-162	0.15		
03-124	1.80	05-114	3.94	06-112	0.21	07-163	0.16		
03-126	2.80	05-115	0.65	06-117	1.05	07-164	8.89		

Appendix C: Stehekin Overlay District

In the 1995 General Management Plan and Land Protection Plans, the NPS prepared a draft of a proposed overlay district ordinance for Lake Chelan NRA for consideration by Chelan County to adopt as part of their review of land use actions on private land within the Stehekin Valley. This ordinance is being carried forward from that 1995 process as part of the new Land Protection Plan.

The intent of the Stehekin Overlay District would be to provide residents with a framework to use when they consider new building design and permitted uses for their lands. The framework would provide assurance to landowners that the proposed developments would align with the compatibility standards required thru the NRA legislation if they follow the overlay district guidelines. Additional development of private lands will continue in the Stehekin Valley; implementation of this overlay district would ensure that this development meets the compatibility test listed in the enabling legislation. The proposed overlay district is patterned after a similar overlay district within Chelan County, the Icicle Creek Overlay District.

The proposed Stehekin Valley overlay district would have a review board made up of area residents and other interested parties with ex-officio (non-voting) participation by the NPS, which would review all land use development proposals for private lands within the area, and make recommendations to Chelan County regarding the appropriateness of each land use proposal.

1. Objectives. Design review for the Stehekin Valley is intended to accomplish the following objectives:

    a) Encourage uses on public and private lands that can be developed and used compatibly with the purposes of the Lake Chelan National Recreation Area, emphasizing those uses that protect area natural processes and resources and provide for safe visitor facilities and services.

    b) Maintain the current level of services for visitors, allowing the private sector to augment services to meet additional demand, on lands determined suitable for such uses.

    c) Maintain compliance with Chelan County and NPS objectives for the area as described in local and state controls and plans, including the Chelan County Zoning Code, Chelan County Shoreline Master Program, Chelan County Sensitive Areas Ordinances, NPS Architectural Character Guidelines and Management Objectives-Lake Chelan National Recreation Area, NPS Compatibility Standards, Chelan-Douglas Health District Design Guidelines for Septic and Drainfield Systems, Chelan-Douglas Health District On-site Sewage Disposal System Rules and Regulations, and other local, state, and federal laws and regulations.

    d) Facilitate recreational opportunities while conserving the scenic, scientific, historic, and other values contributing to public enjoyment.

    e) Promote the management, use, and disposal of renewable natural resources and development that are compatible with, or do not significantly impair public recreation and conservation of the scenic, scientific, historic, or other values contributing to public enjoyment and community vitality of the district.

2. Applicability

    [The formal legal description of the subject area will be presented here.]

3. Design Review Committee

    For the Stehekin Valley Design Review Overlay District, the Design Review Committee will consist of five voting

members who will be registered voters and/or property owners within the planning area. The five voting members will be appointed as follows: three members appointed by the Chelan County Commissioners, one appointed by the Chelan County PUD, and one appointed by the Commissioner of Public Lands. They will be assisted by expert, ex-officio (non-voting) members, including a professional hydrologist and a public health sanitarian (both designated by Chelan County), a planner employed by Chelan County, an NPS resource specialist, a planner or landscape architect affiliated with or designated by the NPS, and a wildlife biologist designated by the NPS. All members will be appointed and will serve in accordance with this ordinance, except that ex-officio members affiliated with the NPS will be appointed by the park superintendent.

4. Review Responsibilities

The Stehekin Valley Design Review Committee will review and make recommendations on all land use and development matters within the district subject to Chelan County jurisdiction, including but not limited to:

- Grading, building, and other related permits and approvals;
- Conditional use permits;
- Variances;
- Zone changes;
- Planned unit developments;
- Shoreline substantial development permits;
- Comprehensive plan modifications;
- Short and long subdivisions; and
- Minimum lot sizes and densities.

5. All Uses Conditional

In the Stehekin Valley Design Review Overlay District, all otherwise permitted uses will be deemed conditional uses. The recommendation of the Design Review Committee on such uses will be given substantial weight by the zoning adjustor, Chelan County Hearing Examiner, Board of County Commissioners, and other bodies in deciding applications within the district. Uses appropriate in one area of the district may be subject to conditioning or denial in another (e.g., siting of commercial facility in inappropriate scenic area).

