

LAND PROTECTION PLAN



REDWOOD NATIONAL PARK

REVISED MAY 1987

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RECOMMENDED:

Douglas Swarnock
Superintendent

May 11, 1987
Date

APPROVED:

for John R. Chen
Regional Director, Western Region

5/20/87
Date

LAND PROTECTION PLAN
FOR
REDWOOD NATIONAL PARK

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 (see Appendix 1). The policy requires that, in carrying out its responsibility for land protection in Federally administered areas, each agency using the fund will:

- Identify what land or interests in land need to be in Federal ownership to achieve management unit purposes consistent with public objectives in the unit.
- Use to the maximum extent practical 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.
- 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.
- Formulate, or revise as necessary, plans for land acquisition and resource use or protection to assure the sociocultural impacts are considered and that the most outstanding areas are adequately managed.

In response to the policy, the National Park Service has prepared this Land Protection Plan for Redwood National Park. The purpose of the Plan is to identify methods of assuring the protection of the natural, historic, scenic, cultural, recreational, or other significant resources, and to provide for adequate visitor use. The Plan was prepared with public participation in 1984 and in compliance with relevant legislation, other congressional guidelines, executive orders, and Departmental and National Park Service policies. This revision was made to reflect changing conditions in the ensuing three years.

This Plan is intended to provide general guidance for a land protection program subject to available funds and other implementation constraints. It is not intended to diminish in any way the rights of non-Federal landowners. Moreover, the Plan does not constitute an offer to purchase land or interests in land. Appendix 2 contains a summary of land acquisition procedures.

Area Description and Purpose

Redwood National Park is located in coastal Del Norte and Humboldt Counties and extends 45 miles south of Crescent City, California (see maps in Appendix 3). The park was established in October 1968 by an Act of Congress (P.L. 90-545) "to preserve significant examples of the primeval coastal redwood forests and the streams and seashores with which they are associated

for purposes of public inspiration, enjoyment, and scientific study." The 1968 act authorized a park of 58,000 acres and provided that "up to 10 acres could be acquired outside the boundaries for administrative site or sites purposes." In March 1978, Congress amended the act, through P.L. 95-250, which authorized an additional 48,000 acres to be acquired "in order to protect existing irreplaceable ... park resources from damaging upslope and upstream land uses, to provide a land base sufficient to insure preservation of significant examples of coastal redwood in accordance with the original intent of Congress, and to establish a more meaningful Redwood National Park for the use and enjoyment of visitors..." (see appendices 4 and 5).

Two additional aspects of the 1978 act affect land acquisition considerations. First, the legislation authorizes the Secretary to acquire lands in a Park Protection Zone, located adjacent to the boundary, provided that such lands be acquired from a willing seller or upon a finding by the Secretary that failure to acquire all or a portion of such lands could result in physical damage to park resources and following notice to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives. Second, the act authorized the Secretary to acquire such lands or interests in lands necessary for a right-of-way for a bypass highway around the eastern boundary of Prairie Creek Redwoods State Park, provided the State of California designated such a right-of-way prior to October 1, 1984. The California Department of Transportation (Caltrans) subsequently designated this right-of-way and the land was acquired by the NPS in April 1984.

Land Protection Problems and Issues

The park has a total authorized acreage limitation of 106,000 acres, exclusive of submerged land, with over 75,000 acres acquired to date. The bulk of this acreage was acquired by legislative taking at the enactment of the park enabling legislation and the subsequent expansion act. There are four remaining private parcels, totalling 114.72 acres. In addition, the external boundaries encompass 28,308.52 acres of State lands and 497.40 acres of county land.

Over \$553 million has been obligated to date for acquisition. Additional funds must be appropriated by action of Congress as court cases are settled in connection with the legislative taking. Also, funds were appropriated in the Fiscal Year 1985 Appropriation Act and obligated for acquisition of right-of-way for construction of the U.S. 101 bypass. There is no legislative monetary acquisition ceiling.

Six distinct categories of land protection considerations are unique to this management unit and have their separate issues. These are as follows:

1. U.S. 101 bypass lands: 637.49 acres were acquired for the highway right-of-way on April 13, 1984 (see map in Appendix 3). The bulk of the right-of-way lands were owned by Simpson Timber Company, with a small ownership by Arcata Leasing Corporation, and located outside the park

boundary. In addition, the 39.87-acre Kahn tract, located just east of the southerly portion of Prairie Creek Redwoods State Park, is being acquired for the right-of-way. An interest sufficient for highway purposes will be donated to Caltrans. Any additional acquisition of uneconomic remainders will be determined after information about appraisals and severance damages have been analyzed. Land protection alternatives were limited in the case of the 101 bypass in that fee acquisition of land included in the right-of-way was required. Further, past uncertainties over design and funding of this highway project did not permit negotiated purchase of the right-of-way. Once the project was cleared to proceed, time constraints left no other option than filing a declaration of taking to acquire the land included in the right-of-way.

In addition to the highway right-of-way purchase, lands have been acquired for wetland, riparian, and fisheries mitigation purposes. Caltrans purchased 45.58 acres along lower Prairie Creek at the mouth of Skunk Cabbage Creek and donated that land to the National Park Service on June 27, 1986. In accordance with interagency agreements, the National Park Service, with funding by Caltrans, restored approximately 12 acres of riparian vegetation and 0.7 acres of wetland vegetation to offset that lost as a result of highway construction. Caltrans is also acquiring 2.5 acres of right-of-way and 3 acres of temporary construction easement from Humboldt County and a private landowner near the mouth of Redwood Creek for the purpose of implementing a fisheries mitigation project. The mitigation will improve water circulation in the Redwood Creek estuary, restore fisheries habitat lost through construction of flood control levees, and offset fisheries resource losses resulting from highway construction. This right-of-way will be donated to the National Park Service.

2. Remaining private inholdings: Aside from the parcels acquired for the bypass right-of-way, four private tracts remain within the boundaries, totalling 114.72 acres (see tract listing in Appendix 6 and maps in Appendix 3). These are located at the mouth of the Klamath River, on the south bank, and are utilized as seasonal commercial sportfishing camps. While these parcels originally were included in the legislative taking in 1968, Section 4(c) of P.L. 90-545 provided that "The Secretary shall have, with respect to any real property acquired by him in sections 5 and 8, township 13 north, range 1 east, Humboldt meridian, authority to sell or lease the same to the former owner under such conditions and restrictions as will assure that it is not utilized in a manner or for purposes inconsistent with the national park." Under the authority of this protective clause, these lands were revested as their continued private ownership and current uses were consistent with the park. However, the quit claim deeds revesting the lands contain no restrictive clauses.

3. Administrative site lands: The 1968 legislation authorized the acquisition of 10 acres of land for administrative purposes outside the boundaries. Of this total, 1.5 acres were acquired by donation for Crescent City headquarters, and 3.47 acres were acquired for access to the South Operations Center in the Orick area. The South Operations Center is located within the park boundaries on land owned by the Service. Use of the administrative lands authorization is an option for acquisition of U.S. 101

bypass fisheries mitigation lands at the mouth of Redwood Creek.

4. State, county, and other public lands: The park's enabling legislation provides that State lands, including the three existing State parks located within the boundaries, may be acquired only by donation (Appendix 6). There have been extensive negotiations to accomplish this in the past. While there is no current move in this direction, negotiations could resume at any time. Meanwhile, the three State parks continue to receive adequate protection through management by the California Department of Parks and Recreation, whose General Plan for these parks is compatible with NPS planning.

The donation restriction does not apply to county-owned properties. However, these parcels are considered to be adequately protected under county jurisdiction, as they are dedicated for public purposes compatible with the park. Humboldt County previously donated a parcel located near the mouth of Redwood Creek and adjacent to the Redwood Information Center. Also, Del Norte County donated a county park at Lagoon Creek. Currently, Humboldt and Del Norte Counties are in the process of donating four roads (Rudisill, Myrtle, Red Park and a portion of Hilton) to the park.

Most of the Requa Air Force Station site was acquired through the transfer of Federal surplus property. At the same time, the Federal Aviation Administration acquired the balance, 1.9 acres, through similar means for a radar site. Ownership of two small lots within the U.S. 101 Bypass right-of-way are now under the jurisdiction of the Bureau of Land Management. They were created through the discovery of a hiatus in the original land survey in the area of the bypass acquisition and will be conveyed to the State as a right-of-way for highway purposes.

