

Lake Chelan National Recreation Area

Washington

Draft Land Protection Plan

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Lake Chelan
National Recreation Area, Washington

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 to respond to the changing Stehekin River flood conditions within the Stehekin Valley since that time. Consistent with guidelines, this plan sets priorities for acquisition of interest for all private lands within LACH, based on an objective set of nine 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). The CMZ is defined as where the Stehekin River has historically migrated over the last 1,000 years. This plan does not constitute an offer to buy or exchange property; all transactions are handled individually on a willing seller/ willing buyer basis.

Lake Chelan National Recreation Area

1. Current ownership (acres):

Federal	59,337.01
State	1994.43
Chelan County Public Utility District #1	198.94
Stehekin School District	3.20
Private	417.47*

** As of July 2009 there are 417.47 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	66	271.50
MEDIUM	98	141.22
LOW	4	4.75

4. Other actions:

	Areas	Acres
Federal land available for exchange	7	23.81

5. **High priority:** The highest priority for acquisition of interest is on properties that lie within the Stehekin River CMZ and/or have other resource concerns that cumulatively elevate the need to protect the properties for resource protection. The full list of resource values considered for each parcel includes the relationship of each parcel to the Stehekin River CMZ or alluvial fan migration zone, development on a parcel, urgency of threat with respect to erosion and flooding, wetlands, habitat for rare/protected species, opportunity to reduce habitat fragmentation, opportunity for public use/access, and cultural resources.

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Introduction

Chapter

1





1. Introduction

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 National Park Service (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.

1.1 Purpose of the Plan

The purpose of this plan is to update the 1995 Lake Chelan NRA (LACH) Land Protection Plan in light of new conditions created by the record floods that have occurred since 1995. Impacts associated with this revision will be analyzed as part of the Stehekin River Corridor Implementation Plan (SRCIP). Both plans are being written to implement the goals and objectives of the 1995 General Management Plan by incorporating new information and to respond to changing conditions within the Stehekin Valley. This Land Protection Plan is matched with the implementation of the Preferred Alternative (Alternative 2) in the SRCIP; if SRCIP Alternative 4 would be selected for implementation, then the revised Land Protection Plan would instead be based on the Alternative 4 information discussed in Appendix D of this plan and in Appendix 12 of the SRCIP/Draft EIS. NPS Management Policies (2006) also directs that Land Protection Plans be periodically updated.

The guiding principle of each Land Protection Plan is to ensure the protection of that unit of the national park system consistent with the enabling legislation and the stated purposes for which the unit was created and administered, NPS management policies, applicable laws and regulations, and the 1995 General Management Plan. 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 changes to the hydrology and floodplain of the Stehekin River. This revision also takes advantage of updated information on natural and cultural resources identified through ongoing research and monitoring programs. Changing climatic conditions are resulting in larger and more frequent floods within the Stehekin Valley, which have caused considerable damage to public and private developments. The associated SRCIP identifies sustainable management strategies and actions that will allow water from large floods to occupy the floodplain, help maintain park facilities and road access in the Valley, and support the sustainability of visitor services provided by the Stehekin community. This Land Protection Plan focuses more specifically on protecting the purposes of the public lands primarily by identifying private tracts most at risk from flooding and bank erosion and identifying federal lands possibly suitable for exchange outside the Stehekin River CMZ.

Once plans have been approved, revisions or updates will be made to reflect changing river and valley land conditions and management objectives.

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.

1.3 Management Goal / Objectives

The goal is to ensure that land uses on public and private lands are compatible with the purposes of Lake Chelan National Recreation Area (NRA), emphasizing those uses that protect natural and cultural resources, promote appropriate land uses compatible with the purposes for which LACH was created, and provide for safe and sustainable visitor facilities and services. Through prior planning efforts, most notably the 1995 General Management Plan, the NPS recognizes the value of the private land-based community in Stehekin.

The Plan serves seven principal management objectives:

- Protect Lake Chelan NRA from land uses and developments that are incompatible with the purposes of the recreation area.

- Actively support removing threatened private land development from within the Stehekin River CMZ to ensure the long-term sustainability of structures and developments and protect natural, cultural, recreational, and scenic resources within the Valley.
- Actively support local government in their regulation of nonfederal land within the Stehekin Valley, which places primary reliance on adopted Chelan County zoning ordinances, subdivision, and other applicable ordinances and regulations that ensure that the public health and safety of Stehekin Valley residents and visitors are maintained or enhanced.
- Encourage Chelan County to have a process by which Stehekin Valley residents can actively participate in and provide meaningful input to the Chelan County land use decision process regarding the regulation of private land uses within critical areas of the Stehekin Valley.
- Ensure that applicable laws and policies of the state of Washington, including but not limited to the Clean Water Act, health and safety regulations, and Washington Growth Management Act provisions are followed.
- Provide a basis for meaningful and constructive NPS review of proposals for land use change on private land within the Stehekin Valley in order to ensure that all uses and land developments are compatible with the purposes of Lake Chelan NRA or consistent with sustainable practices within the Stehekin River CMZ.
- Maintain an effective NPS capability to acquire or exchange for full or partial interests in private lands, conducted on a willing buyer/willing seller basis, to augment the land protection measures provided by county land use authority and compatibility determinations.

1.4 Guidelines

The following guidelines form the basis for this Land Protection Plan:

- Emphasis on local zoning and other land use authorities of county and state government to regulate private land uses within the Stehekin Valley;
- Remove developments located within the Stehekin River CMZ;
- Encourage Chelan County to provide timely review of Stehekin Valley land use proposals, and an appropriate forum to provide this input to Chelan County government;
- Accept new residential and other private land uses that are compatible with the purposes of Lake Chelan NRA;
- Accept new commercial uses on private lands that provide visitor and resident services and that are compatible with the purposes of Lake Chelan NRA;
- Accept new industrial uses on private lands that are typical of and compatible with historical industrial uses within the Stehekin Valley and that are compatible with the purposes of Lake Chelan NRA;
- Encourage land uses that consume a low level of resources. By doing so this would further efforts in the conservation of both renewable and nonrenewable resources;
- Encourage new construction and conversion of existing facilities that adhere to sustainable design principles;





- Identify those properties that have a high priority for acquisition based on long-term sustainability for public access and developments within the valley, resource sensitivity and values, or to provide for compatible visitor use and public community needs consistent with the purposes of Lake Chelan NRA and other legislated mandates. Areas that have a special high priority for protection are those that are near an active eroding river bank within the CMZ of the Stehekin River or its tributaries. Other high priority areas include wetlands, large unbroken tracts of wildlife habitat, areas having potential for public use/access, presence of cultural resources, and developments within the CMZ that currently are threatened by flooding and erosion from the river and major side channels.
- Use land exchanges to protect natural, cultural, and scenic resources within Lake Chelan NRA. The NPS priority is to offer the exchange of private lands having resources that are identified as high priority in this Land Protection Plan for public land from previously-acquired private tracts deemed suitable for residential uses and having resources with a no or low priority for protection.
- Emphasize, where appropriate, with the cooperation of the landowner, opportunities for easement purchases and other less-than-fee (e.g., conservation/scenic easements) interests for resource protection and public use. This will allow greater flexibility in the protection of high priority resources, including scenic areas, and could provide an alternative method of achieving public non-motorized recreational trail access to lakes, rivers, and streams, and other sites within Lake Chelan NRA.
- Continue willing seller / willing buyer acquisitions for properties with areas that have a high priority for resource protection when public needs have been identified, appropriated funds are available, or appropriate lands are available for exchange. The NPS will consider other factors on a case-by-case basis in making final determinations to acquire property. Private lands consisting primarily of areas with a low priority for protection based on threats of incompatibility are considered lowest priority for fee acquisition. Willing seller opportunities would be considered by priority when funds are available.
- Exercise the use of eminent domain procedures only to prevent imminent resource degradation of national recreation area values by incompatible uses on private land or threats to public safety, and only as a last resort where 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.

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--tract listing of land ownerships and the recommended NPS priority interest in the tract, based on the identified resource concerns for each tract.

Purpose of the Recreation Area and Resources to be Protected

Chapter 2





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

2.1 Purpose and Significance

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 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. However, Senate Report 700 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. Senate Report 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 Valley, a glacial valley 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 a 55-mile-long, deep, fjord-like body of water, that 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. See the Draft Stehekin River Corridor Implementation Plan/Environmental Impact Statement or the Final General Management Plan / Environmental Impact Statement, pp. 173–267, for a complete discussion of the affected environment.