All applications will be reviewed on the following criteria:

a) Consistency with the objectives for the district will be sought.

b) Early termination of uses inconsistent with the objectives of the district will be encouraged.

c) Otherwise permitted development will not be approved if clearly inconsistent with adopted NPS compatibility standards (e.g., development in areas designated as having resources with high priority for protection).

d) Degradation of critical/sensitive natural resources will not be permitted.

e) Suitability of location in light of objectives for the district will be encouraged.

f) Arrangements for use by general public consistent with objectives of the district will be encouraged.

g) Uses that result in less consumption of resources and conservation of both renewable and nonrenewable resources will be encouraged over more consumptive alternatives.

h) Conversion of existing facilities to uses compatible with the purposes of the district will be encouraged.

i) Uses that may result in degradation of water quality or pollution will be discouraged.

j) The construction or siting of building on slopes with gradient greater than 20 percent without assurances of acceptable mitigation measures will be discouraged to

minimize the potential for erosion; hazards to public safety and health; and any adverse impacts on the recreation, scenic, scientific, and historic values of the area.

k) The clustering of structures is encouraged in order to promote open space scenic quality, resource conservation, and the efficient provision of visitor services. In developing overnight visitor accommodations, the combining of accommodation units may also be permitted.

6. Specific Uses

a) Permitted Conditional Uses: When consistent with the above criteria, permitted conditional uses at appropriate locations will include:

- Small-scale visitor lodging and/or campgrounds;
- NPS and concession housing;
- Food service;
- Administrative and office facilities for governmental purposes;
- Commercial and retail services consistent with the purpose of the area;
- Utility facilities and ancillary services; and
- Private residential uses.

b) Restricted Uses: In addition to restrictions noted above, the following additional restrictions apply to uses specified below.

- Applications for construction of multifamily dwellings will not be approved unless they would facilitate achieving otherwise permitted residential density while avoiding construction in critical or sensitive areas.
- Manufacturing or industrial uses not historically typical of the lower Stehekin Valley will not be permitted.
- Mining, except for limited extraction of sand, rock, and gravel for local maintenance use in accordance with an NPS-approved sand, rock, and gravel plan, will not be permitted.

c) For all proposals that would entail the use or consumption of federal property or resources, no approval will be granted unless prior federal approval has been obtained.

Appendix D: Resource Analyses for All Criteria for Private Property in Stehekin

Table D-1: Points Assigned to Private Property in Stehekin Based on Resource Analysis

NPS Tract #	Assessor's Parcel #	Name (as of fall 2011)	Acres	CMZ Deposition Zones	AFMZ	Debris Cones Hazard Zones	Undeveloped Parcels	Rare Habitat	Wetland	Cultural Resources	Total Points	*Scenic Viewpoint
1101	321817120050	Barnhart, Michael J. et ux	8.38	0	0	0	2	1	1	0	4	1
1102	321817130100	McKellar, Richard V., et al	6.39	0	0	0	0	1	1	0	2	1
1103	321817130050	Lewman, Darrel, et al	30.72	0	0	0	6	1	1	0	8	1
2102	321808340050	C& M I, LLC	0.7	0	0	0	0	1	1	0	2	1
2104	321806420050	Kaminski, Perry	6.65	0	0	6	2	1	1	0	10	1
2105	321808340100	Pinnow, Edward M., et al	17.9	0	0	6	4	1	1	0	12	1
2106	321808330050	Kinman, Marilyn M.	0.3	0	0	0	0	1	1	0	2	1
2107	321806420020	Kaminski, Perry	2.49	0	0	0	0	1	1	0	2	1
2108	321806420030	Britt, James M., et us	2.35	0	0	0	0	1	1	0	2	1
2109	321806420040	McMurry, John, et ux	6.28	0	0	0	0	1	1	0	2	1
3100	331831230080, 331831230060	Stifter, Patricia A.	12.95	0	0	0	4	0	1	0	5	4
3108	331831340150	Stevens, John T., et ux	0.11	0	0	10	0	0	0	0	10	4
3125	331831340050	Courtney, Thomas H., et ux, trustees	1	0	0	0	0	0	1	0	1	4
3131	331831340110	Purple Creek Corp.	0.16	0	0	10	0	1	0	0	11	4
4100	331736220900	Hegge, Gary L., et ux	1.73	0	0	0	0	0	1	0	1	0
4101	331736220850	Hegge, Gary L., Trustee	1.73	5	0	0	0	0	1	0	6	0
4102	331736220950	Bouslaugh, Tom A., et ux	1.74	0	0	0	0	0	1	0	1	0
4104	331736220750	Darvill, Virginia T., et al.	4.31	5	0	0	0	1	1	0	7	0
4105	331736220500	Ellis, James L., et ux	0.37	5	0	0	0	0	0	0	5	0
4106	331736220550	Bell, Lloyd	3.65	5	0	0	0	1	1	0	7	0
4108	331736220100	Bishop, James L., et ux	0.59	5	0	0	0	1	0	0	6	0

