

# Land Protection Plan

June 1995

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**LAKE CHELAN**



## SUMMARY

### Lake Chelan National Recreation Area

1. Current ownership (acres):

Federal	59,307.22
State	2,020.00*
Chelan County Public Utility District #1	249.43
Stehekin School District	3.20
Private	459.28**

2. Number of private tracts remaining: Surface: 167\*\*

3. Tentative priority and proposed minimum interest:

Proposed Tentative <u>Priority</u>	Minimum <u>Interest</u>	<u>Tracts</u>	<u>Acres</u>	
HIGH	Fee	1	0.77	
Easement	43	99.45		
Combination: Fee/Easement		18	272.04	
MODERATE	Fee	7	3.69	
Easement	11	17.60		
Combination: Fee/Easement		0	0.00	
LOW	Fee	43	23.37	
Easement	43	19.06		
Combination: Fee/Easement		0	0.00	
Boundary adjustment/deletion pending		1	23.30	

4. Other actions:

<u>Areas</u>	<u>Acres</u>
Federal land available for exchange	7 50

5. Top priority: The highest priority for acquisition of interest is on properties identified in the *Final General Management Plan / Environmental Impact Statement* (NPS 1995) as having high (>50%) resource values. These resource values are specifically related to the amount of land identified as wetlands, high flood influence areas, high visual sensitivity areas, and riparian areas.

\* Previous editions of the *Land Protection Plan* failed to segregate the state-owned submerged lands from the total federal ownership for Lake Chelan. That error is corrected in this edition.

\*\* Includes tract for which boundary adjustment/deletion is pending.

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## **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. This plan was also prepared to help meet specifications of the consent decree negotiated between the National Park Service and the North Cascades Conservation Council (Civ. No. C-89-1342D, U.S. District Court, Seattle, 4/22/91). The consent decree specifically required preparation of an environmental impact statement concerning the effect of existing and proposed management actions, including land protection, in Lake Chelan National Recreation Area. This *Land Protection Plan* replaces the 1988 plan and any previous revisions or updates.

## **PURPOSE OF THE PLAN**

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

1. Determine what land or interests in land need to be in public ownership, and what means of protection other than fee acquisition are available to achieve unit purposes as established by Congress.

2. Inform landowners about NPS intentions for buying or protecting land through other means within the unit.

3. Help managers identify priorities for making budget requests and allocating available funds to protect land and unit resources.

4. Find opportunities to help protect the unit by cooperating with state or local governments, landowners, and the private sector.

Once plans have been approved, revisions or updates will be made to reflect changing conditions.

## **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 constraints.

## **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 area natural and cultural resources and natural processes, and provide for safe visitor facilities and services.

The six principal management objectives are as follows:

- Protect Lake Chelan NRA from land uses and developments that are incompatible with the purposes of the recreation area.
- 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 and enhanced.
- Provide a formal 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 lands.
- Ensure that applicable laws and policies of the state of Washington, including 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.
- 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.

## **GUIDELINES**

Based on the land protection goal and objectives, the following guidelines form the basis for this *Land Protection Plan*:

- Place emphasis on local zoning and other land use authorities of county and state government to regulate private land uses within the Stehekin Valley.

