



United States Department of the Interior

NATIONAL PARK SERVICE
Ebey's Landing National Historical Reserve
Post Office Box 774
Coupeville, Washington 98239

IN REPLY REFER TO:

L1415(EBLA)

February 24, 1984

Dear Landowners and Friends:

I want to thank you for taking the time recently to review Ebey's Landing National Historical Reserve's draft Land Protection Plan which was sent to you last December. If you provided comments on that draft plan, you may be assured that they were carefully considered in the preparation of the enclosed final version which has now been approved.

Consistent with the plan's priorities, NPS land protection activities will concentrate on the reserve's critical areas. I hope that other public and private entities will find the plan useful in guiding land use decisions that will complement and support the objective of landscape preservation within the reserve.

Sincerely,

Reed W. Jarvis
Project Manager

Enclosure

EBEY'S LANDING
NATIONAL HISTORICAL RESERVE
WASHINGTON

LAND PROTECTION PLAN

February, 1984

Recommended:

Reed Jarvis
Project Manager

2/21/84
Date

Approved:

David J. [Signature]
Regional Director

2/21/84
Date

EBEY'S LANDING NATIONAL HISTORICAL RESERVE, WASHINGTON

LAND PROTECTION PLAN SUMMARY

1. Current Ownership	Acres
Federal (NPS jurisdiction including scenic easements)	293
(other Federal: Navy)	200
State or local	1,000
Private	11,607
2. Number of tracts remaining to be protected: Approx.	57
3. Methods of Protection proposed:	Acres
Fee acquisition	
by NPS	107
Areas suitable for sellback or leaseback (exchange)	270
Less-than-fee acquisition	1,934
Zoning (city and county)	9,494
Cooperative Agreement	71
Regulation	None
Adequately protected (including state park acquisition)	1,493
4. Statutory acreage ceiling:	8,000
5. Funding Status	
Authorized acquisition ceiling	\$4,500,000
Appropriated to date	\$4,396,040
Obligated to date	\$2,414,850
Unobligated balance	\$1,981,190
6. Top Priorities	Acres
Protect critical area within Ebey's Prairie	423
Protect critical areas within coastal strip	
and bluff	159
Acquire public interpretive sites	15

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February 1984

LAND PROTECTION PLAN

Ebey's Landing National Historical Reserve Washington

I. 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, which requires that, in carrying out its responsibility for land protection in Federally administered areas, each agency using the fund will:

- Identify the land or interests in land needed to achieve Federal management purposes consistent with public objectives in the unit.
- Maximize the use of 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 and resource conservation.
- Formulate, or revise as necessary, plans for land protection and resource use to assure that sociocultural impacts are considered and that the plans provide for adequate management.

To implement this policy, the National Park Service will prepare a land protection plan for each unit of the National Park System containing non-Federal land. The purpose of the plan is to identify methods and priorities for assuring the protection of the natural, historic, scenic, cultural, recreational, or other significant resources; and to provide for adequate visitor use. Any request for, or expenditure of, acquisition funds will be based on the approved plan.

The legislation, passed in 1978, for Ebey's Landing National Historical Reserve, predates and complements the present emphasis on alternative land protection approaches. "National Reserve" is a relatively new category of parks that achieve resource protection through a combination of methods requiring the cooperation of Federal, State, and local jurisdictions, conservation groups, and landowners. This approach is described in the Service's Revised Land Acquisition Policy of April 26, 1976, which states:

8511A-0203A

National Reserves (Areas of National Concern)--Federal, State, and local governments form a special partnership around an area to be protected. Planning, implementation, and maintenance is a joint effort and is based on a mutual desire to protect the resource. Under this concept, the Federal Government, through the National Park Service, may acquire core zones intended to protect and permit appropriate use of the most vital physical resources within authorized boundaries of the area. The balance of property within these areas may be protected through a combination of acquisition and management by the State and local governments, and the development of zoning or similar controls acceptable to the Secretary of the Interior.

The purpose of this plan is to inform affected landowners, park staff, land acquisition personnel, and the general public of the land protection program for private lands within Ebey's Landing National Historical Reserve.

The major land protection issue within the reserve centers on the preservation of the existing natural and cultural landscape while allowing for the inevitability of change inherent in any viable community. The land protection plan confronts this issue by identifying the lands and the minimum interest in those lands that must be secured by the National Park Service and the recommended methods and priorities of land protection.