5. Park Protection Zone lands: The 1978 legislation provided for a Park Protection Zone to protect downstream park lands in the lower watershed of Redwood Creek. While the exact boundaries of this zone have not been actually set on the ground, the area involved encompasses approximately 33,000 acres and includes the watersheds of four tributaries of Redwood Creek: Lacks, Coyote, Panther, and Garrett Creeks (see Appendix 3). The legislation provides explicit guidelines for any acquisition within the zone. There either must be a willing seller or it must be demonstrated that failure to acquire could result in physical damage to park resources. Congress provided three methods to protect downstream resources: cooperative management, litigation, and selected acquisition. While no specific criteria are set to govern potential land acquisition, timber harvest guidelines have been developed to assist in cooperative management. The following scenerio could result in land acquisition within the park protection zone.

a. Private landowner in the zone files a Timber Harvest Plan (THP) with the California Department of Forestry (CDF). The THP states how the operator will comply with State regulations governing harvest levels, road construction, erosion control, and reforestation.

b. The CDF invites park comment on the THP, park staff participates in field review and provides comment on the THP based on the timber harvest guidelines.

c. If park comments are accepted by the CDF and incorporated in the THP, the need for further protection measures is not necessary. To date all THP issues have been resolved at this step.

d. If the park comments are not accepted, the significance of the problem is considered and further negotiations with the landowner and CDF are conducted to achieve a mutually acceptable agreement.

e. As a last resort, when all the above measures fail, litigation or acquisition, as authorized by the legislation, would be undertaken. This can include condemnation.

If an owner wishes to dispose of a property and makes an offer to NPS, land protection action would be considered on a case-by-case basis. Such action would depend on the suitability of other options (that is, cooperative agreement, easement, or fee acquisition), Congressional approval, and appropriation of funds. In addition to the Park Protection Zone, Section 3(e) of the 1968 legislation (P.L. 90-545) provides for protection measures on lands either peripheral to the park boundary or on watersheds tributary to streams within the park. However, the emphasis of this section is on either cooperative agreements or less-than-fee acquisition.

Prior to 1983, the California Department of Forestry allowed NPS access to and review of timber harvest plans on lands upstream of the Park Protection Zone in the Redwood Creek watershed and on lands adjacent to the park boundary. Since 1983, however, CDF has allowed NPS access to these lands to be at the owners' discretion. In most cases, the owners have denied access. As a result, the vast majority of plans referred to the NPS have had no field review, limiting the effectiveness of NPS comment.

6. U.S. 101 Scenic Corridor: The 1968 legislation provides for acquisition of "land bordering both sides of the highway between the present southern boundary of Prairie Creek Redwoods State Park and a point on Redwood Creek near the town of Orick to a depth sufficient to maintain or to restore a screen of trees between the highway and the land behind the screen and the activities conducted thereon." However, much of this land was added to the park in the 1978 expansion and the legislative history for P.L. 95-250 changed the emphasis of the scenic corridor. "Acquisition within the 'Scenic Corridor' is to restore or maintain land uses compatible and appropriate with the areas beyond or behind the corridor. In this sense, the value of the scenic buffer area has shifted since the 1968 bill from protecting the motorist from unsightly and jarring clearcut operations to enhancing and insuring a proper setting for Redwood National Park from the major road networks utilizing the corridor" (Public Law 95-250, Legislative History, page 356).

About 130 acres remain in private parcels in the corridor with the bulk owned by Arcata Leasing Corporation, and most of the remainder is in the Davison Ranch. Most of these lands are zoned either industrial or agricultural. In 1986, 45 acres of Arcata Leasing Corporation lands, located along Prairie Creek at the mouth of Skunk Cabbage Creek, were acquired. This acquisition serves as partial mitigation for lost wetland and riparian habitat from the 101 bypass and was funded by the Caltrans. Other than this action, future land protection measures in the corridor would be similar to those described for the Park Protection Zone. If potentially adverse land use changes are proposed for the remaining private lands, there would be extensive review of the problem, followed by negotiation for agreement, and enforcement of appropriate regulations prior to resorting to acquisition. Offers to sell would be handled in a manner similar to cases in the Park Protection Zone.

Alternatives and Analysis

Four alternative means of land protection are available: fee and less-than-fee acquisition, agreements, and land use regulation.

1. Fee Acquisition: All interests in a tract of land would be acquired, including mineral rights if not held by a third party. Advantages of this method include full control of land use and public access. Disadvantages are cost to the Government and impact on the local tax base. The variations are as follows:

a. Purchase: Under purchase, a willing seller and buyer agree on a price for the land. Both the access corridor to the South Operations Center and the mitigation lands for the bypass project were acquired in this manner. In both cases, full control of the lands was needed. Fee purchase could be utilized in the future in both the Protection Zone and Scenic Corridor provided that all other means of protection (agreements, regulations, or less-than-fee acquisition) prove unworkable and a threat to the park resource exists.

b. Donation: Donations, along with bargain sales, are methods of acquiring land or interests in land at less than market value. This acquisition method has and will continue to be a key means of acquiring additional lands for the park. Both the Crescent City headquarters site and two county parks were acquired in this manner. It is the preferred method for future county land acquisition and the only method authorized for State land acquisition, should these be offered in the future. Protection Zone, scenic corridor, and periphery lands also could be acquired by donation, as well as any of the four private properties at the mouth of Klamath River, should an owner be so inclined. Donation or bargain sales can either be directly from the owner or from a third party that purchases and then donates the land to the park. Both provide the donor with potential tax benefits.

c. Exchange and Transfers: Federal agencies may acquire land or interests in land by trading land or interests under their jurisdiction. For example, the lands and facilities at the former Requa Air Force Station were acquired through transfer. A tract of U.S. Forest Service land adjacent to the park along the Klamath River may be considered for transfer for park use. Some BLM hiatus lands may be transferred if such lands are located adjacent to the boundary and if a transfer would either enhance or protect park resources. Exchange may be an effective tool in the Scenic Corridor where a finite number of private tracts remain (provided that a need for fee title is proven). It is a far less relevant method for other areas in the park's periphery as there are an undetermined number of holdings and a need would have to be demonstrated.

d. Eminent Domain: Eminent domain (or condemnation) proceedings take two forms--either the filing of a complaint in condemnation in Federal court or declaration of taking. Declarations of taking were utilized for the bypass right-of-way because prompt acquisition was necessary to meet tight timetables for construction of the highway. Otherwise, eminent domain would be used only as a last resort in the Protection Zone, scenic corridor, periphery, and private inholdings after all efforts to negotiate agreements and/or purchase fail and a definite threat to park resources remains.

2. Less-than-Fee Acquisition: Only those interests needed to protect park resources are acquired. All of the methods listed for fee acquisition also apply to this category. Less-than-fee acquisition was used to obtain a scenic easement and road access corridors and is currently being used to acquire a potable water well site. It could be a protection method applicable to the scenic corridor and peripheral lands, administrative sites and, to a lesser degree, the Protection Zone. Fee acquisition could be as cost-effective if highly restrictive easements are needed to protect park values in certain cases. Easements would be most appropriate in those instances where current land use is compatible and no substantial changes in the use of resources (for example, logging or subdivision) appear likely in the future.

3. Agreements: Agreements are legal instruments defining administrative arrangements between two or more parties and can provide for an exchange of services or other benefits. This will be the primary land protection method utilized in the Park Protection Zone, scenic corridor, and on lands peripheral to the boundary. In all cases, when potential threats to the resource occur, resolution of the matter will first be sought through negotiation of agreements satisfactory to both parties. Only when such efforts fail and the threat remains will acquisition be considered.

4. Land Use Regulation: Land use regulations may originate from the Federal, State, or local levels and may take a variety of forms. Both the 1968 and 1978 legislation authorize controls over the Protection Zone, scenic corridor, park periphery, and upstream private lands. Land use guidelines have been drafted in compliance with the legislative history of Public Law 95-250. These guidelines would provide for the effective control of erosion and sedimentation on lands upstream from the park. The State

park lands are adequately controlled by State management regulations equally stringent with those of the national park. Other than the park legislation, the primary regulatory agencies are the Regional Water Quality Control Board, Department of Forestry, Corps of Engineers, Department of Fish and Game, Coastal Commission, and two counties. The four private inholdings located near the mouth of the Klamath River are within the coastal zone and subject to State and county coastal zone regulations. County zoning authorities would also apply on lands peripheral to the park.

Environmental Compliance

Environmental statements have been prepared for the park's General Management Plan and for the U.S. 101 Bypass Project. The GMP statement addresses the general policy for acquisition, and the bypass statement addresses the acquisition of lands for the project, including mitigation acreage. Acquisition of the access to the South Operations Center qualified for a categorical exemption. No actions are proposed at this time that require compliance. Any future acquisitions either will qualify for an exemption or will have specific assessments prepared if circumstances warrant.

Recommendations

Acquisition of private lands is not a major issue in this park. Pending acquisitions include a potable water well site serving the Requa maintenance facility, U.S. 101 bypass fisheries mitigation lands at the mouth of Redwood Creek, and four county roads. The Service will remain open to the transfer of State park lands as authorized in the enabling legislation. There is no need for acquisition of the four remaining parcels at the mouth of the Klamath River as they are operated in a manner compatible with park purposes. Land protection in the Park Protection Zone, Scenic Corridor, and lands peripheral to or in tributary watersheds to the park boundaries should be heavily dependent on agreements and land use regulation. Acquisition will be considered only when all attempts to resolve issues through enforcement of regulations, negotiation of agreements, or litigation fail and a threat to park resources remains.