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NPS Tract #	Assessor's Parcel #	Name (as of fall 2011)	Acres	CMZ Deposition Zones	AFMZ	Debris Cones Hazard Zones	Undeveloped Parcels	Rare Habitat	Wetland	Cultural Resources	Total Points	*Scenic Viewpoint
4110	331736220400	Petersen, Gregory H., et al	0.5	5	0	0	0	1	0	0	6	0
4112	331736220350	McGinness, Collin	4.09	5	0	0	0	1	1	0	7	0
4114	331736220055	Clark, James D.	1.69	5	0	0	0	1	0	0	6	0
4115	331736220060	Weavtel LLC	1.69	0	0	0	0	1	0	0	1	0
4116	331736210100	Morse Resort Inc.	11.67	5	0	0	2	1	1	0	9	0
4117	331736645020	Heimbigner, Christine	0.14	0	0	0	0	1	0	0	1	0
4120	331736645030	Blackburn, Ovidia L., et al	0.69	5	0	0	0	1	1	0	7	0
4121	331736220050	Clark, Judith	6.62	5	0	0	0	1	1	0	7	0
4124	331736420050	McLean, Mark A	0.58	0	2	0	0	1	1	0	4	4
4127	331736121550	Griffiths, William S., et al	0.2	5	0	0	0	0	1	0	6	1
4128	331736121700	Bridges, Jon	0.16	5	0	0	0	0	1	0	6	1
4130	331736121200	Pearl, Warren L.	0.36	0	0	0	0	0	1	0	1	1
4131	331736121050	Parks, Terry V.	0.21	0	0	0	0	0	1	0	1	0
4136	331736120750	Davis, Lewis V., et ux	0.2	5	0	0	0	0	0	0	5	2
4137	331736120700	StewFam LLC	0.18	5	0	0	0	0	1	0	6	1
4139	331736140150	Glenn, Nicholas A.	0.91	0	0	0	0	0	1	0	1	4
4143	331736121000, 331736120950	Sherman, Angela C.	0.33	5	0	0	0	0	1	0	6	2
4144	331736121250	Breeze, William E.	0.28	5	0	0	0	0	1	0	6	4
4145	331736121500	Freeman, Lillian A., et al	0.22	5	0	0	0	0	1	0	6	0
4147	331736121600	Hubbard, Duane L., et ux	0.2	5	0	0	0	0	1	0	6	1
4148	331736121350 331736121300 331736121400	Dinwiddie, Randall R.	0.7	5	0	0	0	0	1	0	6	4
4149	331736120350	Stehekin Joint Venture LLC	0.24	5	0	0	0	0	1	0	6	0
4150	331736121450	Dinwiddie, Randall R., et ux	0.24	5	0	0	0	0	1	0	6	4
4153	331736220600	Libbey, Caroline L.	0.2	0	0	0	0	1	0	0	1	0
4154	331736120200	Buehler, Walter E., et al, Trustees	0.53	5	0	0	0	0	1	0	6	4
4155	331736120150	Bohn, Willis C., et al, Trustees	0.32	5	0	0	0	0	1	0	6	2