- Provide opportunities for local 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, and that conserve both renewable and nonrenewable resources.
- Encourage new construction and conversion of existing facilities that adhere to sustainable design principles.
- Identify those properties with areas that have a high priority for resource protection, and where a public interest in land is necessary to protect recreation area resources, based on 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. Resources that have a high priority for protection are wetland, high flood influence, riparian, and high visual sensitivity areas.
- Continue willing buyer/willing seller acquisitions for properties with areas that have a high priority for resource protection, or for which public needs have been identified, when appropriated funds are available for such purposes or appropriate lands are available for exchange. The National Park Service will consider other factors on a case-by-case basis in making final determinations to purchase tracts. Private lands consisting primarily of areas with a low priority for protection are considered lowest priority for acquisition; willing seller opportunities would be considered when funds are available.
- Unless specifically authorized by Congress, for all proposed NPS acquisitions of land, or interests in lands (e.g., easements), including exchanges, the National Park Service will provide advance written notification to both U.S. senators for Washington and the U.S. congressional representative(s) for the congressional district(s) containing the affected lands. A copy of the notification will also be sent to the Chelan County Commissioners. If specifically requested in writing by any of the congressional delegation, the National Park Service will enter into further consultation regarding the proposed action.
- Use land exchanges, as natural, cultural, and scenic conditions allow, within Lake Chelan NRA by offering to exchange private lands having resources with high priority for protection for public land from previously acquired private tracts having resources with a 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 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 nonmotorized recreational trail access to lakes, rivers, and streams, and other sites within Lake Chelan NRA.
- Exercise the use of eminent domain procedures only to prevent imminent resource degradation of national recreation area values by incompatible uses on private land, and only as a last resort where other prudent and reasonable measures to protect national recreation area resources by eliminating or mitigating the resource degradation 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 by tract listing of landownerships, identifying the approximate percentage of each tract that has a high priority for resource protection (see the "Recommendations" section).

## **PURPOSE OF THE RECREATION AREA AND RESOURCES TO BE PROTECTED**

### **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, S.R. 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, fiord-like body of water, that was raised 21 feet by a hydroelectric power and flood-control dam. Approximately the upper 5 miles of Lake Chelan and the lower 9 miles of the Stehekin Valley are included in Lake Chelan NRA. See the *Draft General Management Plan / Environmental Impact Statement*, pp. 171–240, for a complete discussion of the affected environment.

There are 460 acres (167 tracts) of private land in Lake Chelan NRA, of which 353 acres (158 tracts) are located in the Stehekin Valley. The remaining acreage is downlake from the landing on the east shore of the lake. An additional 249 acres are owned by Public Utility District (PUD) #1; the Stehekin School District owns 3 acres.

### **HISTORY, DEVELOPMENT, AND USE**

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.

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. 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 National Park Service.

The majority of valley visitors arrive via the Lady of the Lake, a commercial 350-passenger ferry that runs between Chelan and Stehekin. The boat ride takes about 4-1/2 hours one-way from Chelan. A newer, faster boat has been added to the route, reducing the trip to approximately 2 hours one-way.

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.

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 is considered in the *Draft General Management Plan / Environmental Impact Statement*. NPS housing in sensitive areas, i.e., along the lakeshore or in the floodplain, will be removed or relocated.

Historically, development consisted of isolated home sites along the lower Stehekin River. Today, clusters of houses are primarily located at McGregor Meadows, along the Company Creek road, 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 kinds of places. Most development clusters are located on higher ground, protected from most floods. Clusters on the Stehekin Valley road, the major visitor route, do not string along the road, but extend back from it, generally away from areas seen by most visitors. Clusters 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, and visitor services, such as the bakery and the garage, 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 past 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, but there are a few two-story structures.

The appearance of most of the valley is generally rustic and uncrowded. Large, dense clusters of development have generally been avoided. Clearing has been kept to a minimum except for agricultural uses and pasture.

The historical background of the area is significant and the rural development pattern should be continued. Because of the area's remoteness, residents must be independent and self-reliant. In addition, the community was traditionally, and continues to be, hospitable with an economy that relies heavily on providing services to the visitors.

## **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. Some examples of state law that may be applicable to 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, the Stehekin Valley is in a general use zone. The primary use in this zone is single-family residential. However, 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**

## **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. The Nonfederal Lands map shows the location of all nonfederal land in the national

recreation area; 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 172 tracts totaling 712 acres in the recreation area remaining in nonfederal ownership.

<b>Ownership</b>	<b>Tracts</b>	<b>Acres</b>
Private	167	460
Public Utility District	4	249
Stehekin School	<u>1</u>	<u>3</u>
Total	172	712

## **SOCIOCULTURAL CHARACTERISTICS OF NONFEDERAL LANDOWNERS**

Much of the nonfederal 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.