APPENDICES

1. Policy For Use of the Federal Portion of the Land and Water Conservation Fund
2. Acquisition Procedures
3. Maps
4. Authorizing Legislation
5. Management Objectives
6. Tract Listing

DEPARTMENT OF THE INTERIOR

Policy for Use of the Federal Portion
of the Land and Water Conservation
Fund

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of final policy statement.

SUMMARY: The Assistant Secretary for Fish and Wildlife and Parks has adopted a policy statement concerning use of the Federal portion of the Land and Water Conservation Fund (LWCF). This policy statement provides broad guidance to four Federal agencies in use of the LWCF to achieve natural, cultural, wildlife, and recreation management objectives in accordance with Congressional mandates and statutory authorities.

The policy applies to the National Park Service, Fish and Wildlife Service, and the Bureau of Land Management, in the Department of the Interior and the Forest Service in the Department of Agriculture. The statement was developed by the LWCF Policy Group which is composed of the Directors of these three Interior agencies, Chief of the Forest Service, and a chairman who is designated by the Assistant Secretary for Fish and Wildlife and Parks. The LWCF Policy Group (LPG) was originally established in 1974 to review, comment on and coordinate proposals that may affect the Federal portion of the Land and Water Conservation Fund.

EFFECTIVE DATE: May 15, 1982.

FOR FURTHER INFORMATION CONTACT:
Ric Davidge, Chairman, LWCF Policy
Group, Room 3158, Department of the
Interior, Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION: The public was invited to comment on the proposed policy statement which appeared in the Federal Register March 18, 1982, (Vol. 47, No. 53, pages 11777-8).

There were several comments received via phone expressing support for the policy statement and an interest in the rapid implementation of the policy. Seventy-five written comments were received. Seventy fully supported the policy and its immediate implementation by all of the Federal agencies using the Land and Water Conservation Fund. Five comments expressed concerns that the new policy was too general to be evaluated, eliminated the use of full fee title acquisition, was contrary to the 1980 policy for potential additions to the Federal estate, and that a fair analysis could not be made without analysis of the case studies that are not as yet available.

The new policy is by design general. Its purpose is to encourage the use of cost effective tools to protect the essential resource values in authorized areas. Full fee title acquisition is anticipated in areas where this method of acquisition is required by the land protection plan. Each individual area land protection plan must comply with all environmental protection requirements and it is at this specific point where the application of the policy should be evaluated. This policy is an extension of the 1980 policy for potential

additions to the Federal estate in that it encourages the same alternative protection and acquisition methods but for authorized rather than proposed areas. Review and comment on the subject policy should not have been dependent upon a review of the case studies that were to be made available by the National Park Service after April 12, 1982, as reported in the March 18, 1982, Federal Register. These case studies were undertaken to provide the National Park Service with an initial sample of how land protection plans could be recrafted and were not a test of the policy per se. It is anticipated that these case studies will be available on or about June 22, 1982.

The policy was developed in response to the decreasing availability of Land and Water Conservation Fund monies annually appropriated by Congress, concerns voiced by a number of sources including hearings by the Senate Subcommittee on Public Lands and Reserved Waters on July 9 and 10 of 1981; and reports by the General Accounting Office concerning Federal land acquisition practices. The recently adopted policy generally refines and expands the basic concepts included in the policy statement which appeared in the Federal Register of May 7, 1980 (45 FR 30308). The previous policy statement only addressed studies and recommendations for new areas to be funded under the Land and Water Conservation Fund program. The recent drop in the level of the annual Land and Water Conservation Fund appropriation created a need to apply the various

alternatives to fee title land acquisition to all currently authorized areas in an effort to stretch available LWCF monies. The recently adopted policy supplements the 1980 statement to include existing units of the National Park, Wildlife Refuge, Forest, and recreation or conservation area systems where acquisition of private land is planned using LWCF monies.

The policy provides general guidance and does not replace the more detailed policies and procedures governing the land acquisition and management programs of each agency. However, each agency affected by the Policy is expected to make revisions in its policies and procedures as necessary and appropriate to reflect the direction of the general policy. This direction includes emphasis on responsiveness to Congressional mandates; cost effective alternatives to Federal fee simple purchase of private lands; improved cooperation with landowners, other Federal agencies, and State and local governments, and the private sector; and development of plans considering socio-cultural impacts.

ADOPTED POLICY: The following statement has been adopted after consideration of public comments: Policy for Use of the Federal Portion of the Land and Water Conservation Fund.

The Federal portion of the Land and Water Conservation Fund will be used to acquire lands, waters, and interests therein necessary to achieve the natural, cultural, wildlife, and recreation management objectives of the National Park Service, Fish and Wildlife Service, Bureau of Land Management, and Forest Service. The fund will be used in accord with management objectives for each currently authorized area based on agency missions and Congressional mandates. The agencies using the Federal portion of the Land and Water Conservation Fund will, to the extent consistent with statutory authorities:

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

—Use to the maximum extent practical 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.

—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.

—Formulate, or revise as necessary, plans for land acquisition and resource use or protection to assure the socio-cultural impacts are considered and that the most outstanding areas are adequately managed.

Dated: April 29, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-12383 Filed 3-4-82; 8:45 AM]

BILLING CODE 4310-10-M

ACQUISITION PROCEDURES

The Division of Land Resources assigned to the Western Regional Office is responsible for carrying out the land acquisition program. It will be guided by the unit's Land Protection Plan, which must be approved by the Regional Director.

The Service will obtain, at its expense, a preliminary policy of title insurance for each property which will identify the owner or owners of record and all encumbrances, such as mortgages, liens, judgments, right-of-way or other easements, affecting the property's title.

Each property will be appraised by an independent contract appraiser. The landowner and/or his/her representative will be offered an opportunity to accompany the appraiser on the inspection of the property in order to afford the owner an opportunity to point out significant features of the property.

To assure the quality of appraisals, a staff appraiser will review all reports for compliance with proper appraisal procedures and check such elements as the thoroughness of the research performed and whether or not the appraiser has afforded the landowner the opportunity to accompany the appraiser.

Appraisers will be required to furnish an objective estimate of the "Fair Market Value" of the lands being appraised. The Uniform Appraisal Standards for Federal Land Acquisitions defines Fair Market Value as "The amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would be sold by a knowledgeable owner willing but not obligated to sell to a knowledgeable purchaser who desired but is not obligated to buy."

As soon as possible after the appraisal of a property has been received, reviewed, and approved, the Service will submit to the owner, subject to the availability of funds, a written offer which will not be less than the Service's approved appraisal of the fair market value of the property. The owner will be provided with a copy of the Service's appraisal upon request. Assuming that a mutually acceptable purchase price is agreed upon, closing will normally be completed by a local title company acting as escrow and closing agent within 6 to 8 weeks of signature by the owner and the Service of an Offer to Sell.

It is the responsibility of the seller to convey clear title to the property being acquired. Under Public Law 91-646, the Service may reimburse sellers for expenses incurred such as:

1. Recording fees, transfer taxes, similar expenses incidental to conveying the real property.
2. Penalty cost for prepayment of any pre-existing recorded mortgage entered into in good faith encumbering the real property.

3. The pro rata portion of real property taxes the owner paid to cover the period after title was vested in the United States.

The Service may pay other similar expenses to the extent they are fair and reasonable, but the Service will not pay for costs necessary to clear defects in title to the property.

The Service will make every effort to seek negotiated settlement wherever possible; however, if this is not possible, eminent domain proceedings may be initiated.

Eminent domain proceedings are usually initiated by the filing of a complaint in condemnation in Federal Court. In this type of action title to the land does not pass to the government until the court or jury has determined the amount of just compensation and this amount has been paid to the owner. Eminent domain proceedings may be employed to determine title issues or when negotiations are unsuccessful and Fair Market Value is to be determined by the court.

In addition to the complaint in condemnation, declarations of taking are used where title to the land must be vested in the United States immediately in order to prevent resource damage.

A declaration of taking vests title to property in the United States immediately upon filing papers in the court and the deposit of an estimate of just compensation. A portion of this deposit may be withdrawn by the owner as approved by the court.

Acquisition of Less-than-Fee Interests (Easement)

The procedure for acquiring less-than-fee interests is the same as that described above for acquisition of fee interests except for the fact that the owner does not relinquish title and possession of the property.



Public Law 90-545
90th Congress, S. 2515
October 2, 1968

An Act

To establish a Redwood National Park in the State of California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve significant examples of the primeval coastal redwood (*Sequoia sempervirens*) forests and the streams and seashores with which they are associated for purposes of public inspiration, enjoyment, and scientific study, there is hereby established a Redwood National Park in Del Norte and Humboldt Counties, California.