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NPS Tract #	Assessor's Parcel #	Name (as of fall 2011)	Acres	CMZ Deposition Zones	AFMZ	Debris Cones Hazard Zones	Undeveloped Parcels	Rare Habitat	Wetland	Cultural Resources	Total Points	*Scenic Viewpoint
4156	331736120100	Liberty, Janet L., et al	0.64	5	0	0	0	0	1	0	6	4
4157	331736120050	First United Methodist Church	0.55	0	0	0	0	0	1	0	1	2
4158	331736110150	Higgins, Ben C., et al	0.48	5	0	0	0	0	1	0	6	2
4162	331736140050	Morehead, Harriet O., Trustee	0.55	0	0	0	0	0	1	0	1	2
4163	331736140100	Hazell, Marjorie J.	0.71	0	0	0	0	0	1	0	1	2
4165	331736120900, 331736120850, 331736120800	Menefee, Jill D., et al	0.56	5	0	0	0	0	1	0	6	0
4166	331736121100	Blackburn, Ovidia L., et al	0.66	0	0	0	0	0	1	0	1	0
4169	NO DATA	Parks, Terry	0.42	0	0	0	0	0	1	0	1	0
4172	NO DATA	Parks, Terry	0.72	0	0	0	0	0	1	0	1	0
4173	NO DATA	Blackburn, Ovidia L., et al	0.75	0	0	0	0	0	1	0	1	1
4177	331736220300	Kelly, Patrick J., et al	0.48	5	0	0	0	1	0	0	6	0
4178	33173622050	Goodwin, Richard H., Jr., et al	0.48	0	0	0	0	1	0	0	1	0
4179	331736110100	Gaukroger, James G.	0.55	0	0	0	0	0	1	0	1	2
4180	331736110050	Gaukroger, Robin R.	0.55	0	0	0	0	0	1	0	1	4
4181	331736645016	Parks, Terry	0.03	0	0	0	0	1	0	0	1	0
4183	331736121650	Griffith, Jimmy E., et al	0.18	5	0	0	0	0	1	0	6	4
4184	331736121850, 331736645005	Gordon, Carole B., Custodian	0.48	5	0	0	0	0	1	0	6	0
4186	331736121750	Skidz LLC	0.21	0	0	0	0	0	1	0	1	4
4187	331736120300	Davis, Lewis V., et ux	0.35	5	0	0	0	0	1	0	6	4
4188	331736121150	Parks, Terry	2.98	5	0	0	0	0	1	0	6	4
4189	331736121255	Noble, Daniel, et ux	0.22	5	0	0	0	0	1	0	6	4
4190	331736220650	Courtney, Cragg, et ux, Trustees	0.18	5	0	0	0	1	0	0	6	0
4191	331736220700	Libbey, Caroline	0.38	5	0	0	0	1	0	0	6	0
4192	331736220551	Karapostoles, Caitlin, et al	1	5	0	0	0	0	0	0	5	0
4193	331736221010, 331736220150	Parsons, Jeffrey L., et ux	1.18	5	0	0	0	1	0	0	6	0

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NPS Tract #	Assessor's Parcel #	Name (as of fall 2011)	Acres	CMZ Deposition Zones	AFMZ	Debris Cones Hazard Zones	Undeveloped Parcels	Rare Habitat	Wetland	Cultural Resources	Total Points	*Scenic Viewpoint
4194	331736220155	Courtney, Mistaya M. (CP)	0.48	0	0	0	0	1	0	0	1	0
4195	331736221005	Theubet, James H., Trustee	0.48	5	0	0	0	1	0	0	6	0
4197	331736220200	Kelly, William L., et ux, Trustees	0.48	5	0	0	0	0	0	0	5	0
4198	331736221015	Seemiller, Joseph	0.48	0	0	0	0	1	0	0	1	0
4199	331736221020	Griffith, Frederick L., et al	0.48	5	0	0	0	1	0	0	6	0
5102	331726240200, 331726240250	Kelly, William L., et ux, Trustees	1.68	0	0	0	0	1	1	0	2	0
5104	331726120050	Gans, William C., Jr., et al	2	0	2	0	0	1	0	0	3	0
5107	331726110210	Sherer, Wesley, M., et ux	4.85	1	0	0	0	1	1	0	3	0
5109	331726140150	Raymond, Charles F., et ux	1.52	0	0	0	0	1	1	0	2	0
5111	331726140250	Raymond, Charles F., et ux	0.76	0	0	0	0	1	1	0	2	0
5112	331726140300	Jacobson, Neal, et ux	0.76	0	0	0	0	1	1	0	2	0
5113	331726140350	Weagent, Rodney W., et al	0.76	0	0	0	0	1	1	0	2	0
5119	331726410100	Story, Michael J., et ux	0.7	0	0	0	0	0	0	0	0	0
5120	331726140400	Scutt, Ronald W., et ux, Trustees	0.76	0	0	0	0	1	1	0	2	0
5121	331725330100, 331725330050	Courtney, Cragg, et ux, Trustees	6.76	5	0	0	0	1	0	0	6	0
5123	331726110210	Sherer, Wesley, M., et ux	22.15	0	0	0	4	1	0	0	5	0
5124	331725645040	Morehead, Dwight T., et ux	0.21	0	0	0	0	1	0	0	1	0
5125	331725645048	Courtney, Reed	0.41	0	0	0	0	1	0	0	1	0
5126	331725645055	Denning, Michael	0.85	0	0	0	0	1	0	0	1	0
5127	331725645060	Hudak, Renee Y., et al	0.85	0	0	0	0	1	0	0	1	0
5128	331725645005	Ward, Norma V.	0.85	0	2	0	0	1	0	0	3	0
5130	331725645010	Courtney, Thomas H., et ux, trustees	0.43	0	2	0	0	0	0	0	2	0
5132	331725330155	Courtney, Cragg, et ux, Trustees	7.15	0	1	0	2	0	0	0	3	0
5133	331725430050	Staley, James E., et al	0.85	0	2	0	0	1	1	0	4	0
5135	331725430050	Buehler, Thomas M., et al	27.65	2	0	0	6	1	1	0	10	4
5136	331725430200	Nielsen, Robert C., et ux	0.34	5	0	0	0	0	0	0	5	1
5140	331726240150	Carpenter, Adrienne, et al	2.13	0	0	0	0	1	1	0	2	0

