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ALTERNATIVES FOR LAND PROTECTION

A Review of Case Studies in Eight National Parks



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ALTERNATIVES FOR LAND PROTECTION
A Review of Case Studies in Eight National Parks

Prepared by
American Land Forum
Bethesda, Maryland
June, 1982

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Foreword

This report, prepared at the request of the National Park Service, is a summary of internal NPS studies of alternative approaches to park protection undertaken in eight national parks in 1981 and 1982. The object was to explore alternatives for protecting units in the National Park System, without relying entirely on direct federal fee-simple purchase of private lands.

The principal author of this report is Cecily C. Kihn, Associate Director of the American Land Forum. She was assisted in this work by Carol H. Anderson and other members of the American Land Forum staff. The typescript was prepared by Philip M. Porter. A committee drawn from the board of directors of ALF reviewed the material and made many valuable suggestions. These were Malcolm F. Baldwin, Robert E. Coughlin, and Robert C. Einsweiler. Warren Brown of National Park Service was the technical project officer. We also wish to acknowledge the generous help of the superintendents of the eight parks under study and various members of the National Park Service staff in Washington and the regional offices associated with the case study effort.

Charles E. Little
Editor-in-Chief
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I. THE NEED FOR NEW APPROACHES

Growing Pressures on the National Park Service

During the last twenty years, the National Park System has tripled in acreage and almost doubled in number of management units. Between 1960 and 1980 the number of units increased from 185 to 323. Acreage authorized rose from 25 million to 77 million, including 45 million acres of National Parks in Alaska. Between 1977 and 1980 alone, 32 new parks were created and almost \$800 million added to the existing backlog of claims against the Land and Water Conservation Fund for National Parks. By contrast, since fiscal year 1980, appropriations for National Parks have declined significantly, leaving a substantial discrepancy between plans for and actual ability to acquire parklands -- a discrepancy that will sharpen if land prices continue to rise. In rural areas, land prices increased 325 per cent between 1970 and 1980, and in some areas under metropolitan growth influences prices were doubling every few years.

For the National Park Service, the problem of carrying out an ambitious legislative agenda to acquire ever-costlier land with a relatively small amount of funds has been compounded by the increased complexity of many of the parks created during the late '60s and '70s -- large parks in metropolitan areas, parks in scattered pieces, parks where NPS has been instructed to share planning, management and operations responsibility with local, state and private entities.

Many more parks, both new and traditional, metropolitan and wilderness, are subject to the influences of increasing development on adjacent lands. Increased mineral leasing and residential development in the South and West are particularly serious changes affecting parks in these parts of the country. The NPS 1980 Report to Congress, The State of the Parks, documented these and other pressures on parks across the country. Since this report was made public, conservation organizations have pressed NPS to deal more effectively with these problems.

Moreover, the Park Service has been under increased attack by influential organizations made up of landowners affected by the parks. The General Accounting Office (GAO) has also sharpened its criticisms of NPS land acquisition and management practices asserting, in its most recent of several reports during the last few years, that NPS still acquires too much land and refuses to adequately consider the use of land protection strategies beyond fee simple acquisition.

Policy Shifts

All these changes and pressures have been developing for at least three Administrations, as have limitations in appropriations for the Land and Water Conservation Fund (LWCF), the primary source of acquisition funding for the National Park System. Appropriations for LWCF began to be seriously curtailed in 1980 under the Carter Administration. These reductions continued under the Reagan Administration, which has also expressed concern about land acquisition policies and practices of the National Park Service and other agencies. By February, 1981, federal land acquisition had been put on hold, and Secretary of the Interior James Watt had proposed redirection of the LWCF from acquisition to repair and improvement of the infrastructure and facilities in existing National Parks. Within the Interior Department, a "Lands Policy Work Group" was established to redefine the federal government's role in open space conservation, including acquisition of land for National Parks. The group reported its findings on

July 12, 1981, just after a two-day "Workshop on Public Land Acquisition and Alternatives" sponsored by the Senate Committee on Energy and Natural Resources. The purpose of the workshop, according to Senator Wallop's opening statement, was "to shape... a new land and resource protection policy which would include acquisition as only one tool." At the workshop, Interior Secretary Watt remarked on the sizeable amount of land the federal government already owns and the "great strain" on the NPS imposed by the plethora of recently-authorized parks without proportionate increases in funds for staffing, restoration, operation and maintenance.