Redwood National Park, Calif. Establishment.

SEC. 2. (a) The area to be included within the Redwood National Park is that generally depicted on the maps entitled "Redwood National Park," numbered NPS-RED-7114-A and NPS-RED-7114-B, and dated September 1968, copies of which maps shall be kept available for public inspection in the offices of the National Park Service, Department of the Interior, and shall be filed with appropriate officers of Del Norte and Humboldt Counties. The Secretary of the Interior (hereinafter referred to as the "Secretary") may from time to time, with a view to carrying out the purpose of this Act and with particular attention to minimizing siltation of the streams, damage to the timber, and assuring the preservation of the scenery within the boundaries of the national park as depicted on said maps, modify said boundaries, giving notice of any changes involved therein by publication of a revised drawing or boundary description in the Federal Register and by filing said revision with the officers with whom the original maps were filed, but the acreage within said park shall at no time exceed fifty-eight thousand acres, exclusive of submerged lands.

Boundaries.

Publication in Federal Register.

(b) The Secretary is authorized to acquire by donation only all or part of existing publicly owned highways and roads within the boundaries of the park as he may deem necessary for park purposes. Until such highways and roads have been acquired, the Secretary may cooperate with appropriate State and local officials in patrolling and maintaining such roads and highways.

SEC. 3. (a) The Secretary is authorized to acquire lands and interests in land within the boundaries of the Redwood National Park and, in addition thereto, not more than ten acres outside of those boundaries for an administrative site or sites. Such acquisition may be by donation, purchase with appropriated or donated funds, exchange, or otherwise, but lands and interests in land owned by the State of California may be acquired only by donation.

(b) (1) Effective on the date of enactment of this Act, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property within the park boundaries designated in maps NPS-RED-7114-A and NPS-RED-7114-B, except real property owned by the State of California or a political subdivision thereof and except as provided in paragraph (3) of this subsection. The Secretary shall allow for the orderly termination of all operations on real property acquired by the United States under this subsection, and for the removal of equipment, facilities, and personal property therefrom.

82 STAT. 931
82 STAT. 932

(2) The United States will pay just compensation to the owner of any real property taken by paragraph (1) of this subsection. Such compensation shall be paid either: (A) by the Secretary of the Treasury from money appropriated from the Land and Water Conservation Fund, including money appropriated to the Fund pursuant to section 4(b) of the Land and Water Conservation Fund Act of 1965, as

78 Stat. 900.
16 USC 4601-7.

amended, subject to the appropriation limitation in section 10 of this Act, upon certification to him by the Secretary of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 6 per centum per annum from the date of taking the property to the date of payment therefor; or (B) by the Secretary, if the owner of the land concurs, with any federally owned property available to him for purposes of exchange pursuant to the provisions of section 5 of this Act; or (C) by the Secretary using any combination of such money or federally owned property. Any action against the United States for the recovery of just compensation for the land and interests therein taken by the United States by this subsection shall be brought in the Court of Claims as provided in title 28, United States Code, section

68 Stat. 1241.

1491.

(3) Subsection 3(b) shall apply to ownerships of fifty acres or less only if such ownerships are held or occupied primarily for nonresidential or nonagricultural purposes, and if the Secretary gives notice to the owner within sixty days after the effective date of this Act of the application of this subsection. Notice by the Secretary shall be deemed to have been made as of the effective date of this Act. The district court of the United States for that district in which such ownerships are located shall have jurisdiction to hear and determine any action brought by any person having an interest therein for damages occurring by reason of the temporary application of this paragraph, between the effective date of this Act and the date upon which the Secretary gives such notice. Nothing in this paragraph shall be construed as affecting the authority of the Secretary under subsections (a) and (c) of this section to acquire such areas for the purposes of this Act.

(c) If any individual tract or parcel of land acquired is partly inside and partly outside the boundaries of the park or the administrative site the Secretary may, in order to minimize the payment of severance damages, acquire the whole of the tract or parcel and exchange that part of it which is outside the boundaries for land or interests in land inside the boundaries or for other land or interests in land acquired pursuant to this Act, and dispose of so much thereof as is not so utilized in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. 471 et seq.). The cost of any land so acquired and disposed of shall not be charged against the limitation on authorized appropriations contained in section 10 of this Act.

82 STAT. 932
82 STAT. 933

(d) The Secretary is further authorized to acquire, as provided in subsection (a) of this section, lands and interests in land bordering both sides of the highway between the present southern boundary of Prairie Creek Redwoods State Park and a point on Redwood Creek near the town of Orick to a depth sufficient to maintain or to restore a screen of trees between the highway and the land behind the screen and the activities conducted thereon.

(e) In order to afford as full protection as is reasonably possible to the timber, soil, and streams within the boundaries of the park, the Secretary is authorized, by any of the means set out in subsections (a) and (c) of this section, to acquire interests in land from, and to enter into contracts and cooperative agreements with, the owners of land on the periphery of the park and on watersheds tributary to streams within the park designed to assure that the consequences of forestry management, timbering, land use, and soil conservation practices conducted thereon, or of the lack of such practices, will not adversely affect the timber, soil, and streams within the park as aforesaid. As used in this subsection, the term "interests in land" does not include fee title unless the Secretary finds that the cost of a necessary less-

"Interests in
land."

than-fee interest would be disproportionately high as compared with the estimated cost of the fee. No acquisition other than by donation shall be effectuated and no contract or cooperative agreement shall be executed by the Secretary pursuant to the provisions of this subsection until sixty days after he has notified the President of the Senate and the Speaker of the House of Representatives of his intended action and of the costs and benefits to the United States involved therein.

SEC. 4. (a) The owner of improved property on the date of its acquisition by the Secretary under this Act may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition minus the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purpose of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) The term "improved property", as used in this section, means a detached, noncommercial residential dwelling, the construction of which was begun before October 9, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

"Improved property."

(c) The Secretary shall have, with respect to any real property acquired by him in sections 5 and 8, township 13 north, range 1 east, Humboldt meridian, authority to sell or lease the same to the former owner under such conditions and restrictions as will assure that it is not utilized in a manner or for purposes inconsistent with the national park.

SEC. 5. 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 outside of such boundaries within the limits prescribed in this Act. Notwithstanding any other provision of law, the Secretary may acquire such property from the grantor by exchange for any federally owned property under the jurisdiction of the Bureau of Land Management in California, except property needed for public use and management, which he classifies as suitable for exchange or other disposal, or any federally owned property he may designate within the Northern Redwood Purchase Unit in Del Norte County, California, except that section known and designated as the Yurok Experimental Forest, consisting of approximately nine hundred and thirty-five acres. Such federally owned property shall also be available for use by the Secretary in lieu of, or together with, cash in payment of just compensation for any real property taken pursuant to section 3(b) of this Act. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, the value shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. Through the exercise of his exchange authority, the Secretary shall, to the extent possible, minimize economic dislocation and the disruption of the grantor's commercial operations.

82 STAT. 933
82 STAT. 934

SEC. 6. Notwithstanding any other provision of law, any Federal property located within any of the areas described in sections 2 and 3 of this Act may, with the concurrence of the head of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

SEC. 7. (a) Notwithstanding any other provision of law, the Secretary shall have the same authority with respect to contracts for the acquisition of land and interests in land for the purposes of this Act as was given the Secretary of the Treasury for other land acquisitions by section 34 of the Act of May 30, 1908 (35 Stat. 545; 40 U.S.C. 261), and the Secretary and the owner of land to be acquired under this Act may agree that the purchase price will be paid in periodic installments over a period that does not exceed ten years, with interest on the unpaid balance thereof at a rate which is not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities on the installments.

(b) Judgments against the United States for amounts in excess of the deposit in court made in condemnation actions shall be subject to the provisions of section 1302 of the Act of July 27, 1956 (70 Stat. 694), as amended (31 U.S.C. 724a), and the Act of June 25, 1948 (62 Stat. 979), as amended (28 U.S.C. 2414, 2517).

75 Stat. 415.

SEC. 8. The present practice of the California Department of Parks and Recreation of maintaining memorial groves of redwood trees named for benefactors of the State redwood parks shall be continued by the Secretary in the Redwood National Park.

SEC. 9. The Secretary shall administer the Redwood National Park in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), as amended and supplemented.

Appropriation
authorization.

SEC. 10. There are hereby authorized to be appropriated \$92,000,000 for land acquisition to carry out the provisions of this Act.

Approved October 2, 1968.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 1630 (Comm. on Interior & Insular Affairs)
and No. 1890 (Comm. of Conference).

SENATE REPORT No. 641 (Comm. on Interior & Insular Affairs).