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NPS Tract #	Assessor's Parcel #	Name (as of fall 2011)	Acres	CMZ Deposition Zones	AFMZ	Debris Cones Hazard Zones	Undeveloped Parcels	Rare Habitat	Wetland	Cultural Resources	Total Points	*Scenic Viewpoint
5141	331726240100	Sargo, Herbert J., et al	2.17	4	0	0	0	1	1	0	6	0
5142	331726240050	Gans, William C., Jr., et al	2.48	4	0	0	0	1	1	0	6	0
5144	331725645045	Morehead, Lawrence E., et ux	0.21	0	0	0	0	1	0	0	1	0
5145	331726410050	Story, Michael J., et ux	0.65	0	2	0	0	0	0	0	2	0
5147	331725645035	Morehead, Harriet O., Trustee	0.42	0	2	0	0	1	0	0	3	0
5150	331725645020, 331725645025	Courtney, Thomas H., et ux, trustees	0.58	0	2	0	0	0	0	0	2	0
5157	331726410250	Goodwin, Richard H., Jr., et al	2.99	0	2	0	0	0	0	0	2	0
5158	331725430150	Gaskill, Karl B.	3.03	1	0	0	0	1	1	0	3	2
5159	331725430300	Gaskill, Karl B.	1.21	5	0	0	0	1	0	0	6	1
5160	331725430170	Gaskill, Karl B.	1.65	5	0	0	0	1	1	0	7	1
6102	331722120050	Fultz, Elizabeth R.	4.06	1	0	0	0	1	1	0	3	0
6106	331723330050	Ward, Vince, et ux	2.9	0	0	0	0	1	1	0	2	0
6111	331722440100	Peterson, Gail	0.21	0	0	0	0	1	0	0	1	0
6113	331722140050	Miles, Michael, R.	0.18	3	0	0	0	1	1	0	5	0
6114	331722140100	Stevens, John T., et ux	0.24	0	0	0	0	0	1	0	1	0
6116	331722120100	Valenti, Ron, et ux	0.7	0	2	0	0	1	1	0	4	0
6119	331722130050	Peterson, B. Jean	6.7	3	1	0	0	1	1	0	6	0
6120	331722140150	Stevens, John C., et al	0.32	0	0	0	0	1	1	0	2	0
7100	331717110050	McConnell, Carolyn A.	4.36	5	0	0	0	1	0	0	6	0
7105	331716220600	Blomberg, John	0.5	0	0	0	0	1	0	0	1	0
7107	331716210600	Courtney, James O., Trustee	1.12	0	0	0	0	1	1	0	2	0
7109	331716220200	Mundal, Anne S., et al	0.71	8	0	0	0	0	1	0	9	0
7110	331736220250	Walker, Allan E., III, et al, Trustees	0.68	8	0	0	0	0	1	0	9	0
7114	331716120075	Duke, Loretta	2.15	0	0	0	0	1	1	0	2	0
7115	331716120050	Thompson, Laura J., et al	2.15	0	0	0	0	1	1	0	2	0
7116	331716220150	Neuzil Living Trust	1.6	10	0	0	0	1	1	0	12	0
7121	331716440005	Robbins, Jeffrey C., et ux	0.41	0	0	0	0	0	0	0	0	0