Many of the first homesteaders eventually sold their land and moved out of the valley. There has consistently been a large turnover in valley residents. Until the 1970s the year-round population of Stehekin seldom exceeded 50 people. Today the year-round population approaches 100 people.

See the *Draft General Management Plan / Environmental Impact Statement*, pp. 241–265, for a complete discussion of the socioeconomic profile of the area.

## **COMPATIBLE AND INCOMPATIBLE USES**

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

The Secretary shall administer the recreation areas in a manner which in his judgement 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."

The National Park Service will adopt 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 will be the basis for a case-specific compatibility analysis by the National Park Service. The limitations of the previous compatibility standards, and their approach to specific land use standards in regulatory language, have been removed.

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 National Park Service 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 resource values 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 character of the valley.
- To encourage conversion from a higher impact land use to a lower impact land use.

## **COMPATIBILITY CRITERIA**

### **Effective Date of the Compatibility Criteria**

Upon adoption, these compatibility criteria will supersede those compatibility standards promulgated in 1988, and updated in 1992. Adoption will be official upon the signing of the record of decision by the authorized official, National Park Service.

### **General Criteria**

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

### **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 National Park Service 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., high flood influence, wetland, and riparian areas.

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, conservation, general.
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.

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 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?

- 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% 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 or 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.

### **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
  - high flood influence area
  - wetland
  - riparian area
- highly unstable areas, e.g., slopes greater than 20%, where potential impacts cannot be confined to the specific private ownership
- 3.Any dredging or filling of Lake Chelan or the Stehekin River without full compliance with the U.S. Army Corps of Engineers 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.

### **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 National Park Service will not site any new building or structure in an identified:

- 100-year floodplain, unless used for nonhuman occupancy and with conditions on specific uses or mitigation
- wetland soils, and those soils not conducive to building foundations, leachfield percolation, or site drainage
- geohazard areas
- areas with slopes greater than 20% gradient
- areas of high visual sensitivity, except where specific design mitigation measures can successfully be used

### **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.

### **AGREEMENTS**

Agreements are written descriptions of how two or more parties will take certain actions.

#### **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.

#### **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.

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.

### **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.

## **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.

### **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
- private land use needs to be controlled and managed rather than prohibited to meet area objectives

### **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.

### **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.

### **Overlay District**

The state of Washington already has a relatively sophisticated regime of land use controls and planning, and the National Park Service, 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 National Park Service 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 National Park Service 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 general 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 National Park Service.

The detailed proposal for the Stehekin Valley Overlay District is included in appendix C.

## **REGULATIONS**

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

### **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.

### **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.

## **Sociocultural Impacts**

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

## **ACQUISITION**

### **Fee**

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

**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
- 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.

**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
- 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
- impact on local community from relocation of previous owner, or removal of housing from local market, or termination of seasonal use

**Sociocultural Impacts.** This alternative 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.

## **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).

**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 National Park Service.
- Scenic values and protection or access by the public or the National Park Service 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
- access for management of natural and cultural resources

**Sociocultural Impacts.** Individual and collective impacts will vary depending on the rights acquired. Overall, the impacts would be judged to be beneficial inasmuch 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.

**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
- 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
- increased costs in monitoring terms and conditions of easement provisions

## **METHODS OF ACQUISITION**

The primary methods of acquisition of fee and less-than-fee (easement) interests in lands are defined below.

### **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.

### **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 National Park Service, an appropriation of funds for Lake Chelan NRA would be necessary before the exchange could proceed.

The National Park Service will consider some federal lands within the authorized boundary as potential exchange lands in order to strengthen historic development patterns, consolidate new developments into the most suitable areas, and protect other significant areas. 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 on the Possible Exchange Lands map.

### **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.

### **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.

### **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.

### **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 owners consent.

## **RECOMMENDATIONS**

Nonfederal land within Lake Chelan NRA was evaluated, using a geographic information system (GIS), for the presence of certain resource values. These resource values included wetlands, high flood influence areas, riparian communities, and high visual sensitivity areas. The location of these resource values are shown on the Selected Resources map. The presence of these resource values formed the basis for establishing priorities and recommending the minimum interest to be acquired.