CONGRESSIONAL RECORD:

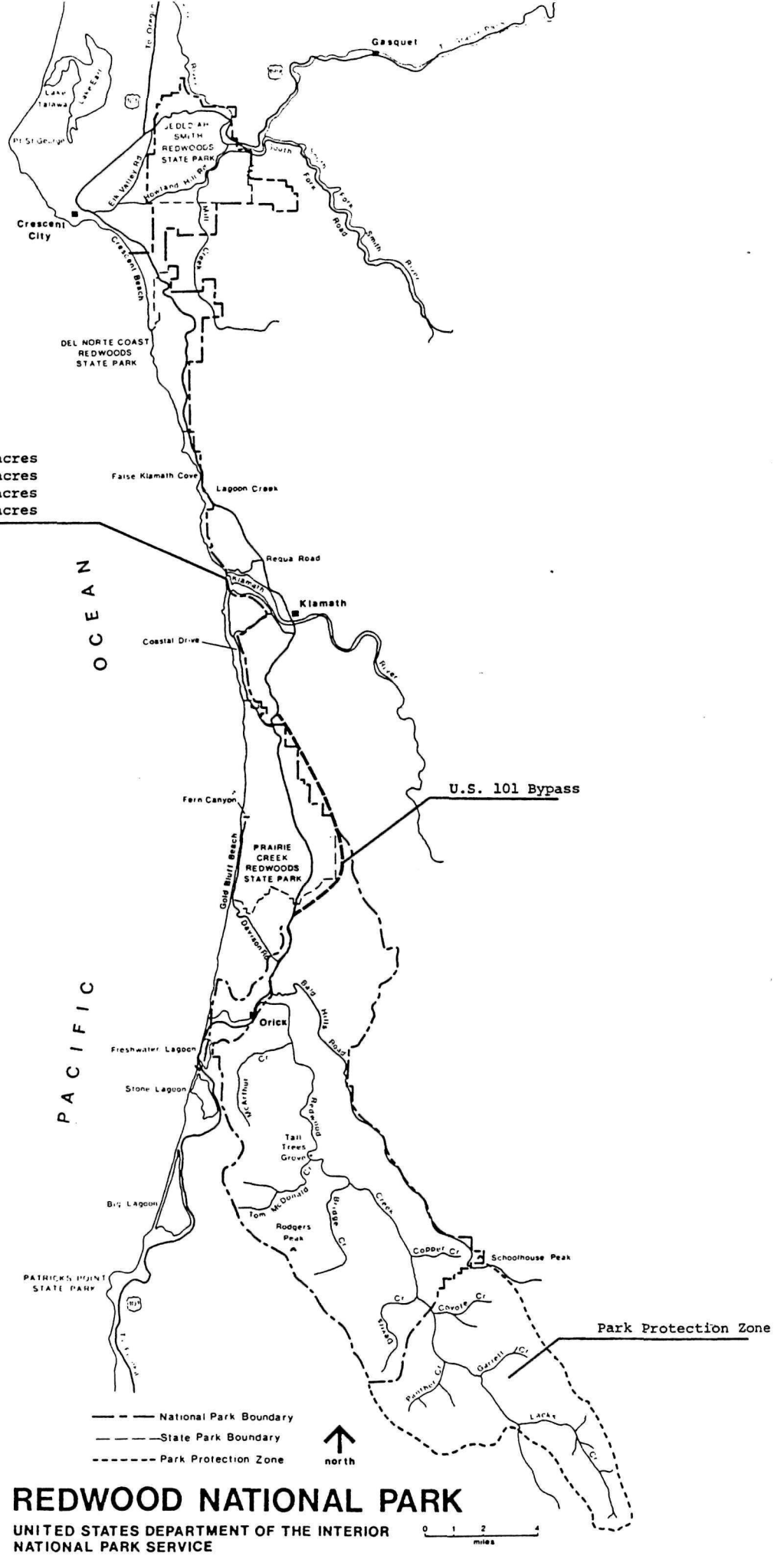
Vol. 113 (1967): Oct. 13, Nov. 1, considered and passed Senate.

Vol. 114 (1968): July 15, considered and passed House, amended.

Sept. 12, House agreed to conference report.

Sept. 19, Senate agreed to conference report.

03-111 Williams 47.70 acres
 10-100 Morris 16.86 acres
 10-104 Williams 13.20 acres
 10-106 Williams 36.96 acres



REDWOOD NATIONAL PARK

UNITED STATES DEPARTMENT OF THE INTERIOR
 NATIONAL PARK SERVICE

Public Law 95-250
95th Congress

An Act

To amend the Act of October 2, 1968, an Act to establish a Redwood National Park in the State of California, and for other purposes.

Mar. 27, 1978

[H.R. 3813]

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

Redwood National Park, expansion. Employment program.

TITLE I

SEC. 101. (a) In order to protect existing irreplaceable Redwood National Park resources from damaging upslope and upstream land uses, to provide a land base sufficient to insure preservation of significant examples of the coastal redwood in accordance with the original intent of Congress, and to establish a more meaningful Redwood National Park for the use and enjoyment of visitors, the Act entitled "An Act to establish a Redwood National Park in the State of California, and for other purposes", approved October 2, 1968 (82 Stat. 931), is amended as follows:

16 USC 79a.

Boundaries.

16 USC 79b.

(1) In subsection 2(a) after "September 1968," insert "and the area indicated as 'Proposed Additions' on the map entitled 'Additional Lands, Redwood National Park, California', numbered 167-80005-D and dated March 1978."

(2) In section 2, subsection (a), delete "fifty-eight thousand" and substitute "one hundred and six thousand" and delete the period at the end of the subsection and add "and publicly owned highways and roads." In section 2, subsection (b), delete "by donation only". At the end of section 2, insert the following new subsection "(c)":

Park Protection Zone, land acquisition.

Notice to congressional committees.

"(c) Within the area outside the boundaries of Redwood National Park indicated as the 'Park Protection Zone' on the map entitled 'Proposed Additions, Redwood National Park, California', numbered 167-80005-D and dated March 1978, the Secretary is authorized to acquire lands and interests in land: *Provided*, That lands may be acquired from a willing seller or upon a finding by the Secretary that failure to acquire all or a portion of such lands could result in physical damage to park resources and following notice to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives. Any lands so acquired shall be managed in a manner which will maximize the protection of the resources of Redwood National Park, and in accordance with the Act of October 21, 1976 (90 Stat. 2743). Acquisition of a parcel of land under the authority of this subsection shall not as a result of such acquisition diminish the right of owners of adjacent lands to the peaceful use and enjoyment of their land and shall not confer authority upon the Secretary to acquire additional lands except as provided in this subsection."

43 USC 1701.

(3) In subsection 3(a), delete the period at the end of the second sentence and add the following: "which donation of lands or interest in lands may be accepted in the discretion of the Secretary subject to such preexisting reverters and other conditions as may appear in the

16 USC 79c.

title to these lands held by the State of California, and such other reverters and conditions as may be consistent with the use and management of the donated lands as a portion of Redwood National Park. Notwithstanding any other provision of law, the Secretary may expend appropriated funds for the management of and for the construction, design, and maintenance of permanent improvements on such lands and interests in land as are donated by the State of California in a manner not inconsistent with such reverters and other conditions.”.

Vested and
possessory rights
in certain real
property.
16 USC 79c.

(4) In subsection 3(b)(1), after “NPS-RED-7114-B”, insert “and effective on the date of enactment of this phrase, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property within the area indicated as ‘Proposed Additions’ on the map entitled ‘Additional Lands, Redwood National Park, California’, numbered 167-80005-D and dated March 1978, and all right, title, and interest in, and the right to immediate possession of the down tree personal property (trees severed from the ground by man) severed prior to January 1, 1975, or subsequent to January 31, 1978, within the area indicated as ‘Proposed Additions’ on the map entitled ‘Additional Lands, Redwood National Park, California’, numbered 167-80005-D and dated March 1978.”.

At the end of subsection 3(b)(1), insert the following new paragraphs: “Down tree personal property severed subsequent to December 31, 1974, and prior to February 1, 1978 may be removed in accordance with applicable State and Federal law, or other applicable licenses, permits, and existing agreements, unless the Secretary determines that the removal of such down timber would damage second growth resources or result in excessive sedimentation in Redwood Creek: *Provided, however,* That down timber lying in stream beds may not be removed without permission of the Secretary: *Provided,* That such removal shall also be subject to such reasonable conditions as may be required by the Secretary to insure the continued availability of raw materials to Redwoods United, Incorporated, a nonprofit corporation located in Manila, California.

“The Secretary shall permit, at existing levels and extent of access and use, continued access and use of each acquired segment of the B line, L line, M line, and K and K roads by each current affected woods employer or its successor in title and interest: *Provided,* That such use is limited to forest and land management and protection purposes, including timber harvesting and road maintenance. The Secretary shall permit, at existing levels and extent of access and use, continued access and use of acquired portions of the Bald Hills road by each current affected woods employer or its successor in title and interest: *Provided further,* That nothing in this sentence shall diminish the authority of the Secretary to otherwise regulate the use of the Bald Hills road.”.