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7122	331716440050	Saulsbury, David, et ux	2.32	0	0	0	0	1	1	0	2	0
7124	331716440200	Lavender, Teresa	1.18	4	0	0	0	1	0	0	5	0
7125	331716410450	Evans, Linda R., et al	2.48	4	0	0	0	1	1	0	6	0
7127	331716410550, 331716410600, 331716410650, 331716410850	Winkel, Alvy H., et ux	1.78	4	0	0	0	1	1	0	6	0
7130	331716410750	Burhen, William S., et ux	2	4	0	0	0	1	1	0	6	0
7131	331716410800	Bingham, John R., et ux	0.97	4	0	0	0	0	1	0	5	0
7133	331716410300, 331716410250, 331716410200	Winkel, Martin E., et ux	6.19	4	0	0	0	0	1	0	5	0
7134	331716410400, 331716410350	Winkel, Alvy H., et ux	0.7	4	0	0	0	0	1	0	5	0
7138	331716410150, 331716410100	Scutt, Ronald W., et ux, Trustees	2	4	0	0	0	1	1	0	6	0
7142	331716140050	Scherer, Jonathan, et ux	9.95	2	0	0	2	0	1	0	5	0
7145	331716410950	Pitts, Edward D., et ux	0.97	4	0	0	0	1	0	0	5	0
7147	331716410900	Pitts, Edward D., et ux	0.71	4	0	0	0	0	1	0	5	0
7149	331716220500	Barnhart, Michael J.	0.61	8	0	0	0	1	0	0	9	0
7150	331716220450	Barnhart, Michael J.	1.01	8	0	0	0	1	0	0	9	0
7153	331716220300	Schmid, Walter D.	0.9	8	0	0	0	1	0	0	9	0
7157	331709330050	Leader, Thomas W., et al	28.7	6	0	0	6	1	1	1	15	0
7166	331716410500	Pitts, Donald, et ux	0.32	0	0	0	0	1	1	0	2	0
7168	331716411000	Pitts, Edward D., et ux	0.47	4	0	0	0	1	0	0	5	0
7176	331716210100	Leaf, Robert H., et al	2.48	10	0	0	0	1	1	0	12	0
7177	331716210250	Thompson Family Trust	0.64	6	0	0	0	1	1	0	8	0
7179	331716220350	Nawalinski, Thomas E., et ux	0.9	8	0	0	0	1	0	0	9	0
7184	331716210300	Woodward, Douglas L.	0.8	6	0	0	0	1	1	0	8	0
7185	331716210050	Lehman, Robert A., et ux, Trustees	0.97	6	0	0	0	1	1	0	8	0

The "Scenic Viewpoint" column above is not considered in the "Total Score" for each parcel, but rather is used for scenic easement considerations according to the criteria described in Chapter 5 of this Land Protection Plan.

NPS Tract #	Assessor's Parcel #	Name (as of fall 2011)	Acres	CMZ Deposition Zones	AFMZ	Debris Cones Hazard Zones	Undeveloped Parcels	Rare Habitat	Wetland	Cultural Resources	Total Points	*Scenic Viewpoint
7186	331716120100	Mitchell, Robert D., Jr., et al	3.53	2	0	0	0	1	1	0	4	0
7187	331716411050	Parlette, Linda O'Neal, et al	0.1	0	0	0	0	0	0	0	0	0
7188	NO DATA	Unknown (Company Creek Road)	0.61	0	0	0	0	1	0	0	1	0
7189	331716440150	Kurth, David W., et ux	0.58	4	0	0	0	1	0	0	5	0
7190	331716440100	Morrison, Randy C.	0.53	4	0	0	0	1	1	0	6	0
7191	331716440260	Garfoot, Wendy	3	4	0	0	0	1	1	0	6	0
7192	331716440250	Robbins, Jeffrey C., et ux	1.4	0	0	0	0	1	0	0	1	0
7193	331716240050	Courtney, James O.	2.99	0	0	0	0	1	1	0	2	0
7195	331716240100	Courtney, Thomas H., et ux, trustees	3.02	0	0	0	0	1	1	0	2	0
7196	331716240200	Courtney, Mark L.	2.01	0	0	0	0	1	1	0	2	0
7197	331716240250	Courtney, Clifford G.	2.02	5	0	0	0	1	1	0	7	0
7198	331716240300	Courtney, Clifford G.	2.02	5	0	0	0	1	1	0	7	0
7199	331716120150	Danielson Stehekin Cabin Mgt, LLC	4.97	10	0	0	0	1	1	0	12	0
7200	331709340100	Bowles, Stephen B., et ux, Trustees	1.74	8	0	0	0	1	1	0	10	0
7201	331709340300	Ramos, Myra	3	8	0	0	0	1	1	0	10	0
7202	331716220900	Blomberg, John	0.09	0	0	0	0	1	1	0	2	0
7204	331716410850	Robinson, Aaron D.	0.4	4	0	0	0	1	1	0	6	0
8101	331707000050	Ray and Esther Courtney Family, LLC, et al	20	4	0	0	4	0	1	1	10	0
8105	331707240055	Courtney, Clifford G.	5.6	0	0	0	0	0	1	0	1	0

The "Scenic Viewpoint" column above is not considered in the "Total Score" for each parcel, but rather is used for scenic easement considerations according to the criteria described in Chapter 5 of this Land Protection Plan.