There are 417 acres (168 tracts) of private land in Lake Chelan NRA. Most private land acreage is uplake/upvalley of the Stehekin Landing (155 tracts, 334 acres), while 13 tracts (83 acres) are either at the Landing or downlake along the east shore of Lake Chelan. Additional landowners include the Chelan County Public Utility District (PUD) #1 (199 acres), the Stehekin School District (3 acres), and the State of Washington (1994 acres).





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 park archeologists. Coinciding with the establishment of the first post-glacial forests, ca. 10,000 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, Stehekin watershed served as a resource gathering area for bands that resided in settlements located along the lower end of Lake Chelan. Currently, forty-nine (37 pre-contact period; 12 historic period) archeological sites are documented from the head of Lake Chelan to the headwaters on the North Cascades 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 though 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, 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, 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 Field 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 U.S. Forest Service combined to construct a school building near Rainbow Falls. The school was listed on the National Register of Historic Places in 1975. Due to a growing population of school age children in the valley, a new school was needed in the area. In the 1987 the NPS sold 3.2 acres of public land $\frac{1}{4}$ mile downvalley of the historic school to the Stehekin School District; 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 area 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 U.S. Forest Service to the NPS. The 1964 Wilderness Act and the Washington Park Wilderness Act of 1988 created a mostly contiguous area of designated wilderness surrounding Stehekin.

The majority of valley visitors arrive via commercial ferry boats operating out of Chelan. Depending on which boat is in operation, the one-way trip can vary from 1–4 hours between Fields Point or Chelan and Stehekin.

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.

Chelan County PUD #1 constructed a hydroelectric plant on Company Creek in 1963. This supplies electric power throughout the valley. The hydroelectric system is supplemented by diesel generators during the winter months when there is minimum flow in Company Creek.

NPS employee housing is located at various sites from the landing area to the Company Creek road. The location and type of new replacement housing was considered in the 1995 General Management Plan. NPS housing in sensitive areas, i.e., along the lakeshore or in the CMZ, will be removed or relocated.

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

The community is characterized by dispersed, low density development, but with clusters of development in a variety of places. Several development clusters are located on higher ground, protected from most floods, but the changing flood regime of the past 15 years has now placed some clusters of development, such as in McGregor Meadows and at the river mouth, at significant risk due to flooding and bank erosion. Developments on the Stehekin Valley road, the major visitor route, generally extend back from the road, away from areas seen by most visitors. However, since the mid-1990s there has been a general trend toward private development that is more visible along the Stehekin Valley road. Developments on the Company Creek road, a route not usually traveled by visitors, generally are more oriented to the road, reflecting its primarily residential character. Visitor accommodations and services are provided by valley residents in various locations in the valley. Accommodations are generally in more private areas, while some visitor services, such as the bakery, are on the main valley road.

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 to relate to the river environment without intruding upon it. 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 in keeping with





more established building patterns. One-story buildings predominate, although more recent construction 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. Some recent residential development has included clearings, such as in the vicinity of the bakery and along the Stehekin Valley road.

The Stehekin Valley community continues to rely on an economy that focuses on providing services to the public. 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 recreation area. 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 and other activities on or connected with such lands and waters. However, the Secretary of the Interior 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 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. A property owner can petition the county for a conditional use permit for other than residential purposes. Such petitions are considered on a case-by-case basis. Consideration would involve public hearings before the board of adjustment.

Nonfederal Ownership and Uses

Chapter

3



3. Nonfederal Ownership and Uses

3.1 History and Current Status of Land Protection Actions

An overview of the history and current status of the land protection program for Lake Chelan NRA is reflected in Appendix A. Figure 1 provides an overview of the private lands in the national recreation area (other nonfederal lands are not depicted on the map); all existing private land is listed in the “Recommendations” section. Appendix B lists all nonfederal land that has been acquired in fee to date. Currently there are 173 tracts totaling 2613 acres in the recreation area remaining in nonfederal ownership, as follows:

Ownership	Tracts	Acres
Private	167	417.47
PUD	4	198.94
Stehekin School	1	3.2
State of Washington	N/A	1994.43
Total	172	2613.24

Since implementation of the 1995 Land Protection Plan, the NPS has completed two land exchanges with residents. In 1999, a 20 acre tract (Black Warrior Mine) within the south unit of North Cascade National Park was exchanged for a 5 acre tract adjacent to the Stehekin Valley Ranch. In 2004 the NPS exchanged a 7-acre parcel of federal land across from the bakery that is out of the CMZ for a 5-acre private tract within the floodplain near the river mouth.

3.2 Sociocultural Characteristics of Nonfederal Landowners

Much of the non-federal land in Lake Chelan NRA has changed ownership several times; in only a few cases has ownership been passed from one generation to another. Most of the land was acquired by individuals as vacation or recreational home sites, and, most importantly, for the solitude of a relatively undeveloped, remote area.

Following interest in mining in the late 1800s and the formation of a small community, public land in the Stehekin Valley was open to homesteading for several years around 1900, and a few people claimed land and settled in the valley. Homesteads account for most of the privately owned land in the valley today, although some private land at the head of the lake resulted from a federal land grant to the Great Northern Railroad in the 1800s. This area is now seasonally flooded by the raising of Lake Chelan’s water level by 21 ft. by a hydroelectric dam at Chelan. In the 1960s the Silver Bay development was created on fill placed into the raised waters of the lake.

Many of the first homesteaders eventually sold their land and moved out of the valley. In the early 20th century there was typically a large turnover in valley residents. During the past 65 years the trend is toward residents staying in the



Valley much longer. Until the 1970s the year-round population of Stehekin seldom exceeded 50 people. Today the year-round population is approximately 100 people, with approximately 1/3 working for the NPS or dependents of those employees.

See the 1995 General Management Plan, pp. 243–257, and the Stehekin River Corridor Implementation Plan/Environmental Impact Statement for a complete discussion of the socioeconomic profile of the area.

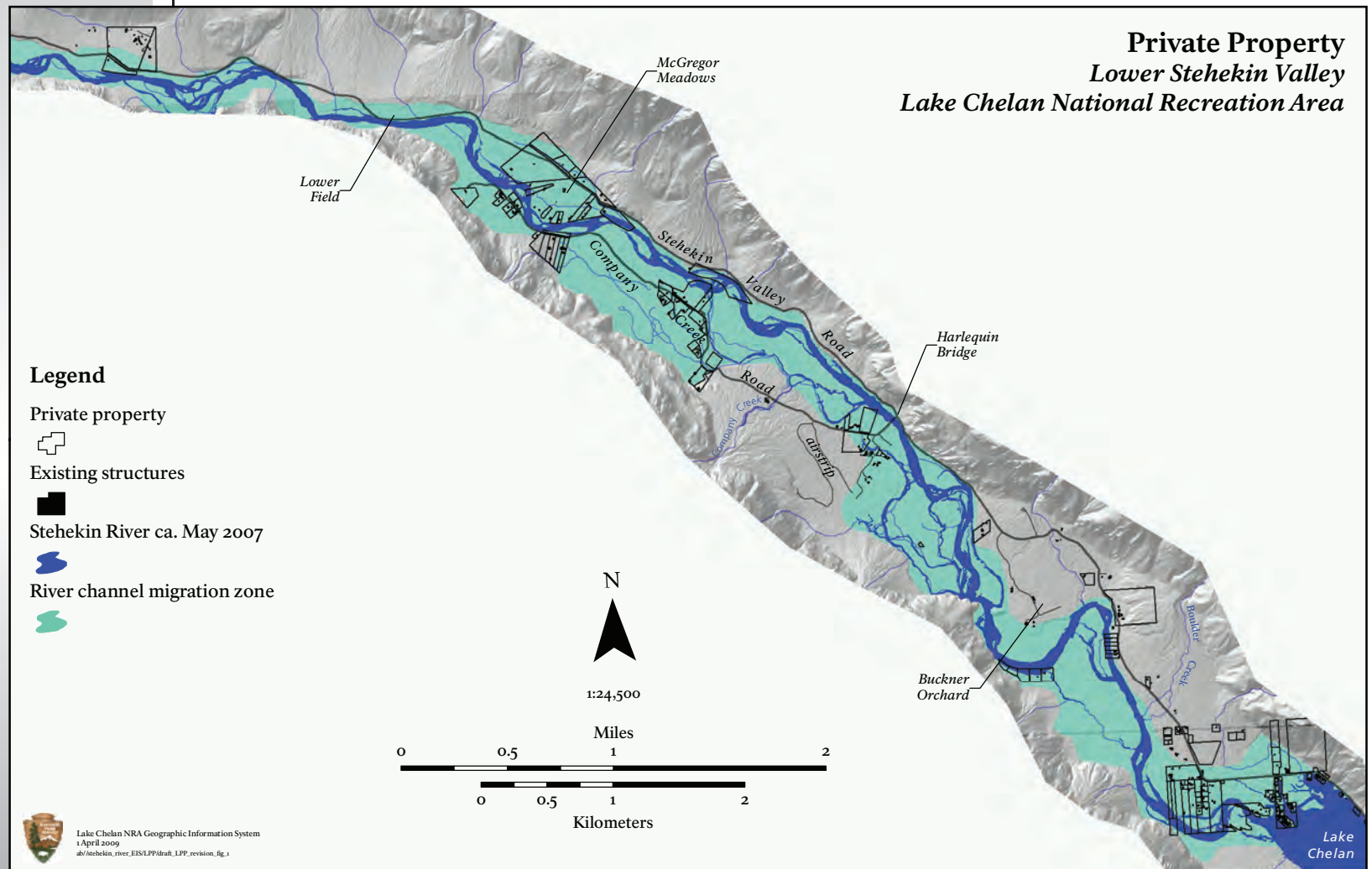


FIGURE 1.
PRIVATE LAND
OWNERSHIP IN
THE LOWER
STEHEKIN VALLEY

3.3 Compatible and Incompatible Uses

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.”