This plan does not constitute an offer to purchase land or interest in land; neither does it diminish the rights of non-federal landowners. The plan is intended to guide subsequent land protection activities subject to the availability of funds and other constraints.

The environmental impacts that would likely occur as a result of implementing this plan are adequately addressed in the Environmental Assessment for the reserve's Development and Land Protection Plan.

II. PURPOSE OF THE RESERVE AND RESOURCES TO BE PROTECTED

A. Reserve Purpose and Significance

Ebey's Landing National Historical Reserve was established by Congress on November 10, 1978, "in order to preserve and protect a rural community which provides an unbroken historical record from the nineteenth century exploration and settlement in Puget Sound to the present time" (Public Law 95-625). The reserve comprises the Central Whidbey Historical District, which includes a scenic island community of farms, woodlands, open space, historical structures, and the historic town of Coupeville. The combination of natural, cultural, and visual resources within the reserve creates a mosaic worthy of the definition "a national landscape." Congress further identified the prominent historic themes to be commemorated by the creation of the reserve:

--The first thorough exploration of the Puget Sound area by Captain George Vancouver in 1792;

--Settlement by Colonel Isaac Neff Ebey who led the first permanent settlers to Whidbey Island and quickly became an important figure in Washington Territory;

--Early active settlement during the years of the Donation Land Law (1850-1855) and thereafter; and

--The growth since 1883 of the historic town of Coupeville.

The resources to be protected, then, are those which collectively constitute the historic rural environment of central Whidbey Island. They include visual, historical, archeological, recreational and sensitive biotic resources; these are described in the following sections:

B. Resource Description

At the extreme northern end of the island-strewn Puget Sound, forming the eastern boundary of the Strait of Juan de Fuca, lies 40-mile-long Whidbey Island. To the east are the glacier-clad peaks of the North Cascades, north and south are miles of deep water, islands, and coves, and to the southwest the snowy Olympic mountains create a scenic backdrop for this rural island.

The island, irregular in shape and with an uneven contour, varies from one to ten miles in width and offers a rare combination of forest, prairies, and seascapes. Central Whidbey, the location of the reserve, contains the island's best farmland, broad prairies, a deep protected cove, high seaside bluffs, rolling hills, shallow brackish lakes, and a rugged beach along Admiralty Inlet.

The reserve, located in Island County, Washington, encompasses approximately 13,100 acres of land and 4,300 surface acres of salt water for a total of 17,400 acres. See map 1 in the Appendix.

1. Visual Resources

The seascapes, broad prairies checkered with fences and roads, and the solid Victorian houses of a small town all contribute to the scenic character of the reserve. Each of these elements has its own level of vulnerability based on its ability to tolerate use and development. Each of the areas below were examined to determine their critical character by evaluating visual sensitivity and susceptibility to development and the effect development would have upon the landscape. The analysis identified five major areas and three subareas. These critical areas provide the framework for the protection alternative analysis in Section V of this plan. The major critical areas are:

a. Ebey's Prairie

b. Coastal strip and bluff

- c. Keystone Spit
- d. Crockett Lake and uplands
- e. Grasser's Hill and Lagoon

The subareas are:

- a. Smith Prairie
- b. Town of Coupeville
- c. Fort Casey Uplands

These areas, shown on map 2 in the Appendix, are described below.

Major Critical Areas:

Ebey's Prairie. This large open area in the center of the reserve contains the most productive agricultural land, the largest open space, and the area which is most sensitive to development, especially that portion of it close to the Admiralty Inlet. The open space is broken by a mosaic of farms, fences, roads, and a few homes and barns. The prairie is bordered by wooded ridgetops and, when viewed from the cemetery or seaside bluffs, offers a view of the historic pioneer farms.

Coastal strip and bluffs. The eight-mile strip along Admiralty Inlet includes historic Ebey's Landing and provides a level strip ideal for day hiking. The strip is bordered by steep bluffs and during high tides in winter is almost impassible. North beyond Ebey's Landing, which is at beach level, the strip reaches Perego's Lake, which contains in its microclimate a cactus normally found in eastern Washington. The coastal strip also contains a plant species (Castilleja levisecta, golden paintbrush) that is on the state endangered species list and is a candidate for inclusion on the federal list. A trail traverses the steep bluffs and provides splendid views from its heights. Beyond Perego's Lake, the beach trail reaches a steep ravine just south of Fort Ebey which affords access to a state recreation area.