Appendix E: Lake Chelan National Recreation Area Enabling Legislation (Public Law 90-544)

North Cascades Complex

An Act to establish the North Cascades National Park and Ross Lake and Lake Chelan National Recreation Areas, to designate the Pasayten Wilderness and to modify the Glacier Peak Wilderness, in the State of Washington, and for other purposes (82 Stat. 926).

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

TITLE I - NORTH CASCADES NATIONAL PARK

SEC. 101. In order to preserve for the benefit, use, and inspiration of present and future generations certain majestic mountain scenery, snowfields, glaciers, alpine meadows, and other unique natural features in the North Cascade Mountains of the State of Washington, there is hereby established, subject to valid existing rights, the North Cascades National Park (hereinafter referred to in this Act as the "park"). The park shall consist of the lands, waters, and interests therein within the area designated "national park" on the map entitled "Proposed Management Units, North Cascades, Washington," numbered NPCAS-7002, and dated October 1967. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior, and in the office of the Chief, Forest Service, Department of Agriculture.

TITLE II - ROSS LAKE AND LAKE CHELAN NATIONAL RECREATION AREAS

SEC. 201. In order to provide for the public outdoor recreation use and enjoyment of portions of the Skagit River and Ross, Diablo, and Gorge Lakes, together with the surrounding lands, and for the conservation of the scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Ross Lake National Recreation Area (hereinafter referred to in this Act as the "recreation area"). The recreation area shall consist of the lands and waters within the area designated "Ross Lake National Recreation Area" on the map referred to in section 101 of this Act.

SEC. 202. In order to provide for the public outdoor recreation use and enjoyment of portions of the Stehekin River and Lake Chelan, together with the surrounding lands, and for the conservation of the scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Lake Chelan National Recreation Area (hereinafter referred to in this Act as the "recreation area"). The recreation area shall consist of the lands and waters within the area designated "Lake Chelan National Recreation Area" on the map referred to in section 101 of this Act.

TITLE III - LAND ACQUISITION

SEC. 301. Within the boundaries of the park and recreation areas, the Secretary of the Interior (hereinafter referred to in this Act as the "Secretary") may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that he may not acquire any such interests within the recreation areas without the consent of the owner, so long as the lands are devoted to uses compatible with the purposes of this Act. Lands owned by the State of Washington or any political subdivision thereof may be acquired only by donation. Federal property within the boundaries of the park and recreation areas is hereby transferred to the administrative jurisdiction of the Secretary for administration by him as part of the park and recreation

areas. The national forest land within such boundaries is hereby eliminated from the national forests within which it was heretofore located.

SEC. 302. In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the park and recreation areas and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction in the State of Washington which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

SEC. 303. Any owner of property acquired by the Secretary which on the date of acquisition is used for agricultural or single-family residential purposes, or for commercial purposes which he finds are compatible with the use and development of the park or the recreation areas, may, as a condition of such acquisition, retain the right of use and occupancy of the property for the same purposes for which it was used on such date, for a period ending at the death of the owner or the death of his spouse, whichever occurs later, or for a fixed term of not to exceed twenty-five years, whichever the owner may elect. Any right so retained may during its existence be transferred or assigned. Any right so retained may be terminated by the Secretary at any time after the date upon which any use of the property occurs which he finds is a use other than one which existed on the date of acquisition. In the event the Secretary terminates a right of use and occupancy under this section, he shall pay to the owner of the right the fair market value of the portion of said right which remains unexpired on the date of termination.

TITLE IV - ADMINISTRATIVE PROVISIONS

SEC. 401. The Secretary shall administer the park in accordance with the Act, of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), as amended and supplemented.

SEC. 402. (a) The Secretary shall administer the recreation areas in a manner which in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment: and (3) such management, utilization, and disposal of renewable natural resources and the continuation of such existing uses and developments as will promote or are compatible with, or do not significantly impair, public recreation and conservation of the scenic, scientific, historic, or other values contributing to public enjoyment. In administering the recreation areas, the Secretary may utilize such statutory authorities pertaining to the administration of the national park system, and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate for recreation and preservation purposes and for resource development compatible therewith.

(b) The lands within the recreation areas, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary, under such reasonable regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interest in lands within the recreation areas in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387), and he may permit the removal of leasable minerals from lands or interests in lands within the recreation areas in accordance with the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7,1947 (30 U.S.C. 351 et seq.), if he finds that such disposition would not have significant adverse effects on the administration of the recreation areas.