Through the 1995 General Management Plan and Land Protection Plan, the NPS adopted a revised approach for a determination of compatibility regarding proposed use and development of private and nonfederal lands within Lake Chelan NRA to ensure that such uses are compatible with the purposes for which the national recreation area was established. 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. The compatibility criteria from those two 1995 plans are adopted in this plan with only minor changes related to the Stehekin River channel migration zone and updated 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 inconsistent 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 subject the property that is proposed for the incompatible use to potential eminent domain action by the NPS where all other prudent and reasonable attempts to remove or mitigate the incompatibility have failed.

These compatibility criteria are not intended to duplicate county zoning standards or other applicable land use practices that are the proper jurisdiction of local government, and that would be related more to the protection of the life, health, and safety of Stehekin Valley residents. Instead, these NPS criteria are intended to guide both NPS management and Stehekin Valley residents in determining which land use proposals and practices are in harmony with the purposes of Lake Chelan NRA and which are not. 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.

The following purposes provide further guidance in the application of the compatibility criteria, the adherence to compatible uses by Stehekin Valley landowners, and the application of criteria by NPS management:

- To identify uses that would harm, degrade, or adversely affect resource values 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.
- To encourage conversion from a higher impact land use to a lower impact land use.





3.4 Compatibility Criteria

3.4.1 Effective Date of the Compatibility Criteria

These compatibility criteria became effective in June 1995, upon completion of the Lake Chelan National Recreation Area 1995 Land Protection Plan and General Management Plan.

3.4.2 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 NPS will evaluate when asked to make a determination of compatibility.

3.4.3 Request for Determination of Compatibility

The legislation for Lake Chelan NRA does not grant the Secretary of the Interior zoning authority. However, it does impose responsibility on the NPS to ensure that existing uses are compatible and that proposed land uses will be compatible with the purposes for which the national recreation area was created. The current zoning ordinances of Chelan County have been found to substantially satisfy the 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 not specifically sited within incompatible use areas, i.e., CMZ, wetland, and geologic 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 addition to or change in use of an existing development? Will use be year-round or seasonal? 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 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.

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.





3.4.4 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 that was not in effect prior to the adoption of these compatibility criteria, except as permitted through the Chelan County Subdivision Regulations and as consistent with Chelan County health standards.
2. The siting or construction of any building, including but not limited to, residential, commercial, and industrial buildings, in an identified
 - Area with eroding bank along the main channel
 - Floodplain/CMZ
 - Wetland
 - Riparian area
 - Highly unstable areas, e.g., slopes greater than 20 percent, where potential impacts cannot be confined to the specific private ownership
3. Any dredging, filling, or armoring of shoreline of Lake Chelan or the Stehekin River without full compliance with the U.S. 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 or transport outside the Stehekin Valley.
5. The cutting of timber by any means other than selective tree harvesting, except as required by Washington State Department of Natural Resource regulations.
6. The mining of sand, rock, or gravel for sale or transport outside the Stehekin Valley.

3.4.5 Incompatible Uses of Public Property Within Lake Chelan NRA

In addition to those uses of public and private property listed above, the following use of all public property within the Lake Chelan NRA is incompatible with the purposes of the area. 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 site any new building or structure in an identified:

- River or major tributary CMZ;
- Wetland, including soils not conducive to building foundations, leachfield percolation, or site drainage;
- Geological hazard areas such as rockfall zones or a debris flow zone;
- Areas with slopes greater than 20 percent gradient; and
- Areas of high visual sensitivity, except where screening and landscaping can successfully mitigate.

Protection Techniques

Chapter 4



4. Protection Techniques

The land protection methods 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 sill avulsion structures to prevent side channel formation within McGregor Meadows.

4.1.1 Application

Agreements can provide for exchange or transfer of services, funds, or benefits. Advantages of agreements include their flexibility, relatively low cost, and ability to establish cooperative management arrangements. Disadvantages include the ability of one party to terminate on short notice and 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. In recent years the use of Wyden Amendment agreements has allowed the federal government to expend resource protection funds to work on private land when both the private landowner and the NPS consent to the work.

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.

4.1.3 Sociocultural Impacts

Specific impacts would be defined by the terms of the agreement. Because all parties would have to agree to its terms, it is unlikely there would be any negative or adverse impacts.





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 be consistent 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:

- 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 needs to be controlled and managed rather than prohibited to meet area objectives.

4.2.2 Effectiveness

Local zoning has limitations as a long-term protection tool because of the potential for changes in local governing bodies, political pressures on decisions, and problems in enforcement of regulations. Zoning serves as a guideline, but it is flexible and may be appealed by property owners on a case-by-case basis.

4.2.3 Sociocultural Impacts

With the adoption (generally through broad-based public participation) and enforcement of zoning regulations, individual landowners may be prevented from using their land in some manner, but this restriction on individual freedom is imposed for the benefit of the community as a whole. The impact can be regarded as beneficial to the public at large.

4.2.4 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. 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 make recommendations to Chelan County regarding the appropriateness of each land use proposal. This district was 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 regime 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 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 will propose that the overlay district, modeled after the Icicle Valley Overlay District in Chelan County Zoning Code (Chelan County Code, chapter 11.39B), meet 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.
- 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 in 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. However, variances to the regulations are possible based on the use of new technologies.

4.3.3 Sociocultural Impacts

Impacts are likely to be the same as those identified under zoning.

4.4 Acquisition

4.4.1 Fee

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

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 heavy public use
- must be maintained in a pristine natural condition that precludes reasonable private use (e.g., floodplain)
- is owned by individuals who do not wish to sell less-than-fee interests
- cannot be protected in accord with national recreation area purposes by other methods, or other alternatives would not be cost-effective.

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;
- Provisions for public access and access by management;
- 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 requirement, 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.

4.4.1.3 Sociocultural Impacts

Acquisition has the greatest potential for significant change in the lives of individuals or in composition of the community. Unless use and occupancy of developed properties is reserved, dislocations would occur or seasonal use would be terminated.

Fee simple acquisition is often justified for the greater public good. Fair compensation is paid to landowners, and payment in lieu of taxes may be made for a short term to local governments. Nationally significant natural resources are in the public trust preserved for all citizens in perpetuity.





4.4.2 Easements

Landownership 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).

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 developments visible to the public; and
- Access for management of natural and cultural resources.

4.4.2.2 Sociocultural Impacts

Individual and collective impacts will vary depending on the rights acquired. Overall, the impacts would be judged to be beneficial so long as the acquired easements would contribute to the fulfillment of the objectives of the national recreation area and allow private ownership to continue.

On some tracts, the development of specific easement terms would require detailed site planning to identify the most environmentally sensitive areas and those where development could be accommodated with minimal impacts. The formulation of such terms can be a cooperative effort to ensure that development avoids any unnecessary impacts on recreational values or the natural system.

4.4.2.3 Effectiveness

Because easements are enforceable interests in property, they provide greater assurances of permanent protection than do agreements or zoning ordinances. Easements “run with the land” and are binding on future 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, 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 Methods of Acquisition

The primary methods of acquisition of fee and less-than-fee (easement) interests in lands 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 of what deductions will be allowed by the Internal Revenue Service.

4.5.2 Exchange

Land or interests in land may be acquired by exchange. The land to be exchanged must be of approximately equal value. 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 will consider some federal lands within the authorized boundary that were previously in private ownership as potential exchange lands in order to strengthen historic development patterns, consolidate new developments into the most suitable areas, and protect other significant areas. This authority is different for the US Forest Service and other federal agencies, who can exchange lands that have always been in public domain. Other federal lands, outside the NPS complex, that become surplus to agency needs would normally go through disposition procedures, including public sale. Lands within the Lake Chelan NRA that could potentially be used for exchange are shown in Figures 2-5. Since 1995 two exchanges have been completed with private land owners.