Just
compensation.
Jurisdiction.
16 USC 79c.

(5) In subsection 3(b)(2), delete the last sentence and add the following sentences at the end of the paragraph: “Any action against the United States with regard to the provisions of this Act and for the recovery of just compensation for the lands and interests therein taken by the United States, and for the down tree personal property taken, shall be brought in the United States district court for the district where the land is located without regard to the amount claimed. The United States may initiate proceedings at any time seeking a determination of just compensation in the district court in the manner provided by sections 1358 and 1403 of title 28, United States Code, and may deposit in the registry of the court the estimated just compensation, or a part thereof, in accordance with the procedure gen-

erally described by section 258a of title 40, United States Code. Interest shall not be allowed on such amounts as shall have been paid into the court. In the event that the Secretary determines that the fee simple title to any property (real or personal) taken under this section is not necessary for the purposes of this Act, he may, with particular attention to minimizing the payment of severance damages and to allow for the orderly removal of down timber, revest title to such property subject to such reservations, terms, and conditions, if any, as he deems appropriate to carry out the purposes of this Act, and may compensate the former owner for no more than the fair market value of the rights so reserved, except that the Secretary may not revest title to any property for which just compensation has been paid: or, the Secretary may sell at fair market value without regard to the requirements of the Federal Property and Administrative Services Act of 1949, as amended, such down timber as in his judgment may be removed without damage to the park, the proceeds from such sales being credited to the Treasury of the United States. If the State of California designates a right-of-way for a bypass highway around the eastern boundary of Prairie Creek Redwood State Park prior to October 1, 1984, the Secretary is authorized and directed to acquire such lands or interests in lands as may be necessary for such a highway and, subject to such conditions as the Secretary may determine are necessary to assure the adequate protection of Redwood National Park, shall thereupon donate the designated right-of-way to the State of California for a new bypass highway from a point south of Prairie Creek Redwood State Park through the drainage of May Creek and Boyes Creek to extend along the eastern boundary of Prairie Creek Redwood State Park within Humboldt County. Such acreage as may be necessary in the judgment of the Secretary for this conveyance, and for a buffer thereof, shall be deemed to be a publicly owned highway for purposes of section 101(a)(2) of this amendment effective on the date of enactment of this section.”

(6) In subsection 3(e), delete “sixty days” in the last sentence and add the following sentences at the end of the subsection: “Effective on the date of enactment of this sentence, there are made available from the amounts provided in section 10 herein or as may be hereafter provided such sums as may be necessary for the acquisition of interests in land. Effective on October 1, 1978, there are authorized to be appropriated such sums as may be necessary for the implementation of contracts and cooperative agreements pursuant to this subsection: *Provided*, That it is the express intent of Congress that the Secretary shall to the greatest degree possible insure that such contracts and cooperative agreements provide for the maximum retention of senior employees by such owners and for their utilization in rehabilitation and other efforts. The Secretary, in consultation with the Secretary of Agriculture, is further authorized, pursuant to contract or cooperative agreement with agencies of the Federal Executive, the State of California, any political or governmental subdivision thereof, any corporation, not-for-profit corporation, private entity or person, to initiate, provide funds, equipment, and personnel for the development and implementation of a program for the rehabilitation of areas within and upstream from the park contributing significant sedimentation because of past logging disturbances and road conditions, and, to the extent feasible, to reduce risk of damage to streamside areas adjacent to Redwood Creek and for other reasons: *Provided further*, That authority to make payments under this subsection shall be effective only to such extent or in such amounts as are provided in advance in appro-

Interest.
Title revestment.

Down timber,
sale.
40 USC 471 note.

Highway right-of-
way, land
acquisition.

Land acquisition,
availability of
funds.
16 USC 79c.
16 USC 79j.

Contracts and
agreements,
appropriation
authorization.
Retention of
senior employees.

Land
rehabilitation,
contracts and
cooperative
agreements.

- Erosion and sedimentation study.
 16 USC 1a-1.
- 16 USC 1b, 1c.
 16 USC 1.
- Effective date.
 16 USC 79c-1.
 16 USC 79a.
- 16 USC 79c.
- Economic impact study.
 16 USC 79k.
- priation Acts. Such contracts or cooperative agreements shall be subject to such other conditions as the Secretary may determine necessary to assure the adequate protection of Redwood National Park generally, and to provide employment opportunities to those individuals affected by this taking and to contribute to the economic revival of Del Norte and Humboldt Counties in northern California. The Secretary shall undertake and publish studies on erosion and sedimentation originating within the hydrographic basin of Redwood Creek with particular effort to identify sources and causes, including differentiation between natural and man-aggravated conditions, and shall adapt his general management plan to benefit from the results of such studies. The Secretary, or the Secretary of Agriculture, where appropriate, shall also manage any additional Federal lands under his jurisdiction that are within the hydrographic basin of Redwood Creek in a manner which will minimize sedimentation which could affect the park, and in coordination with plans for sediment management within the basin. To effectuate the provisions of this subsection, and to further develop scientific and professional information and data concerning the Redwood Forest ecosystem, and the various factors that may affect it, the Secretary may authorize access to the area subject to this subsection by designated representatives of the United States."
- (b) The first section of the Act of August 18, 1970 (84 Stat. 825), is amended by adding the following: "Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined in section 2 of this Act, shall be consistent with and founded in the purpose established by the first section of the Act of August 25, 1916, to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress."
- (c) Notwithstanding any provision of the Act of October 2, 1968, supra, the vesting in the United States of all right, title, and interest in, and the right to immediate possession of, all real property and all down tree personal property within the area indicated as "Proposed Additions" on the map entitled "Additional Lands, Redwood National Park, California," numbered 167-80005-D and dated March 1978, as established by subsection (a) (4) of the first section of this Act, shall be effective on the date of enactment of this section. The provisions of subsection 3(b) (3) of the Act of October 2, 1968, supra, shall also relate to the effective date of this section. From the appropriations authorized for fiscal year 1978 and succeeding fiscal years such sums as may be necessary may be expended for the acquisition of lands and interests in lands, and down tree personal property, authorized to be acquired, or acquired, pursuant to the provisions of this Act.
- SEC. 102. (a) The Secretary, in consultation with the Secretaries of Agriculture, Commerce, and Labor, shall conduct an analysis of appropriate Federal actions that may be necessary or desirable to mitigate any adverse economic impacts to public and private segments of the local economy, other than the owners of properties taken by this Act, as a result of the addition of property to Redwood National Park under the first section of this Act. The Secretaries shall also consider the benefits of making grants or entering into contracts or cooperative agreements with the State of California or Del Norte and Humboldt

Counties as provided by subsection (b) for the purpose of development and implementation of a program of forest resource improvement and utilization, including, but not limited to, reforestation, erosion control, and other forest land conservation measures, fisheries and fish and wildlife habitat improvements, and wood energy facilities. Not later than January 1, 1979, the Secretary shall submit to the Speaker of the House of Representatives and the President of the Senate a report of his analysis, including his recommendations with respect to actions that should be taken to mitigate any significant short-term and long-term adverse effects on the local economy caused by such addition.

Report, submittal to Congress.

(b) The Secretary of Commerce and the Secretary of Labor, in consultation with the Secretary, and pursuant to his study, shall apply such existing programs as are necessary and appropriate to further mitigate identified employment and other adverse economic impacts on public and private segments of the local economy, other than with regard to the payment of just compensation to the owners of properties taken by this Act and by the Act of October 2, 1968, *supra*. In addition to the land rehabilitation and employment provisions of this Act, which should have a substantial positive economic effect on the local economy, the Secretaries of Commerce and Labor are further authorized and directed to implement existing authorities to establish employment programs, pursuant to such grants, contracts and cooperative agreements with agencies of the Federal Executive, the State of California, any political or governmental subdivision thereof, any corporation, not-for-profit corporation, private entity or person, for the development and implementation of such programs, as, in the discretion of the Secretaries of Commerce and Labor, may be necessary to provide employment opportunities to those individuals affected by this taking and to contribute to the economic revival of Del Norte and Humboldt Counties, in northern California. Effective on October 1, 1978, there are authorized such sums as may be necessary to carry out the employment and economic mitigation provisions of this Act: *Provided*, That the authority to make payments under this section shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

Employment and economic mitigation programs.

16 USC 79a.

Appropriation authorization.

(c) The Secretary of Agriculture within one year after the date of enactment of this Act, shall prepare and transmit to Congress a study of timber harvest scheduling alternatives for the Six Rivers National Forest. Such alternatives shall exclude the timber inventories now standing on units of the Wilderness Preservation System and shall be consistent with laws applicable to management of the national forests. In developing the alternatives, the Secretary shall take into consideration economic, silvicultural, environmental, and social factors.