The percentage of high resource values assigned to each individual tract is a product of the GIS analysis as presented in the *Draft General Management Plan / Environmental Impact Statement*. The following recommendations are based on the best available application of GIS and other similar techniques. 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 National Park Service 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 materials. Negotiations between the National Park Service and the owner for the proper disposal of any such waste will be completed prior to finalization of the terms of an agreement.

## **LAND PROTECTION PRIORITIES**

Individual tracts were assigned a potential acquisition priority based on the amount of the tract with resources with high priority for protection.

**Low priority** – All tracts less than 1 acre in size were listed as low priority for acquisition. Due to their small size, the potential for significant impact on resource values is significantly less than for tracts greater than 1 acre.

**Moderate priority** – Tracts greater than 1 acre, but with resources with high priority for protection over less than 50% of their area, are considered moderate priority for possible acquisition.

**High priority** – Tracts greater than 1 acre, but with resources with high priority for protection over more than 50% of their area, are considered high priority for possible acquisition.

Consideration was also given to whether the tracts are currently developed, i.e., for seasonal or permanent residential use or commercial purposes. However, the development status did not ultimately affect the potential priority for protection.

The general criteria in table 1 were applied to each tract to establish potential priority for minimum interest acquisitions of a partial or full interest. Table 2 lists the individual tracts and applied criteria.

**TABLE 1: GENERAL C  
POTENTIAL A**

	<b>% High Resource Tract Size / Development *</b>
	Less than 1 acre: Undeveloped Undeveloped Developed Developed
	1 acre to less than 5 acres: Undeveloped Undeveloped Developed Developed
	5 acres and larger: Undeveloped Undeveloped Developed Developed
<hr/>	
* As used here, development refers to a structure intended for human occupation or commercial purposes.	
** For those tracts 5 acres or larger there is a greater range of options regarding methods of protecting resource values. The decision as to whether to pursue fee, easement, or a combination will be based on existing and proposed land use and development and on the specific characteristics and	

resource values of the land.

Due to unique individual tract characteristics, exceptions to the general priorities may become necessary. Each exception is identified and specifically presented in table 2. Additional 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 2: PRIORITIES FOR PROTECTION AND PROPOSED MINIMUM INTEREST**

Tract	Name	Acres	% High Resource Devel.	Value	Proposed Minimum Priority	Interest
01-100	Wall	23.30	Deleted by boundary adjustment			
01-101	Barnhart	7.21	Y	*	High	Fee/Easement
01-102	McKellar	5.50	Y	*	High	Fee/Easement
01-103	Lewman	30.80	Y	*	High	Fee/Easement
02-102	Brewster Hgts	0.70	N	*	Mod <sup>1</sup>	Easement
02-104	Blue Grade Par.	6.65	Y	*	High	Fee/Easement
02-105	Pinnow	17.90	Y	*	High	Fee/Easement
02-106	Kinman, et ux	0.30	Y	*	Mod <sup>1</sup>	Fee
02-107	Blue Grade Par.	2.49	N	*	High	Easement
02-108	Blue Grade Par.	2.35	N	*	High	Easement
02-109	Blue Grade Par.	6.28	N	*	High	Fee/Easement
03-100	Stifter	40.07	N	71	High	Fee/Easement
03-108	Stevens	0.11	N	0	Low	Easement
03-125	Clayson	1.00	Y	68	High	Easement
03-131	Purple Cr.	0.16	Y	0	Low	Fee
04-100	Hegge	1.73	Y	100	High	Easement
04-101	Hegge	1.73	N	95	High	Easement
04-102	Flint	1.74	N	100	High	Easement
04-103	Thompson	5.00	N	95	High	Fee/Easement
04-104	Darvill	4.24	Y	98	High	Easement
04-105	Williams	0.37	Y	57	Low	Fee
04-106	Bell	4.24	Y	91	High	Easement
04-108	Waddell	0.59	Y	100	Low	Fee
04-110	Peterson	0.50	N	89	Low	Easement
04-112	Blomberg	4.09	N	100	High	Easement
04-114	Clark	10.00	Y	94	High	Fee/Easement
04-116	Ste. R. Resort	10.28	Y	100	High	Fee/Easement
04-117	Moriarity	0.14	N	91	Low	Easement
04-120	Blackburn	0.69	Y	92	Low	Fee
04-124	McLean	0.58	Y	46	Low	Fee
04-127	Bluhm	0.20	Y	86	Low	Fee
04-128	Bridges	0.34	Y	89	Low	Fee
04-130	Pearl	0.36	N	100	Low	Easement
04-131	Parks	0.21	N	100	Low	Easement
04-136	Carleton	0.20	N	100	Low	Easement
04-137	Katz	0.18	N	100	Low	Easement
04-139	Glenn	0.71	Y	89	Mod <sup>1</sup>	Fee
04-143	Behie	0.33	Y	100	Low	Fee
04-144	Pritt	0.28	Y	78	Low	Fee
04-145	Freeman	0.22	Y	97	Low	Fee
04-147	Hubbard	0.20	Y	85	Low	Fee
04-148	Dinwiddie	0.62	Y	96	Low	Fee