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 donations of funds or purchases by individuals or organizations interested in holding land for conservation purposes will be encouraged.

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 assures that the property owner has only those rights specified in the deed. If 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.

4.5.6 Condemnation

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 could be used to prevent those incompatible uses if other methods are inadequate. Condemnation would be used to clear title or to establish just compensation, with the owner’s consent.

Recommendations

Chapter

5



5. Recommendations

5.1 Process for Establishing Land Acquisition Priorities

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 additional natural and cultural resource information, a revised and expanded set of nine criteria were developed to establish priorities for land protection. These criteria have been applied to each private land parcel.

This Land Protection Plan was revised as part of the development of the Stehekin River Corridor Implementation Plan / Environmental Impact Statement. The Preferred Alternative (Alternative 2 in that plan) focused 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 CMZ. The CMZ represents a more innovative concept to land use planning along active mountain rivers, and is defined as where the Stehekin River has historically migrated during the last 1,000 years. The Stehekin River is known for its floodprone nature and channel instability. A scoring methodology was applied to all private land parcels that reflected the broad conceptual direction of the Preferred Alternative. One alternative (Alternative 4) from the SRCIP reflected a more manipulative approach to river and floodplain management, and essentially focused on keeping more development and road access in the floodplain. Although the same nine criteria were used to evaluate all private land parcels for Alternative 4, some differences in the scoring methodology were developed and used to reflect the broad philosophy of Alternative 4. Those differences in scoring methodology applied to Alternative 4, as opposed to those applied to the Preferred Alternative (2) and Alternative 3, are detailed in Appendix D. The scoring methodology for this Land Protection Plan, built upon the Preferred Alternative, is described below.

The nine criteria and scoring descriptions include:

1. Presence of property within the *Stehekin River* CMZ, which includes those areas where the Stehekin River has migrated over the past 1,000 years, including the modern channel, floodplain, and low river terraces (see Figures 1 and 2). This zone does not include the migration zone for tributary streams. If the property has a permanent structure in the CMZ and/or if less than 1 acre of property is outside the CMZ, 2 points were scored. If greater than 1 acre of a parcel was out of the CMZ and there was no current structure within the CMZ, then a score of 1 point was given. If the entire parcel was out of the CMZ then the tract was given 0 points.
2. Property within an *alluvial fan migration zone* (AFMZ) in which major side tributaries have actively changing channels. If a structure on a property is completely within an AFMZ and/or less than 1 acre of the property is outside the AFMZ, it was given a score of 2 points. If greater than 1 acre of the property was not within an





AFMZ, and there was currently no structure on the parcel within the AFMZ, the property was given a score of 1 point. If the entire parcel was out of the AFMZ then the property was given 0 points.

3. Presence of *wetlands and/or riparian habitat* on the property, 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. If wetlands were present on the property the tract was given a score of 1 point; if no wetlands were present, the score was 0 points.
4. Known presence of *protected plant and animal species or suitable habitat for those species*, 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. A known presence of these species or habitats on a tract resulted in a score of 1 point for the tract; lack of these species or habitats resulted in a score of 0 points.
5. The potential to *reduce habitat fragmentation* by removing developments adjacent to public land. Parcels that are greater than 5 acres in size and located adjacent to public land were given a score of 2 points; parcels smaller than 5 acres and located adjacent to public land resulted in a score of 1 point. Parcels not adjacent to public land, or situated in present-day clusters of development, received 0 points.
6. Lands adjacent to or with potential for *public use/access* (e.g., access to the Lakeshore Trail, Stehekin River, or Lake Chelan; preserving options to move the Stehekin Valley road or protect the road in the future). These uses include those areas that have the potential for recreational, administrative, or other uses that further the public benefits, mission, and operations of Lake Chelan NRA as identified in a previous planning document or management plan. Those parcels adjacent to land with this potential were given a score of 1; those not adjacent received a score of 0.
7. Presence of known *cultural resources* or related concerns. Those parcels with known cultural resources received a score of 1; those without received a score of 0.
8. Presence of *permanent structures* (development) on a parcel. A tract was given a score of 2 if there was a permanent structure on the property, and a score of 1 if there was no structure present.
9. *Urgency of threat to development*, defined by assessing threats to structures on the property and access road location with regard to the main channel of the Stehekin River and major side channels. If the parcel contained a structure less than 50 feet from the main channel or a major side channel of the Stehekin River, it scored 2 points. If only the road that accessed the property was less than 50 feet from the main channel or a major side channel, it was given a score of 1. If the entire parcel and access road were further than 50 feet from the main channel or major side channels of the Stehekin River and/or no structures were located on the property, a score of 0 points was given.

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 at the next plan update.

The methods of acquisition were described in the “Protection Techniques” section. Other methods, in addition to purchase or exchange, e.g., 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 sellers’ possible retention of use and occupancy or life estate.

Prior to the acquisition of interest of any 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 will be completed prior to finalization of the terms of an agreement.

5.2 Land Protection Priorities

Individual tracts were assigned a potential acquisition priority based on the objective scoring system described for the criteria above. Tract by tract priorities are shown in table 1; a summary of priorities includes:

Priority	Number of tracts	Acres
High	66	271.50
Medium	98	141.22
Low	4	4.75
Total	168	417.47

Those tracts having a score of 7–10 were considered a “High” priority; scores of 4–6 were termed a “Medium” priority, and scores of 1–3 given a “Low” priority. For reference, the tract priority breakdown from the 1995 LPP was High – 62, “Moderate” – 18, and Low – 86. The primary result of the new scoring is to move several at risk parcels into the High category, while moving several properties not threatened by the river into the Medium priority. Further, the number of Low priority tracts was reduced substantially, reflecting the more severe flood conditions.

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.





**TABLE 1:
PRIORITIES FOR
PROTECTION OF
EACH TRACT**

TABLE 1: PRIORITIES FOR PROTECTION OF EACH TRACT

Tract	Name listed on ownership map *	Acres	Priority
01-101	Barnhart, Michael J. et ux	8.38	High
01-102	McKellar, Richard V., et al	6.39	High
01-103	Lewman, Darrel, et al	30.72	High
02-102	C& M I, LLC	0.70	Low
02-104	Kaminski, Perry	6.65	High
02-105	Pinnow, Edward M., et al	17.90	High
02-106	Kinman, David, F., et us	0.30	Medium
02-107	Kaminski, Perry	2.49	Medium
02-108	Britt, James M., et us	2.35	High
02-109	McMurry, John, et ux	6.28	Medium
03-100	Stifter, William F., et ux	12.95	Medium
03-108	Stevens, John T., et ux	0.11	Medium
03-125	Courtney, Thomas H., et ux, trustees	1.00	High
03-131	Purple Creek Corp.	0.16	Medium
04-100	Hegge, Gary L., et ux	1.73	Medium
04-101	Hegge, Gary L., Trustee	1.73	Medium
04-102	Bouslaugh, Tom A., et ux	1.74	Medium
04-104	Darvill, Fred T., Jr.	4.31	High
04-105	Ellis, James L., et ux	0.37	Medium
04-106	Bell, Lloyd	3.65	High
04-108	Bishop, James L., et ux	0.59	Medium
04-110	Petersen, Gregory H., et al	0.50	Medium

*Ownership list from NPS records and only for NPS administrative purposes.
Not to be used as official county land record.