The view from the bluff above the Smith Farm offers the most outstanding vista of the entire reserve. From this vantage point, the observer can see the San Juan Islands, the Strait of Juan de Fuca, the Olympic Peninsula and mountains, the west coast of Whidbey Island down Admiralty Inlet, and the peaks of the Cascades.

The coastal strip also is the location of three sites that have been identified as potential National Natural Landmarks to recognize their geological significance. The three sites are the Bluffs at West Beach, the large depressions (known as "kettles") at Partridge Point, and Perego's Lake, the unique spit and lagoon located north of Ebey's Landing.

Keystone Spit. Keystone Spit is a narrow gravel and sand spit separating the brackish Crockett Lake on the north from the salt water of Admiralty Bay on the south. Along State Route 20, the only developments on the spit are a few homes on the western end and two condominium units. Located at the extreme western end are the Keystone Ferry landing, a small restaurant, and State park facilities which include a picnic area, boat launch ramp, parking lot, and an underwater park in Admiralty Bay. The spit is a prime bird-watching area and a popular recreational beach for hikers and naturalists.

Crockett Lake and uplands. This area is best seen from the roads surrounding the lake. From the Keystone Spit, the view across the open expanse of the lake is complemented by the open pasture and farmland on the far side and is ringed by tree-covered ridges. When viewed south from Wanamaker Road, the view is across the farmland to the lake, spit, and the sound to the Olympics.

Grasser's Hill and Lagoon. At the head of Penn Cove lies an open grass-covered hillside called Grasser's Hill and the shallow Grasser's Lagoon. Although the hill and lagoon are separated by SR 20, the visual continuity is relatively unimpaired. Looking across the lagoon one gets a sweeping view of Penn Cove to Camano Island and the Cascades. The steepness of Grasser's Hill is emphasized by the low elevation of the road and height of the hill, which is dominated by massive clumps of firs.

Sub-areas:

Smith Prairie. The first major open prairie seen by the visitor arriving from the south is Smith Prairie. The openness is emphasized because the highway for the past 12 miles has been cut through forested land. Smith Prairie contains numerous farms, buildings, and an auxiliary runway of the naval air station. The gentle contours of the land emphasize the feeling of spaciousness.

Town of Coupeville. The town, set on the southern slopes of Penn Cove, provides scenes of historic buildings, open space, and views of the cove and Cascades. The visual quality of the town is protected by a concerned local government and local controls. Coupeville's historic structures, especially along Main and Front Streets, create an historic atmosphere not often found in a contemporary community.

Fort Casey Uplands. These uplands are highly scenic and are on the major route from the Keystone Ferry to Coupeville. The road curves through open fields and offers views of Fort Casey State Park and the Strait of Juan de Fuca. Some residential development has taken place along the road but does not greatly affect the openness of the uplands.

2. Archeological Resources

A total of 33 archeological sites have been identified in the reserve, 32 along Penn Cove and 1 near Ebey's Landing. The location and nature of some of the sites suggest an antiquity of as much as 10,000 years. The sites have been recorded with the Office of Public Archeology at the University of Washington. Much of the land within the reserve has

not been surveyed; thus, it is possible that additional sites might be found. None of the archeological sites have been evaluated to determine their eligibility for inclusion in the National Register of Historic Places.

3. Historical Resources

The reserve includes the Central Whidbey Island Historical District. Ninety-one residential and commercial structures in the district are in the National Register of Historic Places and an additional 19 structures are eligible for the Register.

4. Recreation Resources

The saltwater shoreline of Whidbey Island is a recreational resource of state and national significance. This significance is due partly to the scarcity of public shorelines. At present, approximately 75 percent (2,075 miles) of Washington's shoreline is in private ownership.

The beaches of Whidbey Island, particularly those within the reserve, have additional significance because of their easy assessibility. Access to many of the state's public beaches is difficult due to adjacent private ownerships and steep terrain on the immediate uplands. The shortage of easy-to-reach public beaches has created heavy competition for the limited number of accessible sites, especially in the heavily populated Puget Sound region.

Scenic vistas are an important part of the recreational significance of the reserve. Two of the most preferred elements of scenic vistas are topographic relief and a view over water. Whidbey Island provides many unique vistas which include mountains and the Sound.