04-149	Harvey	0.24	Y	100	Low	Fee
04-150	Dinwiddie	0.24	Y	100	Low	Fee
04-153	The Cedar Co	0.20	N	100	Low	Easement
04-154	Buehler	0.53	Y	100	Mod <sup>1</sup>	Fee
04-155	Bohn	0.32	Y	100	Mod <sup>1</sup>	Fee
04-156	Williams	0.64	Y	100	Mod <sup>1</sup>	Fee
04-157	Ste.Chapel	0.55	N	93	Mod <sup>1</sup>	Easement
04-158	Higgins	0.48	Y	100	Mod <sup>1</sup>	Fee
04-162	Morehead	0.55	N	100	Mod <sup>1</sup>	Easement
04-163	Hayes	0.71	Y	98	Mod <sup>1</sup>	Fee
04-164	Glenn	0.20	N	100	Mod <sup>1</sup>	Easement
04-165	Loynes	0.52	Y	100	Low	Fee
04-166	Blackburn	0.66	N	94	Low	Easement
04-172	Parks	0.72	N	98	Low	Easement
04-173	Blackburn	0.75	N	92	Low	Easement
04-177	Graham	0.48	Y	40	Low	Fee
04-178	Calvin	0.48	N	100	Low	Easement
04-179	Gaukroger	1.10	N	92	High	Easement
04-181	Parks	0.03	N	0	Low	Easement
04-184	Mathews	0.48	Y	100	Low	Fee
04-186	Harvey	0.21	N	86	Low	Easement
04-187	Holcomb	0.35	Y	95	Low	Fee
04-188	Parks	3.65	Y	100	High	Easement
04-189	Dinwiddie	0.22	N	88	Low	Easement
04-190	Courtney	0.18	N	18	Low	Easement
04-191	Libby	0.38	N	41	Low	Easement
04-192	Karapostoles	0.38	Y	42	Low	Fee
04-193	Parsons	1.24	Y	18	Mod	Easement
04-194	Lesmeister	0.48	N	100	Low	Easement
04-195	Theubet	0.48	N	100	Low	Easement
04-196	Clayson	0.25	N	91	Low	Easement
04-197	Kelly	0.48	Y	65	Low	Fee
04-198	Baker	0.48	N	100	Low	Easement
04-199	Robson	0.48	Y	79	Low	Fee
05-102	Kelly	1.68	N	98	High	Easement
05-104	Gans	2.00	Y	10	Mod	Easement
05-107	Sherer	27.00	Y	39	High <sup>2</sup>	Fee/Easement
05-108	Bowles	1.52	Y	100	High	Easement
05-109	Spirk	0.76	N	100	Low	Easement
05-110	Malone	0.76	N	100	Low	Easement
05-111	Mathews	0.76	N	100	Low	Easement
05-112	Jacobson	0.76	N	100	Low	Easement
05-113	Weagant	0.76	Y	100	Low	Fee
05-119	Hammett	0.70	N	85	Low	Easement
05-120	Scutt	0.76	N	100	Low	Easement
05-121	Courtney	5.46	Y	88	High	Fee/Easement
05-124	Morehead	0.21	N	97	Low	Easement
05-125	Caffell	0.41	N	67	Low	Easement
05-126	Denning	0.85	N	0	Low	Easement
05-127	Torcaso	0.85	N	0	Low	Easement
05-128	Stewart	0.85	Y	36	Low	Fee
05-130	Courtney	0.43	N	97	Low	Easement
05-133	Staley	0.85	Y	0	Low	Fee
05-135	Beuhler	27.65	Y	64	High	Fee/Easement
05-136	Saul	0.36	N	100	Mod <sup>3</sup>	Easement