Tract	Name listed on ownership map	Acres	Priority
04-112	McGinness, Collin	4.09	High
04-114	Clark, James D.	1.69	Medium
04-115	Weavtel LLC	1.69	Medium
04-116	Morse Resort Inc.	11.67	High
04-117	Fesler, Rick L., et ux	0.14	Medium
04-120	Blackburn, Ovidia L., et al	0.69	High
04-121	Clark, Judith	6.62	High
04-124	McLean, Mark A	0.58	High
04-127	Griffiths, William S., et al	0.20	Medium
04-128	Bridges, Ardee M., et al	0.16	High
04-130	Pearl, Warren L.	0.36	Medium
04-131	Parks, Terry V.	0.21	Low
04-136	Davis, Lewis V., et ux	0.20	Medium
04-137	Stewart, Mark P.	0.18	Medium
04-139	Glenn, Nicholas A.	0.91	Medium
04-143	Sherman, Angela C.	0.33	Medium
04-144	Breeze, William E.	0.28	High
04-145	Freeman, Lillian A., et al	0.22	High
04-147	Hubbard, Duane L., et ux	0.20	High
04-148	Dinwiddie, Randall R.	0.70	High
04-149	Harvey, Curtis S., et al	0.24	High
04-150	Dinwiddie, Randall R., et ux	0.24	High
04-153	Libbey, Caroline L.	0.20	Medium
04-154	Buehler, Walter E., et al, Trustees	0.53	High
04-155	Bohn, Willis C., et al, Trustees	0.32	High





Tract	Name listed on ownership map	Acres	Priority
04-156	Liberty, Janet L., et al	0.64	High
04-157	First United Methodist Church	0.55	High
04-158	Higgins, Ben C., et al	0.48	High
04-162	Morehead, Harriet O., Trustee	0.55	Medium
04-163	Hazell, Marjorie J.	0.71	Medium
04-165	Cook, Melanie J., et al	0.56	Medium
04-166	Blackburn, Ovidia L., et al	0.66	Medium
04-169	Parks, Terry	0.42	Medium
04-172	Parks, Terry	0.72	Medium
04-173	Blackburn, Ovidia L., et al	0.75	Medium
04-177	Kelly, Patrick J., et al	0.48	Medium
04-178	Goodwin, Richard H., Jr., et al	0.48	Medium
04-179	Gaukroger, James G.	0.55	Medium
04-180	Gaukroger, Robin R.	0.55	Medium
04-181	Parks, Terry	0.03	Medium
04-183	Griffith, Jimmy E., et al	0.18	High
04-184	Gordon, Carole B., Custodian	0.48	High
04-186	Skidz LLC	0.21	Medium
04-187	Davis, Lewis V., et ux	0.35	High
04-188	Parks, Terry	3.65	High
04-189	Noble, Daniel, et ux	0.22	High
04-190	Courtney, Cragg, et ux, Trustees	0.18	Medium
04-191	Libbey, Caroline	0.38	Medium
04-192	Karapostoles, Caitlin, et al	1.00	Medium
04-193	Parsons, Jeffrey L., et ux	1.18	Medium

Tract	Name listed on ownership map	Acres	Priority
04-194	Courtney, Mistaya M. (CP)	0.48	Medium
04-195	Theubet, James H., Trustee	0.48	Medium
04-197	Kelly, William L., et ux, Trustees	0.48	Medium
04-198	Seemiller, Joseph	0.48	Medium
04-199	Griffith, Frederick L., et al	0.48	Medium
05-102	Kelly, William L., et ux, Trustees	1.68	Medium
05-104	Gans, William C., Jr., et al	2.00	Medium
05-107	Sherer, Wesley, M., et ux	4.85	High
05-109	Raymond, Charles F., et ux	0.76	Medium
05-110	Raymond, Charles F., et ux	0.76	Medium
05-111	Mathews, Don D., et ux	0.76	Medium
05-112	Jacobson, Neal, et ux	0.76	Medium
05-113	Weagent, Rodney W., et al	0.76	High
05-119	Story, Michael J., et ux	0.70	Medium
05-120	Scutt, Ronald W., et ux, Trustees	0.76	High
05-121	Courtney, Cragg, et ux, Trustees	6.76	High
05-123	Sherer, Wesley, M., et ux	22.15	High
05-124	Morehead, Dwight T., et ux	0.21	Medium
05-125	Courtney, Reed	0.41	Medium
05-126	Denning, Michael	0.85	Low
05-127	Hudak, Renee Y., et al	0.85	Medium
05-128	Ward (Stewart), Norma V.	0.85	Medium
05-130	Courtney, Thomas H., et ux, trustees	0.43	Medium
05-132	Courtney, Cragg, et ux, Trustees	7.15	Medium
05-133	Staley, James E., et al	0.85	High





Tract	Name listed on ownership map	Acres	Priority
05-135	Buehler, Thomas M., et al	27.65	Medium
05-136	Nielsen, Robert C., et ux	0.34	Medium
05-140	Hayes, Adrienne, et al	2.13	Medium
05-141	Sargo, Herbert J., et al	2.17	High
05-142	Gans, William C., Jr., et al	2.48	High
05-144	Morehead, Lawrence E., et ux	0.21	Medium
05-145	Story, Michael J., et ux	0.65	Medium
05-147	Morehead, Kenneth, et ux	0.42	Medium
05-150	Courtney, Thomas H., et ux, trustees	0.58	Medium
05-157	Goodwin, Richard H., Jr., et al	2.99	Medium
05-158	Gaskill, Karl B.	3.03	Medium
05-159	Gaskill, Karl B.	1.21	Medium
05-160	Gaskill, Karl B.	1.65	Medium
06-102	Fultz, Elizabeth R.	4.06	High
06-106	Ward, Vince, et ux	2.90	Medium
06-111	Boyd, Gail C.	0.21	Medium
06-113	Miles, Michael, R.	0.18	High
06-114	Stevens, John T., et ux	0.24	Medium
06-116	Gempko, Vicki et vir	0.70	High
06-119	Peterson, B. Jean	6.70	High
06-120	Gianulis, Deborah A., et al	0.32	Medium
07-100	McConnell, Carolyn A.	4.36	High
07-105	Blomberg, John	0.50	Medium
07-107	Courtney, James O., Trustee	1.12	High
07-109	Mundal, Anne S., et al	0.71	High

Tract	Name listed on ownership map	Acres	Priority
07-110	Walker, Allan E., III, et al, Trustees	0.68	High
07-114	Duke, Loretta	2.15	High
07-115	Thompson, Laura J., et al	2.15	Medium
07-116	Neuzil Family Trust	1.60	High
07-121	Robbins, Jeffrey C., et ux	0.41	Medium
07-122	Saulsbury, David, et ux	2.32	High
07-124	Goold, Jeffrey B., et al	1.18	Medium
07-125	Evans, Linda R., et al	2.48	High
07-127	Winkel, Walter G.	2.18	High
07-130	Burhen, William S.	2.00	High
07-131	Bingham, John R., et ux	0.97	Medium
07-133	Winkel, Walter G.	6.19	High
07-134	Winkel, Alvy, et ux	0.70	Medium
07-138	Scutt, Ronald W., et ux, Trustees	2.00	High
07-142	Scherer, Jonathan, et ux	9.95	High
07-145	Pitts, Edward D., et ux	0.97	Medium
07-147	Pitts, Edward D., et ux	0.71	Medium
07-149	Barnhart, Michael J.	0.61	Medium
07-150	Barnhart, Michael J.	1.01	Medium
07-153	Schmid, Walter D.	0.90	Medium
07-157	Leader, Thomas W., et al	28.70	High
07-166	Pitts, Edward D., et ux	0.32	Medium
07-168	Pitts, Edward D., et ux	0.47	Medium
07-176	Leaf, Christopher C.	2.48	High
07-177	Thompson Family Trust	0.64	High





Tract	Name listed on ownership map	Acres	Priority
07-179	Nawalinski, Thomas E., et ux	0.90	Medium
07-184	Woodward, Douglas L.	0.80	Medium
07-185	Lehman, Robert A., et ux, Trustees	0.97	High
07-186	Mitchell, Robert D., Jr., et al	3.53	Medium
07-187	Parlette, Linda O'Neal, et al	0.10	Medium
07-188	Unknown (Company Creek Road)	0.61	Medium
07-189	Kurth, David W., et ux	0.58	Medium
07-190	Morrison, Randy C.	0.53	Medium
07-191	Garfoot, Phillip L., et ux	3.00	High
07-192	Robbins, Jeffrey C., et ux	1.40	High
07-193	Courtney, James O.	2.99	Low
07-195	Courtney, Thomas H., et ux, trustees	3.02	Medium
07-196	Courtney, Mark L.	2.01	Medium
07-197	Courtney, Clifford G.	2.02	Medium
07-198	Courtney, Clifford G.	2.02	Medium
07-199	Danielson Stehekin Cabin Mgt, LLC	4.97	High
07-200	Bowles, Stephen B., et ux, Trustees	1.74	High
07-201	Ramos, Myra	3.00	High
08-101	Ray and Esther Courtney Family, LLC, et al	20.00	High
08-105	Courtney, Clifford G.	5.60	Medium

5.3 Land Available to Exchange

The exchange of select public lands in the valley for private lands may be 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 under the Land and Water Conservation Fund Act to exchange acquired 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 U.S. 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 since 1968 total 1203 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 land or 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 other, non-NPS 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 described for each private land parcel previously; in sum, this revised Land Protection Plan essentially identifies potential exchange lands that are out of the Stehekin River CMZ and avoid other sensitive resource concerns. Some lands that had been identified as possible exchange lands in the 1995 plan 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, as they represent lands that appear best suited for development that will minimize impacts to those resources described in the criteria above. The 1995 plan 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 for land acquisition priorities discussed previously to available public lands, 23.81 acres of federal land are considered suitable for exchange, which is a reduction from the amount identified in the 1995 Land Protection Plan. The identified list of potential exchange lands in particular includes lands that are not within the Stehekin River CMZ and afford some amount of clustered development. Clustering future development broadens the portfolio of potential exchange lands, limits habitat fragmentation, and allows for a more sustainable community out of the floodplain. Nothing in this plan





would preclude reexamining the exchange portfolio in future LPP revisions. Future development of any exchange lands must still conform to those regulations associated with Chelan County zoning.