The Case Study Effort

In response to the State of the Parks report, the Senate workshop, the GAO report, and the work group's report, NPS Director Russell Dickenson instructed that eight areas be studied to determine (1) what methods beyond fee simple could be used to carry out the intent of Congress on currently authorized areas "in which there are now large unexpended authorizations against the LWCF" and (2) what "generic legislative initiatives" would encourage greater use of land exchanges, land trusts and tax incentives to protect National Parks.

The eight areas chosen for study were the Appalachian National Scenic Trail, Biscayne National Park, Chaco Culture National Historical Park and the Chaco Culture "Archeological Protection Sites," Channel Islands National Park, Chattahoochee River National Recreation Area, Grand Teton National Park and Jackson Hole, the Barataria marsh unit and "park protection zone" of Jean Lafitte National Historical Park, and Kaloko/Honokohau National Historical Park. These areas were chosen because, together, they represent over \$300 million in authorized acquisitions as well as a cross-section of the problems involved in using alternative protection methods.

By September 1981, each of the eight areas had a study team assigned, consisting of at least four people of different disciplines and experience --including experts in management, planning, land protection and land acquisition. The case study effort was under the aegis of the Assistant Secretary for Fish, Wildlife and Parks and overseen by the NPS Washington staff.

The great variation in both park situation and each team's "personality" produced studies markedly different in outline and emphasis. Some teams spent a great deal of time developing methods to assess the cost-effectiveness of various alternative techniques, while others concentrated on solving site-specific problems in close consultation with landowners. Despite this variation, the questions the teams addressed were basically the same:

- What is the significance, nature and extent of the resource to be protected?
- What is the park's legislative mandate in terms of visitor access and services, resource protection, preferred levels and methods of acquisition?
- What degree of control or ownership ("level of estate") does NPS need to manage this resource according to this mandate?
- What uses are compatible with this mandate?

-- What are the most cost-effective techniques and strategies to acquire this estate?

-- What is the impact of these techniques and strategies likely to be on individual landowners and communities in and around the park?

By March 1982, all eight case studies had been completed. A limited number of copies have been printed and distributed.

II. EIGHT PARKS: A SUMMARY OF FINDINGS

Although the greatest utility of the eight resource protection case studies is in building a platform for the development of new policies for the National Park System, the studies have already produced two immediate but quite important kinds of changes — in team members' attitudes towards alternatives to fee acquisition and in the planning and implementation of the eight areas themselves.

For example, as a result of their study, the Appalachian Trail project office is designing a course for realty specialists on the tax write-offs and other benefits of land donations. Meanwhile, the staff of Biscayne National Park has established a good working relationship with state and local regulatory agencies who are now more aware of the kinds of developments that may adversely affect the park. In Chaco, progress has been made in securing cooperation from representatives of the Navajo Tribe and in reaching tentative agreements on exchanges with mineral companies and the state government. Channel Island landowners, previously skeptical of NPS intentions, have now agreed to allow NPS access for appraisal and survey work and are, reportedly, optimistic about the prospect of resolving questions about acquisition.

Moreover, in Chattahoochee, the need for certain boundary adjustments was realized, giving better direction to future land protection efforts. Elsewhere, the Delta Region Preservation Commission has independently endorsed the concept of using purchase and sellback for some lands in Jean Lafitte and of identifying constructive options for the park protection zone. Several properties suitable for exchange in Kaloko/Honokohau have been identified along with practical ways to resolve previous obstacles to exchanges. And, an important exchange is being negotiated in Grand Teton.

The importance of these achievements is made quite clear when seen in the light of the difficulties of carrying out the mandates of Congress and the expectations of park proponents at a time of financial austerity. The summary table on page 6, points out the gaps between authorized acreage, funding, and needs to complete the parks.

Below are narrative summaries of the eight reports. The material from the reports has been augmented by interviews of superintendents and others in the study teams.

Appalachian National Scenic Trail

Extending over a distance of some 2,100 miles, the Appalachian Trail passes through fourteen states from Maine to Georgia. The trail's route generally follows the crest of the Appalachian Mountains, but descends to cross pastoral valleys and the great rivers of the Eastern United States. The trail offers a diversity of topography, vegetation and animal life and traverses many sites of cultural significance.

Since 1925, with the establishment of the Appalachian Trail Conference (ATC), the level of private involvement in trail protection has been remarkable. By 1937, volunteers had blazed a continuous trail from Maine to Georgia and connecting existing trail systems. The study team estimates that the 61 member