05-140	Hayes	2.13	Y	97	High	Easement
05-141	Sargo	2.17	Y	88	High	Easement
05-142	Gans	2.48	Y	85	High	Easement
05-144	Morehead	0.21	N	100	Low	Easement
05-145	Hutson	0.65	Y	81	Low	Fee
05-147	Morehead	0.42	Y	44	Low	Fee
05-148	Stone	0.77	N	100	High <sup>4</sup>	Fee
05-150	Courtney	0.58	Y	84	Low	Fee
05-157	Hammett	2.99	Y	50	High	Easement
05-158	Breeze	3.03	N	86	High	Easement
05-159	Warner	1.21	Y	87	High	Easement
05-160	Breeze	1.65	Y	82	High	Easement
06-102	Fultz	4.06	N	100	High	Easement
06-106	McConnell	2.90	Y	39	Mod	Easement
06-111	Boyd	0.21	N	100	Low	Easement
06-113	Miles	0.18	Y	29	Low	Fee
06-114	Stevens	0.24	N	59	Low	Easement
06-116	Bardin	0.70	N	100	Low	Easement
06-119	Peterson	6.70	Y	89	High	Fee/Easement
06-120	Gianulis	0.32	N	83	Low	Easement
07-100	McConnell	4.36	Y	0	Mod	Easement
07-105	Blomberg	0.59	Y	77	Low	Fee
07-107	Courtney	1.12	N	100	High	Easement
07-109	McKinley	0.71	Y	95	Low	Fee
07-110	Webb	0.68	Y	90	Low	Fee
07-112	Avery	0.66	Y	65	Low	Fee
07-114	Wilsey	4.00	Y	84	High	Easement
07-116	Neuzil	1.60	Y	70	High	Easement
07-121	Williams	0.41	Y	83	Low	Fee
07-122	Williams	2.32	N	92	High	Easement
07-124	Ralphs	1.18	N	90	High	Easement
07-125	Stegeman	2.07	Y	95	High	Easement
07-127	Winkel	2.18	Y	90	High	Easement
07-130	Linston	2.00	Y	89	High	Easement
07-131	Bingham	0.97	Y	100	Low	Fee
07-133	Winkel	6.89	Y	100	High	Fee/Easement
07-138	Scutt	2.00	Y	65	High	Easement
07-142	Scherer	9.95	Y	100	High	Fee/Easement
07-145	Pitts	0.97	Y	45	Low	Fee
07-147	Pitts	0.71	Y	71	Low	Fee
07-149	Jenkins	0.61	N	88	Low	Easement
07-150	Barnhart	1.01	Y	63	High	Easement
07-153	Fellows	0.90	Y	30	Low	Fee
07-157	Leader	28.70	Y	34	High	Fee/Easement
07-161	Quidbach	0.63	Y	98	Low	Fee
07-166	Taylor	0.32	N	90	Low	Easement
07-168	Pitts	0.47	N	74	Low	Easement
07-172	Dickerson	1.24	Y	95	High	Easement
07-176	Baker	2.48	Y	89	High	Easement
07-177	Otto	0.64	Y	100	Low	Fee
07-179	Nawlinski	0.90	Y	85	Low	Fee
07-184	Quidbach	0.80	N	100	Low	Easement
07-185	Byerly	0.97	Y	100	Low	Fee
07-186	Mitchel	3.53	Y	97	High	Easement
07-187	O'Neal	0.10	N	92	Low	Easement