(c) All receipts derived from permits and leases issued on lands or interests in lands within the recreation areas under the Mineral Leasing Act of February 25, 1920, as amended, or the Acquired Lands Mineral Leasing Act of August 7, 1947, shall be disposed of as provided in the applicable Act; and receipts from the disposition of nonleasable minerals within the recreation areas shall be disposed of in the same manner as moneys received from the sale of public lands.

(d) The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the recreation areas in accordance with applicable laws of the United States and of the State of Washington, 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 and wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Department of Game of the State of Washington.

(e) The Secretary shall not permit the construction or use of any road within the park which would provide vehicular access from the North Cross State Highway to the Stehekin Road. Neither shall he permit the construction or use of any permanent road which would provide vehicular access between May Creek and Hozomeen along the east side of Ross Lake.

TITLE V - SPECIAL PROVISIONS

SEC. 501. The distributive shares of the respective counties of receipts from the national forests from which the national park and recreation areas are created, as paid under the provisions of the Act of May 23, 1908 (35 Stat. 260), as amended (16 U.S.C. 500), shall not be effected by the elimination of lands from such national forests by the enactment of this Act.

SEC. 502. Where any Federal lands included in the park or recreation areas are legally occupied or utilized on the effective date of this Act for any purpose, pursuant to a contract, lease, permit, or license issued or authorized by any department establishment, or agency of the United States, the Secretary shall permit the persons holding such privileges to continue in the exercise thereof, subject to the terms and conditions thereof, for the remainder of the term of the contract, lease, permit, or license or for such longer period of time as the Secretary deems appropriate.

SEC. 503. Nothing in this Act shall be construed to affect adversely or to authorize any Federal agency to take any action that would affect adversely any rights or privileges of the State of Washington in property within the Ross Lake National Recreation Area which is being utilized for the North Cross State Highway.

SEC. 504. Within two years from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall agree on the designation of areas within the park or recreation areas or within national forests adjacent to the park and recreation areas needed for public use facilities and for administrative purposes by the Secretary of Agriculture or the Secretary of the Interior, respectively. The areas so designated shall be administered in a manner that is mutually agreeable to the two Secretaries, and such public use facilities, including interpretive centers, visitor contact stations, lodges, campsites, and ski lifts, shall be constructed according to a plan agreed upon by the two Secretaries.

SEC. 505. Nothing in this Act shall be construed to supersede, repeal, modify, or impair the jurisdiction of the Federal Power Commission under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), in the recreation areas.

SEC. 506. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than $3,500,000 shall be appropriated for the acquisition of lands or interest in lands.

TITLE VI - WILDERNESS

SEC. 601. (a) In order to further the purposes of the Wilderness Act, there is hereby designated, subject to valid existing rights, the Pasayten Wilderness within and as a part of the Okanogan National Forest and the Mount Baker National Forest, comprising an area of about five hundred thousand acres lying east of Ross Lake, as generally depicted in the area designated as “Pasayten Wilderness” on the map referred to in section 101 of this Act.

(b) The previous classification of the North Cascades Primitive Area is hereby abolished.

SEC. 602. The boundaries of the Glacier Peak Wilderness, an area classified as such more than thirty days before the effective date of

the Wilderness Act and being within and a part of the Wenatchee National Forest and the Mount Baker National Forest, subject to valid existing rights, are hereby extended to include portions of the Suiattle River corridor and the White Chuck River corridor on the western side thereof, comprising areas totaling about ten thousand acres, as depicted in the area designated as "Additions to Glacier Peak Wilderness" on the map referred to in section 101 of this Act.

SEC. 603. (a) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the Pasayten Wilderness and of the Glacier Peak Wilderness, as hereby modified, with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: Provided, however, That correction of clerical or typographical errors in such legal descriptions and maps may be made.

(b) Upon the filing of the legal descriptions and maps as provided for in subsection (a) of this section the Pasayten Wilderness and the additions to the Glacier Peak Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act and thereafter shall be subject to the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 604. Within two years from the date of enactment of this Act, the Secretary of the Interior shall review the area within the North Cascades National Park, including the Picket Range area and the Eldorado Peaks area and shall report to the president, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendation as to the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness area shall be accomplished in accordance with said subsections of the Wilderness Act.

List of Preparers

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As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering sound use of our land and water resources; protecting our fish, wildlife, and biological diversity; preserving the environmental and cultural values of our national parks and historical places; and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people by encouraging stewardship and citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

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Clouds over Lake Chelan. Photo courtesy of volunteer photographer John Chao.

National Park Service
U.S. Department of the Interior

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