Timber harvest study, Six Rivers National Forest. 16 USC 79k note. Transmittal to Congress.

PREFERENTIAL HIRING

SEC. 103. (a) In order to utilize the skills of individuals presently working in the woods and in the mills to the greatest degree possible to both ease the personal economic effects of this taking, and to assist in the necessary rehabilitation, protection, and improvement of lands acquired by this Act through implementation of sound rehabilitation and land use practices, the Secretary shall have power to appoint and fix the compensation of seven full-time and thirty-one temporary personnel to assist in carrying out such programs necessary for the protection and enhancement of Redwood National Park. In filling these positions, preference shall be given to affected employees (as defined in title II of this Act) for a period ending on September 30, 1984, notwithstanding applicable civil service laws and regulations.

16 USC 79l.

(b) In order to effectively administer the expanded Redwood National Park created by this Act in a manner that will provide maximum protection to its resources and to provide for maximum visitor use and enjoyment to ease the local economic effects of this taking, the Secretary shall have power to appoint and fix the compensation of two full-time and twenty temporary employees in the competitive service. In filling these positions, preference shall be given to affected employees (as defined in title II) for a period ending on September 30, 1984, notwithstanding applicable civil service laws and regulations. The Secretary shall further have power to appoint and fix the compensation of an additional thirty-two full-time and forty temporary employees in the competitive service as provided by this subsection at the time of the donation of those park lands or interests in land owned by the State of California as are within the boundaries of Redwood National Park as provided herein. In filling these positions, preference shall be given to those State employees affected by this transfer for a period not to exceed six years from the date of transfer; permanent State civil service employees shall be provided the opportunity to transfer to a comparable Federal civil service classification notwithstanding applicable civil service laws and regulations.

Civilian jobs.

(c) An affected employee shall be given full consideration for certain civilian jobs as provided in this section both with the Federal Government and with those private employers that have certain undertakings or programs that involve Federal participation or approval for the period beginning on the date of enactment of this Act and ending September 30, 1984, if the positions will be primarily located in Humboldt or Del Norte Counties or other counties in California adjacent thereto, and if the employee is otherwise qualified under this section.

Notice, job availability.

(d) (1) Any Federal agency that is creating or filling a civilian Federal job that is within the scope of clause (2)(A) of this subsection, pursuant to contract, civil service merit system, or otherwise, that will be primarily located in Humboldt or Del Norte Counties, California, or other counties in California adjacent thereto, must provide notice in advance of the availability of that job and must provide qualified affected employee applicants for these positions with full consideration for these positions if the further conditions set forth in clause (2)(B) of this subsection are met. The notice required by this paragraph shall be as provided by applicable law and regulation through the offices of the Employment and Training Services located in Humboldt and Del Norte Counties, California, and through such other means as are likely to gain the attention of affected employees.

Consideration for employment, conditions.

(2) Consideration for employment under this section shall be provided under the following conditions:

(A) the job involves skills and training that could reasonably be expected to have been gained by individuals who have been employed as logging and related woods employees or sawmill, plywood, and other wood processing employees, or office employees, or that can reasonably be expected to be gained while so employed, or pursuant to retraining as provided herein; and

(B) the applicant has the ability, or can reasonably be expected to have the ability after appropriate training of reasonable duration as further provided herein, to perform the duties of the job: *Provided*, That the full consideration shall not be required with respect to those affected employee applicants requiring training

in a situation where the schedule for completion of the work is such that the period during which said employee can reasonably be expected to work following completion of training is determined by the Secretary to be incommensurate with the time and funds required to provide said employee with the necessary training.

(e) (1) Any Federal agency involved in the manner provided herein with a private employer responsible for filing an employment position that is within the scope of clause (2) (A) of subsection (d), above, that will be primarily located in Humboldt or Del Norte Counties, or other counties in California adjacent thereto, is directed to require that any Federal contracts, grants, subsidies, loans, or other forms of funding assistance, and any Federal lease, permit, license, certificate, or other entitlement for use, not constituting an existing property right as of the date of enactment of this Act, that is a condition to or a requirement of the conduct of harvesting and related activities or replanting and land rehabilitation or the conduct of wood processing and related activities or the conduct of highway construction and related activities shall be subject to and conditioned upon said private employer giving full consideration to affected employees as provided herein.

Private
employers.

(2) Any private employer who participates with a Federal agency in the manner described above and who is, accordingly, subject to the requirements as provided herein, shall—

(A) provide notice of the availability of those jobs described in subsection (d) (2) (A) in the manner generally provided by subsection (d) (1); and

(B) provide full consideration to qualified affected employee applicants for these positions if the further conditions established by clause (2) (B) of subsection (d) are met.

(f) The Secretary is directed to seek and authorized to enter into agreements with affected employers and industry employers providing that full consideration shall be given with respect to the employment of affected employees who had been employed by affected employers in jobs that may become available in Humboldt and Del Norte Counties and other counties adjacent thereto. The execution and carrying out of such an agreement, or the giving of full consideration to the employment of affected employees under subsection (c) of this section, shall not subject an employer to any additional liability or obligations under any Federal or State equal employment law, rule, regulation, or order.

Employer
agreements.

(g) (1) The Secretary, except as otherwise provided, shall be responsible for the implementation of this section and—

(A) is authorized and directed to make needed training available, upon application, to an affected employee applicant who, although not presently qualified for a position, can be reasonably expected to be qualified after appropriate training;

Training.

(B) is authorized to take such actions as may be necessary to ensure that an affected employee is not denied full consideration because of the need for training where there is no substantial reason to believe that the applicant would be unable to perform the duties of the job after proper training. If the job is one which must be filled while the affected employee would be in training, the Secretary shall encourage the employer to fill the job only on a temporary basis subject to the successful completion of the training by the affected employee;

(C) shall require that, in a case in which two or more affected

Greatest service
preference.

- employee applicants have approximately equal qualifications for a job for which they are to receive full consideration, that applicant with the greatest creditable service shall be given preference among those applicants entitled to full consideration; and
- Noncompliance.** (D) upon the filing of a complaint by an employee who alleges that said employee's rights to full consideration were disregarded, the Secretary shall make a finding on the merits of such complaint. If it is determined that there has been noncompliance with this section, the Secretary shall take such action as may be appropriate to correct the situation.
- Job opening, agency notification.** (2) To assist in implementing this section, agencies shall notify the Secretary, in advance, of any job opening as provided for by subsection (d) and of any Federal commitment as provided for by subsection (e).
- (3) The Secretary shall—
- (A) seek the cooperation of the State of California and the county and local governments within Humboldt and Del Norte Counties in the implementation of the provisions of this section and in the adoption of similar provisions for full consideration of affected employees with regard to State, county, and local jobs and activities; and
- Union liaison.** (B) appoint, from among nominees proposed by certified or recognized unions representing employees, a person or persons who shall serve as the Secretary's liaison with employees and their union and as consultant to the Secretary with regard to the administration of those provisions of this Act for which the Secretary is responsible.
- Judicial review.** (h) An employee, a group of employees, a certified or recognized union, or an authorized representative of such employee or group, aggrieved by any determination by the Secretary under this Act shall be entitled to judicial review of such determination in the same manner and under the same conditions as provided by section 250 of The Trade Act of 1974 (88 Stat. 2029).
- 19 USC 2101.** (i) Nothing in this section shall be construed to affect any additional or alternative rights under a law, regulation, or contract (including, but not limited to, veteran preference and contracts between private employers and unions) in effect as of the date of enactment of this Act, and the implementation of this section shall be carried out in accord with applicable civil service laws and regulations except as otherwise provided for in this section. Employees appointed to Federal jobs pursuant to this section shall have their compensation fixed at rates not to exceed that now or hereafter prescribed for the highest rate of grade 15 of the General Schedule under section 5332 of title 5, United States Code.
- Annual report, submittal to Congress. 16 USC 79m.** SEC. 104. (a) The Secretary shall submit an annual written report to the Congress on January 1, 1979, and annually thereafter for ten years, reporting on the status of payment by the Secretary for real property acquired pursuant to section 101(a)(4) and section 101(a)(2) of this amendment; the status of the actions taken regarding land management practices and watershed rehabilitation efforts authorized by section 101(a)(6) and section 102(b) of this amendment; the status of the efforts to mitigate adverse economic impacts as directed by this Act; this status of National Park Service employment requirements as authorized by section 103 of this amendment; the status of the new bypass highway and of the agreement for the donation of the

State park lands as contemplated by section 101(a)(5) of this amendment; and, the status of the National Park Service general management plan for the park.