07-188	Unknown	0.61	N	76	Low	Easement
07-189	Ralphs	0.58	Y	96	Low	Fee
07-190	Morrison	0.53	Y	38	Low	Fee
07-191	Garfoot	2.99	Y	90	High	Easement
07-192	Robbins	1.42	Y	66	High	Easement
07-193	Courtney	1.98	Y	97	High	Easement
07-194	Courtney	2.02	N	100	High	Easement
07-195	Courtney	2.01	N	90	High	Easement
07-196	Courtney	2.01	N	98	High	Easement
07-197	Courtney	2.02	N	94	High	Easement
07-198	Courtney	2.02	N	84	High	Easement
07-199	Danielson	4.97	Y	100	High	Easement
07-200	Bowles	1.74	N	24	Mod	Easement
07-201	Ramos	3.00	N	26	Mod	Easement
08-101	Courtney	20.00	Y	71	High	Fee/Easement

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\*Tracts located downlake from the Landing were not evaluated for resource values. However, due to their location on the lakeshore, it was determined that resource values are greater than 50%.

<sup>1</sup>These properties, each less than 1 acre, are exceptions to the general criteria presented in table 1. Due to their location along the shore of Lake Chelan, their priority for acquisition of an interest has been elevated from low to moderate.

<sup>2</sup>The National Park Service recognizes the opportunity to negotiate an easement on the portion of this tract between the Stehekin Valley road and the Stehekin River.

<sup>3</sup>This tract is in a wetland area; therefore, the priority for acquisition of an interest has been elevated from low to moderate.

<sup>4</sup>This is the last remaining private tract within the boundary of the Buckner Homestead Historic District. Therefore, the priority for acquisition of an interest has been elevated from Low to High. Because of the location the minimum interest has been changed from fee/easement to fee.

## 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 low resource value.

Verbal clearance has been obtained from the Cultural Resources Division regarding compliance with section 106 of the National Historic Preservation Act.

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 National Park Service would work with the Bureau of Land Management and other federal agencies under the Federal Land Exchange Act of 1988, to determine if federal lands outside the recreation area would be available for exchange.

The secretary of the interior has the authority to exchange federally owned property, or interests therein, which has been determined to be suitable for exchange, or other disposal, for nonfederal property within Lake Chelan NRA. Prior to the establishment of the Lake Chelan NRA, none of the public lands administered by the 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 1,173 acres. In addition to the proposed exchange possibilities described below, future acquired properties may be subsequently considered for disposal by exchange after two years from the date of acquisition in order to enhance historic or traditional development patterns; consolidate new forms of approved development proposals into the most suitable areas; or protect areas of higher resource values.

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.

All acreages that contain any of the five resources of concern or any of the three identified development constraints are considered unsuitable for exchange. These development constraints are slopes greater than 20%, sensitive soils, and geohazard areas. To minimize potential long-term management problems in the valley, acquired lands with these constraints will not be exchanged. Slopes greater than 20%, if developed, are possibly subject to failure, would probably be visually intrusive, and could cause long-term erosion problems on adjacent federal lands. Sensitive soils are soils usually associated with wetlands, and if developed could be sources of groundwater or surface water contamination. Geohazard areas are considered particularly dangerous for the siting of developments.

Additionally, the Buckner Orchard National Historic District, designated wilderness lands, and lands needed for visitor facilities (at the Landing) were removed from exchange consideration.