The following areas (acreage included) are identified as possible exchange lands:

<u>Area</u>	<u>Acres</u>
Above Stehekin Valley Ranch	5.2
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
Total	23.81

* 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.

Figure 2 provides a broad overview of possible exchange lands within the lower Stehekin Valley. Figures 3–5 provide more detailed views of the individual possible exchange lands.

Lands would be exchanged on a case-by-case basis, based on appraised land values, not based on a 1-acre to 1-acre exchange ratio. Appropriate deed reservations and/or easement conditions will be included to ensure compatible use by the new owner subsequent to the exchange.

5.3.1 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 the Stehekin River, the NPS continued desire to pursue land exchanges as a means of land and resource protection, 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. Following are criteria the NPS will consider should these situations arise:

Priority criteria:

- Landowner's current parcel is a priority in the acquisition ranking 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 consider an unequal trade.
- Landowner is willing to comply with codes, covenants, and restrictions to protect resources.
- Landowner is willing to consider clustering and share utilities.

Secondary criteria:

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

Draft Exchange Land Availability, Lower Stehekin Valley

Lake Chelan National Recreation Area Land Protection Plan

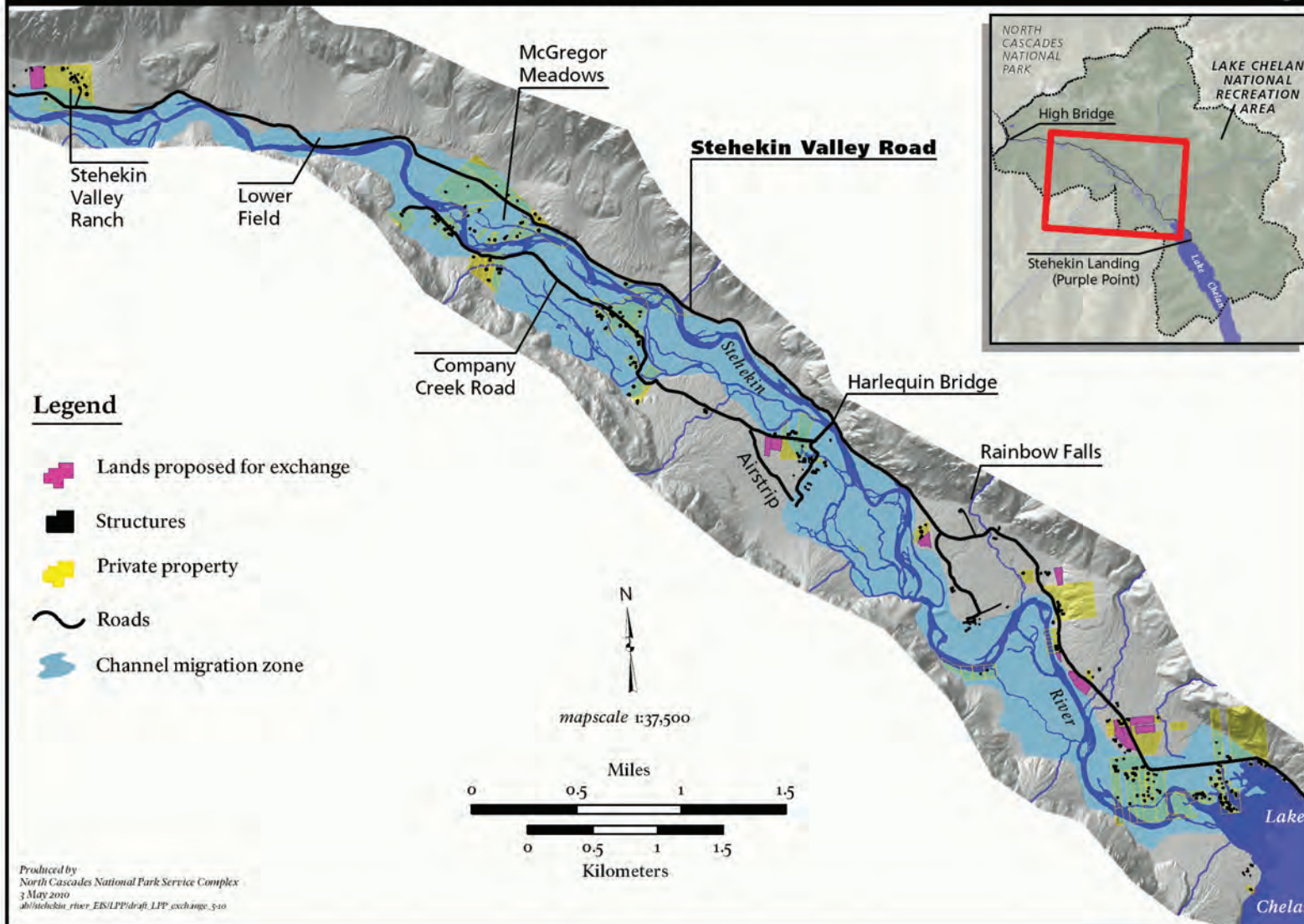


FIGURE 2.
EXCHANGE LAND
AVAILABILITY,
LOWER STEHEKIN
VALLEY

Draft Exchange Land Availability **Lake Chelan National Recreation Area Land Protection Plan**