(b) No later than January 1, 1980, the Secretary shall submit to the Committee on Interior and Insular Affairs of the House of Representatives, and to the Committee on Energy and Natural Resources of the Senate, a comprehensive general management plan for Redwood National Park, to include but not be limited to the following:

(1) the objectives, goals, and proposed actions designed to assure the preservation and perpetuation of a natural redwood forest ecosystem;

(2) the type and level of visitor use to be accommodated by the park, by specific area, with specific indications of carrying capacities consistent with the protection of park resources;

(3) the type, extent, and estimated cost of development proposed to accommodate visitor use and to protect the resource, to include anticipated location of all major development areas, roads, and trails; and

(4) the specific locations and types of foot trail access to the Tall Trees Grove, of which one route shall, unless shown by the Secretary to be inadvisable, principally traverse the east side of Redwood Creek through the essentially virgin forest, connecting with the roadhead on the west side of the park east of Orick.

SEC. 105. Effective on October 1, 1978, there are hereby authorized to be appropriated \$33,000,000 to carry out the rehabilitation provisions of this Act.

SEC. 106. (a) Notwithstanding any contrary provision of the Act entitled "An Act to provide for certain payments to be made to local governments by the Secretary of the Interior based upon the amount of certain public lands within the boundaries of such locality", approved October 20, 1976 (90 Stat. 2662), the Secretary is authorized and directed to make payments on a fiscal year basis to each unit of local government, in the manner provided by the Act of October 20, 1976, in which lands owned by the United States within Redwood National Park are located. Such payments may be used for any governmental purpose. The amount of such payments shall be computed as provided in subsections (b) and (c).

(b) Payment made for any fiscal year to a unit of local government shall include that amount determined pursuant to the provisions of section 2 of the Act of October 20, 1976.

(c) Payment made for any fiscal year to a unit of local government shall also include that amount determined pursuant to the provisions of section 3 of the Act of October 20, 1976: *Provided, however*, That any amount computed as provided by section 3(c)(1) of the Act of October 20, 1976, but not paid because of the limitation of subsection (c)(2) and subsection (d) of that section shall be carried forward and shall be applied to future years in which this portion of the total payment would not otherwise equal the amount of real property taxes assessed and levied on such property during the last full fiscal year before the fiscal year in which such land or interest was acquired for addition to Redwood National Park until such amount is exhausted.

(d) The Redwoods Community College District shall be considered as an affected school district for purpose of section 3(a) of the Act of October 20, 1976, as amended herein.

SEC. 107. The Secretary is further authorized, and the Congress specifically directs that it shall be a purpose of this Act, that the com-

General management plan, submittal to congressional committees.

Appropriation authorization. 16 USC 79n.

Payments to local governments. 16 USC 79o.

31 USC 1601.

31 USC 1602.

31 USC 1603. Payment carry forward.

31 USC 1602.

31 USC 1602. Redwoods United, Inc., Manila, Cal. 16 USC 79p.

munity services and employment opportunities provided by Redwoods United, Incorporated, a nonprofit corporation located in Manila, California, shall be maintained at the present rate of employment to the greatest degree practicable.

Just
compensation.
16 USC 79q.

SEC. 108. The Congress further acknowledges and directs that the full faith and credit of the United States is pledged to the prompt payment of just compensation as provided for by the fifth amendment to the Constitution of the United States for those lands and properties taken by **this Act**.

16 USC 79k note.

SEC. 109. Unless otherwise indicated hereinbefore, a reference to the Secretary will refer to the Secretary of the Department of the Interior, except in subsections 103(d) through 103(i), where a reference to the Secretary will refer to the Secretary of the Department of Labor.

The remainder of Public Law 95-250 deals primarily with the subject of mitigation of any adverse economic impacts of both this legislation and the 1968 Act, P.L. 90-545. Therefore, it is not included as part of this Appendix as all pertinent information on land acquisition and regulation for the park is covered on the preceding pages.

MANAGEMENT OBJECTIVES

To restore and/or maintain the natural ecosystems of the park as they would have evolved without disturbance by human technology.

To minimize the impact on park resources resulting from current human activity outside the park.

- To assess the impact of land use changes on park resources through watershed research and stream monitoring activities in cooperation with the U.S. Geological Survey.
- To protect the old-growth redwoods and other park resources from the adverse effects of timber harvesting and other activities outside the park through implementation of cooperative agreements and other provisions of Section 3(e) of the park's enabling legislation based on research data and resource management recommendations.
- To cooperate with other agencies and private interests in planning for management use of resources adjacent to the park.
- To cooperate with other agencies and private interests in managing and restoring the Redwood Creek estuary.
- To evaluate the changing influence of natural fire on park resources and to cooperate with other agencies and landowners in the implementation of the fire management plan and the use of prescribed fire to restore natural fire effects to park ecosystem.
- To develop a long term baseline resource monitoring program which will permit evaluations of changes in plant and animal populations of the park.

To preserve the prehistoric and historic features that trace human use of the redwood region.

- To develop basic resource information about the park's cultural resources and to manage them in a manner consistent with the natural values for which the park was established.

To eliminate non-conforming uses within the park.

To provide reasonable and safe access for visitor use and enjoyment commensurate with adequate resource protection.

- To cooperate with other agencies in planning for improved transportation and circulation systems on or adjacent to park lands.

To communicate with park visitors before and during their visit through services and facilities that provide an appreciation and understanding of park values.

- To assure that interpretive facilities and services relate to major park themes - "the primeval coastal redwood forests and the streams and seashore with which they are associated."
- To coordinate orientation and information services with those of other Federal, State, local, and private agencies.

To restrict visitor use facilities to the kinds and minimum levels necessary to achieve park purposes consistent with protection of the resource.

- To encourage the development of overnight accommodations and visitor service facilities in environmentally compatible locations in the park's vicinity.

To maintain the natural quality of visibility in order to provide for public inspiration and visitor enjoyment of the visual resources of Redwood National Park.

To protect the visual resources and air quality related values of Redwood National Park from impairment by man-caused pollutants.

TRACT LISTING

Appendix 6

1. The below listed tracts are in private ownership:

<u>Tract No.</u>	<u>Owner of Record at Acquisition</u>	<u>Acreage</u>
10-100	John Morris	16.86
10-104	Charles Williams, Jr.	13.20
10-106	Heirs and Devisees of Charles Williams	36.96
03-111	Ethel Williams	<u>47.70</u>
	Total	114.72

2. The below listed tracts are in State or county ownership:

<u>State of California</u>	<u>Tract No.</u>	<u>Acreage</u>
<u>LAND</u>		
	01-100	8,852.00
	02-117	6,114.90
	03-100	10.10
	03-132	77.00
	04-100	11,823.47
	04-104	120.00
	04-105	72.53
	05-101	107.26
	05-119	141.10
	10-107	31.20
	11-103	151.52
	12-139	159.00
	13-118	<u>3.38</u>
	Total State Land	27,663.46
<u>ROADS</u>		
	02-125	23.90
	02-129	260.10
	04-107	225.00
	05-129	51.00
	07-133	<u>8.70</u>
	Total State Roads	568.70
<u>MINERAL</u>		
	01-114	76.36
	TOTAL STATE	28,308.52

Counties of Del Norte and Humboldt

LAND

<u>County of Del Norte</u>	<u>Tract No.</u>	<u>Acreege</u>
	02-122	7.27
	03-133	41.00
	03-158	<u>11.17</u>
Del Norte County Lands		59.44

<u>County of Humboldt</u>	05-110	21.89
	12-141	6.21
	12-161	0.30
	12-179	<u>0.92</u>
Humboldt County Lands		29.32

ROADS

<u>County of Del Norte</u>	02-124	34.40
	03-146	48.20
	03-159	126.20
	03-160	20.00
	03-161	40.00
	03-162	18.00
	03-164	<u>0.00</u>
Del Norte County Roads		286.80

<u>County of Humboldt</u>	12-142	51.79
	12-147	3.64
	13-120	<u>66.41</u>
Humboldt County Roads		121.84
TOTAL COUNTY		497.40

REDWOOD NATIONAL PARK
LAND PROTECTION PLAN SUMMARY

Current Land Ownership Within Boundary:	<u>Acres</u>
Federal (National Park Service) (as of 3/11/87)	75,406.94
State (<u>excludes tidelands</u>)	28,308.52
County	497.40
Private	114.72
Tracts Remaining To Be Protected:	4
Proposed Protection Method:	Range from fee acquisition to no action

Funding Status:

Authorized Acquisition Ceiling	None
Obligated To Date (as of 12/31/86)	\$553,387,766

Planning Team:

- Douglas G. Warnock, Superintendent, Redwood National Park
- Homer P. Leach, Chief Ranger, Redwood National Park
- John A. Sacklin, Environmental Specialist, Redwood National Park
- James R. Huddlestun, Environmental Specialist, Western Regional Office

Status of Environmental Compliance:

Draft and final environmental impact statements have been prepared for the General Management Plan and the U.S. Highway 101 bypass construction project. These documents address land acquisition in general or are specific to the U.S. 101 project. This plan proposes no actions at this time that will require additional compliance.

Status of Jurisdiction: Proprietary