The following five general areas (acreage included) are best suited for possible exchanges:

<u>Area</u>	<u>Acres</u>
Vicinity of the lower field	21
Little Boulder/Boulder creeks (including both sides of the road)	16
East of the airstrip	6
Vicinity of Stehekin Valley ranch	5
Above Rainbow Creek (west side of the road)	<u>2</u>
Total	50

This 50 acres of acquired lands in the valley may be suitable for future land exchanges. These lands would need to be examined on the ground for the presence of high resource values requiring protection. 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 will be included to ensure compatible use subsequent to the exchange.

## **APPENDIXES / LIST OF PREPARERS**

### **APPENDIX A: STATUS OF LAND PROTECTION PROGRAM LAKE CHELAN NATIONAL RECREATION AREA**

Nonfederal Land Purchased: 95 tracts - 1,173 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:

\$5,951,000

Obligated to date:

\$5,829,000

These amounts are for the entire North Cascades National Park Service Complex: Lake Chelan National Recreation Area, North Cascades National Park, and Ross Lake National Recreation Area.

**APPENDIX B: NONFEDERAL LAND ACQUIRED IN FEE  
LAKE CHELAN NATIONAL RECREATION AREA**

<b>Tract</b>	<b>Acres</b>	<b>Tract</b>	<b>Acres</b>
01-104	19.36		
02-101	71.80		
03-102	0.39		
03-103	4.43		
03-104	1.40		
03-106	0.32		
03-107	0.97		
03-109	0.13		
03-111	0.13		
03-112	3.04		
03-113	0.75		
03-116	0.13		
03-118	1.69		
03-119	2.10		
03-120	0.09		
03-121	0.42		
03-122	5.70		
03-123	2.00		
03-124	1.80		
03-126	2.80		
03-127	1.80		
03-130	0.35		
04-118	14.11		
04-119	0.14		

04-122	9.95	
04-125	3.21	
04-133	0.16	
04-140	1.26	
04-141	0.32	
04-142	0.34	
04-152	0.17	
04-159	0.62	
04-161	1.10	
04-168	23.30	
04-170	0.37	
04-182	0.45	
05-105	40.00	
05-106	13.00	
05-114	3.94	
05-115	0.65	
05-116	0.73	
05-118	0.60	
05-122	67.73	
05-129	0.43	
05-137	0.23	
05-138	0.43	
05-139	0.41	
05-143		3.42
05-151		10.00
05-152		94.52
05-154		5.90
05-156		153.60
06-104		1.02
06-105		0.61
06-107		2.90
06-108		2.90
06-109		72.85
06-110		109.82
06-112		0.21
06-117		1.05
06-118		0.95
06-121		0.28
06-122		0.59
07-101		3.25
07-111		0.66
07-119		8.38
07-139		0.98
07-140		0.83
07-141		0.56
07-143		34.62
07-144		31.78
07-148		0.55
07-151		0.86
07-155		1.22
07-158		15.51
07-159		2.96
07-160		2.00
07-162		0.15
07-163		0.16

07-164	8.89
07-165	14.16
07-170	0.54
07-171	0.65
07-173	0.60
07-174	0.58
07-175	0.71
07-178	22.57
07-180	6.19
07-182	0.40
07-183	0.60
08-100	107.83
08-102	103.86
08-103	12.40
08-104	23.00

## APPENDIX C: STEHEKIN VALLEY OVERLAY DISTRICT

The National Park Service has 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.

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 National Park Service, 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, National Park Service Architectural Character Guidelines and Management Objectives-Lake Chelan National Recreation Area, National Park Service 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 National Park Service, and a wildlife biologist designated by the National Park Service. All members will be appointed and will serve in accordance with this ordinance, except that *ex-officio* members affiliated with the National Park Service 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% 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: LEGISLATION**

### **LIST OF PREPARERS**

#### **North Cascades National Park Service Complex**

William F. Paleck, Superintendent  
Dan Allen, Resource Management Specialist  
Phil Campbell, District Manager, Stehekin

#### **Seattle System Support Office**

Rick Wagner, Chief, Division of Land Resources  
Keith Dunbar, Chief, Planning and Environmental Compliance

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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