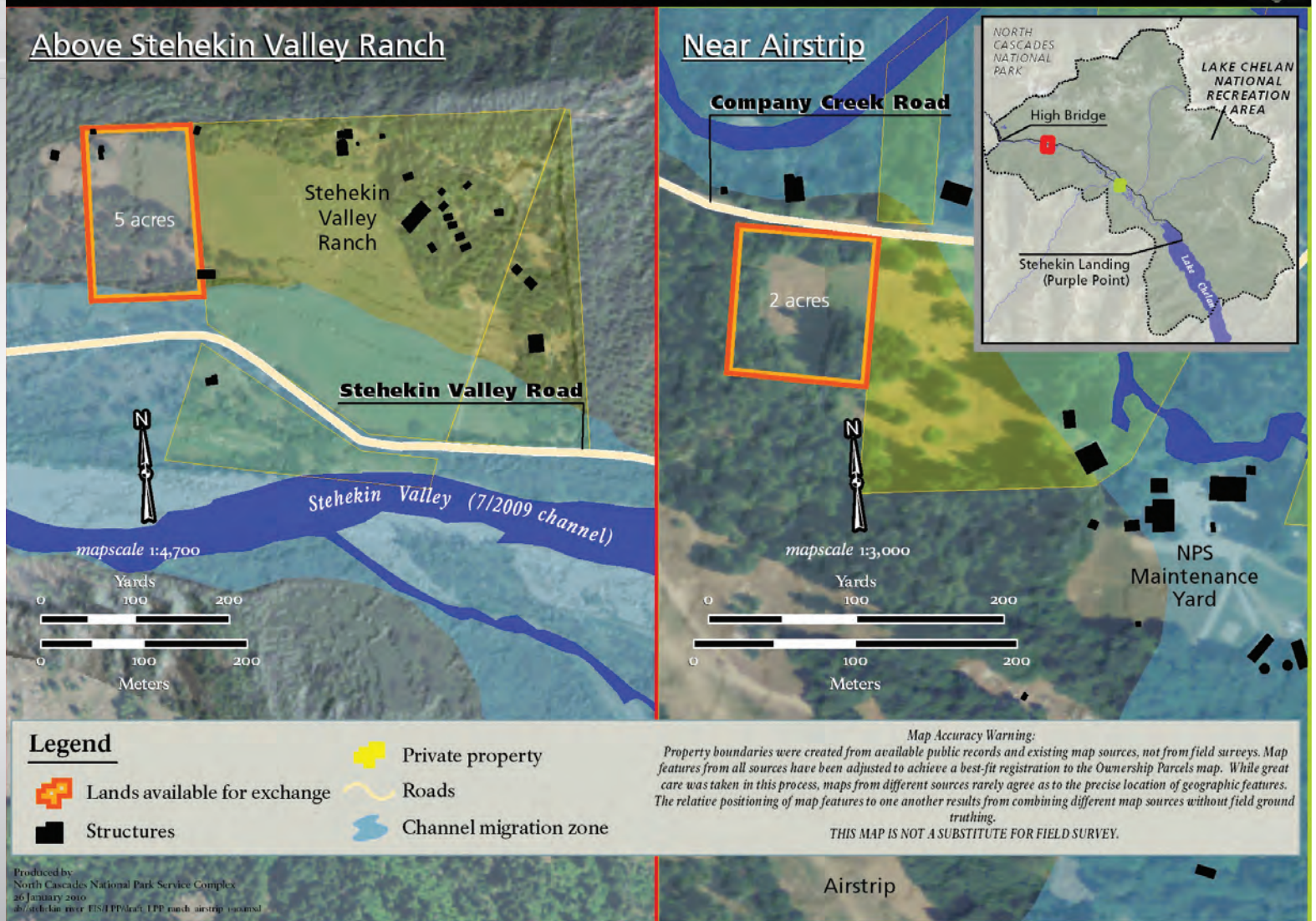


FIGURE 3.
POSSIBLE EXCHANGE
LANDS,
STEHEKIN VALLEY
RANCH AND AIRSTRIP
AREAS

Draft Possible Exchange Lands, Rainbow Falls and Stehekin School Areas

Lake Chelan National Recreation Area Land Protection Plan

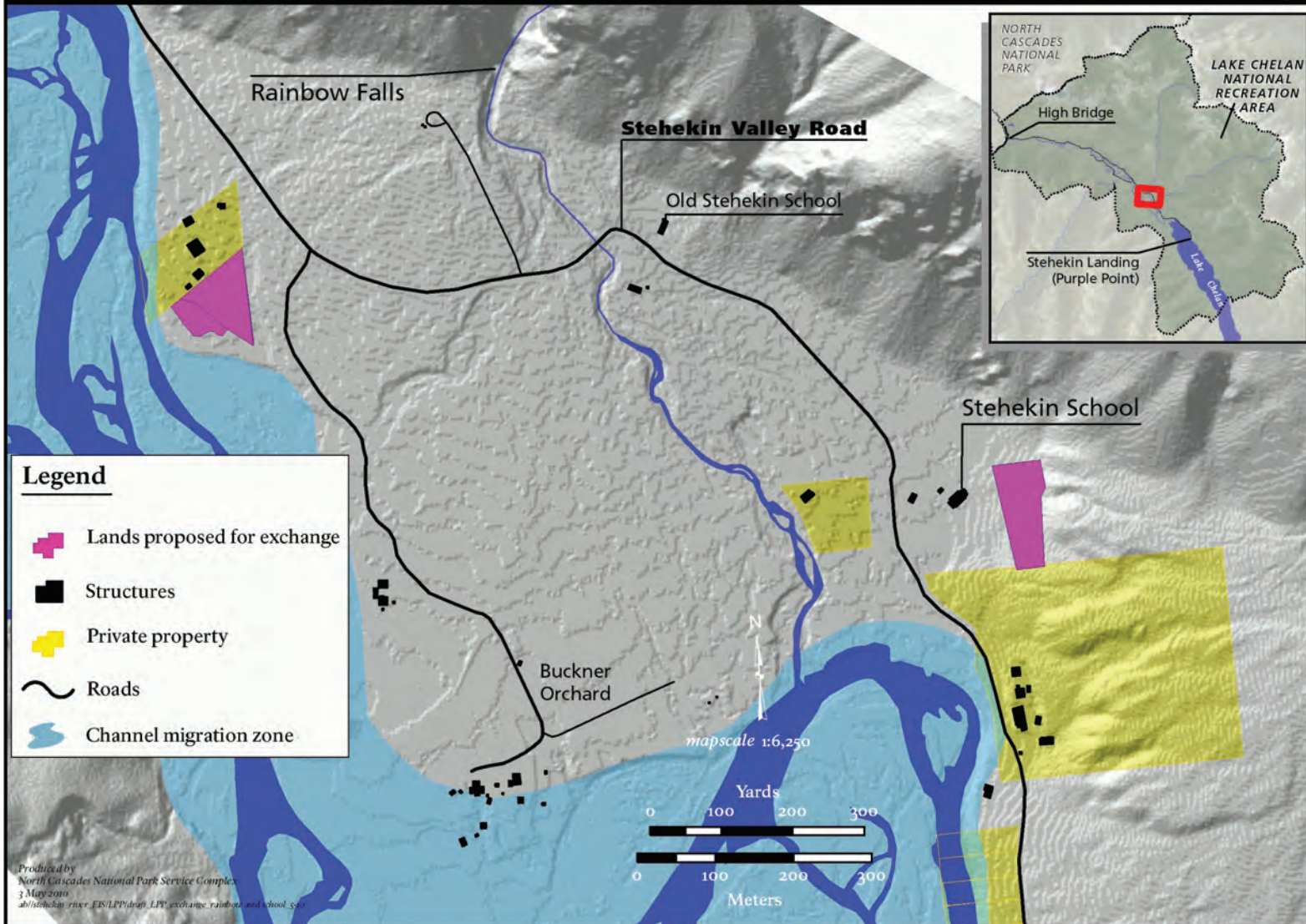


FIGURE 4.
POSSIBLE EXCHANGE
LANDS, RAINBOW
FALLS AND
STEHEKIN SCHOOL
AREAS

Draft Possible Exchange Lands, Boulder Creek Area Lake Chelan National Recreation Area Land Protection Plan

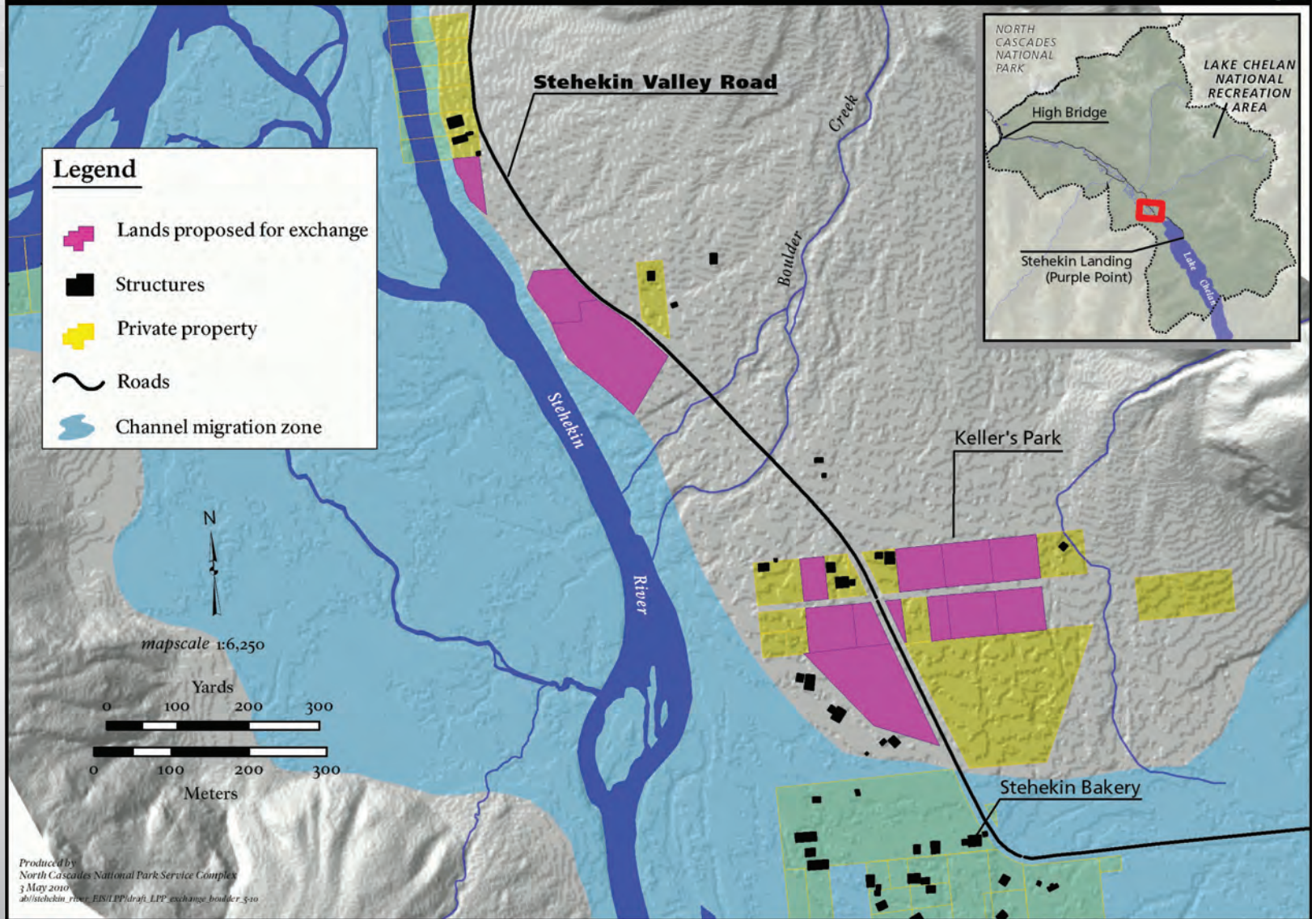


FIGURE 5.
POSSIBLE
EXCHANGE LANDS,
BOULDER CREEK
AREA

Appendices / List of Preparers



Appendices / List of Preparers

Appendix A:

Status of Land Protection Program Lake Chelan National Recreation Area

Nonfederal Land Purchased: 100 tracts – 1203.11 acres

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*:

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.



Appendix B:
Nonfederal Land Acquired In Fee (as of 2009)
Lake Chelan National Recreation Area

TABLE B-1. NONFEDERAL LAND ACQUIRED IN FEE

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

Appendix C:

Stehekin Valley Overlay District Stehekin Valley 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 proposed Stehekin Valley overlay district would have a review board made up of area residents and other interested parties with *ex-officio* 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* (no-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
- 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, Board of Adjustment, 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
 - Private residential uses
- (b) Restricted Uses. In addition to restrictions noted above, the following additional restrictions apply to uses specified below:
 - (1) 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.
 - (2) Manufacturing or industrial uses not historically typical of the lower Stehekin Valley will not be permitted.
 - (3) 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.
 - (4) 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:

Comparison of Scoring Methodologies for Private Land Parcels

APPROACH

This Land Protection Plan was revised as part of development of the SRCIP. The latter plan included development of several alternatives for managing the Stehekin River corridor; ultimately four alternatives were retained for consideration for the public review process. The SRCIP calls for removing development from the Stehekin River CMZ, and for retaining the private community of Stehekin. As such, the Land Protection Plan needs to be revised to reflect priorities that support the SRCIP. Through that process it was also determined that two potential Land Protection Plan alternatives reasonably matched up with the four Stehekin River plan alternatives, and that separate scoring methodologies were needed to establish acquisition priorities that reflected the intent of the two Land Protection Plan alternatives (which in turn support the SRCIP).

The four alternatives developed for the SRCIP and the corresponding Land Protection Plan revision alternatives associated with each included:

SRCIP Alternative 1, No Action: this revised Land Protection Plan does not apply to the No Action alternative; the 1995 Land Protection Plan applies to the No Action alternative.

SRCIP Alternative 2, At risk public facilities and private development removed from CMZ where possible (the basis for the Preferred Alternative, which includes some elements of SRCIP Alternative 3). The preferred alternative for the Land Protection Plan revision applies to this alternative by setting priority on removing private land and structures from within the Stehekin River CMZ.

SRCIP Alternative 3, At risk public facilities and private development removed from CMZ in most areas. As with SRCIP Alternative 2, the preferred alternative for the Land Protection Plan revision applies to this alternative by setting priority on removing private land and structures from within the Stehekin River CMZ.

SRCIP Alternative 4, At risk public facilities and private development removed from CMZ in some areas. An alternate approach to establish the Land Protection Plan revision priorities was applied that reflects a moderate effort to remove access and development within the Stehekin River CMZ.

SCORING METHODOLOGY

The same nine criteria were applied to the two Land Protection Plan revision alternatives.

1. Presence of property within the Stehekin River CMZ, which includes those areas where the Stehekin River has migrated over time, including the modern channel, floodplain, and low river terraces. This zone does not include the migration zone for tributary streams.
2. Property within an AFMZ in which major side tributaries have been actively changing channels.
3. Presence of *wetlands and/or riparian habitat* on the property, 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.
4. Known presence of *protected plant and animal species or suitable habitat for those species*, 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.
5. The potential to *reduce habitat fragmentation* by removing developments adjacent to public land. Larger acreages had the potential to be given more points. Parcels that in general were situated in an area of present- day clusters of development were not considered as having potential to reduce habitat fragmentation even if they bounded public land
6. Lands adjacent to or with potential for *public use/access* (e.g., access to the Lakeshore Trail, Stehekin River, or Lake Chelan; preserving options to move the Stehekin Valley road or protect the road in the future). These uses include those areas that have the potential for recreational, administrative, or other uses that further the public benefits, mission, and operations of Lake Chelan NRA as identified in a previous planning document or management plan.
7. Presence of known *cultural resources* or related concerns.
8. Presence of *permanent structures* (development) on a parcel.
9. *Urgency of threat to development*, defined by assessing threats to structures on the property and access road location with regard to the main channel of the Stehekin River and major side channels.

Table D-1 on the following page reflects the scoring ranges applied to each private land parcel for SRCIP Alternatives 2–4. Each tract received a score for each of the nine criteria; scores were then summed for each tract and placed into categories of High-Medium-Low.



TABLE D-1. SCORING METHODOLOGY FOR PRIVATE LAND PARCELS, SRCIP ALTERNATIVES 2–4

Criteria	SRCIP Alternatives 2 (Preferred) and 3	SRCIP Alternative 4
1. Stehekin River channel migration zone (CMZ)	2 points: structure within CMZ and/or if less than 1 acre of property is outside the CMZ 1 point: no structure within CMZ and greater than 1 acre of property is outside CMZ 0 points: entire parcel out of CMZ	1 point: structure in CMZ and/or less than 1 acre is outside CMZ 0 points: no structure within CMZ and greater than 1 acre outside CMZ
2. Alluvial fan migration zone (AFMZ)	2 points: structure within AFMZ and/or less than 1 acre of property is outside AFMZ 1 point: no structure within AFMZ and greater than 1 acre of property is outside AFMZ 0 points: entire parcel out of AFMZ	1 point: structure in AFMZ and/or less than 1 acre of property outside AFMZ 0 points: no structures within AFMZ
3. Wetlands or riparian habitat	1 point: wetlands or riparian habitat present 0 points: no wetlands or riparian habitat	1 point: wetlands or riparian habitat present; 0 points: no wetlands or riparian habitat
4. Rare species or suitable habitat for those species	1 point: rare species or habitat present 0 points: no rare species/habitat present	1 point: rare species or habitat present 0 points: no rare species/habitat present
5. Potential to reduce habitat fragmentation	2 points: parcel greater than 5 acres and adjacent to public land 1 point: parcel less than 5 acres and adjacent to public land 0 points: parcel not adjacent to public land	2 points: parcel greater than 5 acres and adjacent to public land 1 point: parcel less than 5 acres and adjacent to public land 0 points: parcel not adjacent to public land
6. Potential for public use/access	1 point: parcel adjacent to public land used for administrative use or has potential for public use 0 points: no administrative use or potential for public use adjacent to parcel	2 points: parcel adjacent to public land used for administrative use or has potential for public use 0 points: no administrative use or potential for public use adjacent to parcel
7. Cultural resources or related concerns	1 point: parcel has known cultural resources 0 points: no cultural resources present	1 point: parcel has known cultural resources 0 points: no cultural resources present
8. Permanent structures	2 points: parcel has a permanent structure 1 point: parcel has no permanent structures	1 point: parcel has a permanent structure 0 points: parcel has no permanent structures
9. Urgency of threat to development	2 points: parcel has structure less than 50 feet from main or major side channel of Stehekin River 1 point: access road to parcel is less than 50 feet from main or major side channel of Stehekin River 0 points: entire parcel and access road greater than 50 feet from main or major side channel and /or no structures located on property	1 point: parcel has structure less than 50 feet from main or major side channel of Stehekin River 0 points: parcel has access road less than 50 feet from main or major side channel of the Stehekin River and/or no structure located on property

Scoring summary (number of parcels in each category):

Category	SRCIP Alternatives 2 (Preferred Alternative) and 3	SRCIP Alternative 4
High	66	14
Medium	98	72
Low	4	82





Appendix E: Legislation

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 NP-CAS-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 time 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

NORTH CASCADES NATIONAL PARK SERVICE COMPLEX

Palmer (“Chip”) L. Jenkins, Superintendent
Jack Oelfke, Chief, Resources Management
Jon Riedel, Geologist (SRCIP Project Manager)
Roy Zipp, Environmental Protection Specialist
Vicki Gempko, Natural Resource Program Manager
Jesse Kennedy, Branch Chief, Cultural Resources
Paul Slinde, Chief, Maintenance
Anne Braaten, GIS Specialist

SEATTLE SYSTEM SUPPORT OFFICE, NATIONAL PARK SERVICE

Rick Wagner, Chief, Division of Land Resources
Amanda Kaplan, Planning and Environmental Compliance
Frank Sannino, Cartographer
Wayne Hill, Realty Specialist
Rose Rumball-Petre – Environmental Protection Specialist



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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