There is a total of 3,026 acres of publicly-owned recreation lands on Whidbey Island. These lands comprise 1,834 acres in six State parks (Deception Pass, Ebey's Landing, Fort Casey, Fort Ebey, Joseph Whidbey and South Whidbey); 775 acres in 11 sites variously administered by State Departments of Fisheries, Game, and Natural Resources and 417 acres (43 sites) under local management. Tidelands reserved by the Washington State Legislature (RCW 79.16.175, Parcels No. seven and eight) exist within the reserve boundary as public areas for recreational use and for the taking of fish and shellfish for personal use. These tidelands are managed by the Department of Fisheries and constitute approximately 17,000 lineal feet of first and second class tidelands from San de Fuca to Coupeville. Although these tidelands are abutted by high bluff or residential development making public access difficult, current use activities include clam digging and surf smelt fishing.

5. Fishery Resources

Significant recreational and commercial fishery resources exist within and immediately adjacent to the reserve boundary. These include:

1. An existing ground fish sport fishery of an unknown magnitude in Penn Cove.
2. An otter trawl fishery producing in excess of 100,000 pounds of foodfish annually (88 percent flatfish) involving four to ten different trawl vessels.
3. A major smelt fishery involving harvest of more than 300,000 pounds annually in Penn Cove and Saratoga Pass.
4. A substantial subtidal clambed on the outer shore of Whidbey Island.
5. Mussel culture in Penn Cove with potential for significant increases in production.
6. Very productive recreational clam beaches within Penn Cove.

6. Sensitive Biotic Resources

According to the U.S. Fish and Wildlife Service, two listed endangered and threatened species of wildlife may occur within the reserve. These include a wintering population of peregrine falcon (Falco peregrinus) and a wintering population and nesting territories of the bald eagle (Haliaeetus leucocephalus). As mentioned previously, a candidate plant species, golden paintbrush (Castilleja levisecta) is found here. A sensitive fishery resource within the reserve are surf smelt (Hypomesus pretiosus) spawning beaches. The beaches are generally located along the entire southern shore of Penn Cove and along the northern shore between San de Fuca and Penn Cove Park. Spawning occurs from May 15 through October 15 between tidal elevations +7.0 and +11.0 (MLLW = 0.0). Surf smelt spawning beaches are sensitive areas since their close proximity to uplands renders them susceptible to damage from shoreline developments.

C. Legislative Authorities and Constraints

See the Appendix for a copy of the reserve's authorizing legislation.

Section 508(d) of P.L. 95-625, as amended, states that:

"...the Secretary is authorized to acquire such lands and interests as he determines are necessary to accomplish the purposes of this section by donation, purchase with donated or appropriated funds, or exchange, except that the Secretary may not acquire the fee simple title to any land without the consent of the owner [emphasis added to point out that condemnation is prohibited within the Reserve]. The Secretary shall, in addition, give prompt and careful consideration to any offer made by an individual owning property within the historic district to sell such property, if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship."

"Lands and interests therein so acquired shall, so long as responsibility for management administration remains with the United States, be administered by the Secretary subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and in a manner consistent with the purpose of this section."

Congress did not intend for the management and administrative responsibility of the reserve to rest with the Secretary of the Interior in perpetuity. Section (c) states:

"At such time as the State or appropriate units of local government having jurisdiction over land use within the reserve have enacted such zoning ordinances or other land use controls which in the judgment of the Secretary will protect and preserve the historic and natural features of the area in accordance with the comprehensive plan, the Secretary may, pursuant to cooperative agreement--

"(1) transfer management and administration over all or any part of the property acquired under subsection (d) of this section to the State or appropriate units of local government;

(2) provide technical assistance to such State or unit of local government in the management, protection, and interpretation of the reserve; and

(3) make periodic grants which shall be supplemental to any other funds to which the grantee may be entitled under any other provision of law, to such State or local unit of government for the annual costs of operation and maintenance, including, but not limited to, salaries of personnel and the protection, preservation, and rehabilitation of the reserve except that no such grant may exceed 50 percentum of the estimated annual cost, as determined by the Secretary, of such operation and maintenance."

Paragraph (f) of P.L. 95-625 authorized an appropriation not to exceed \$5,000,000 (\$4,500,000 for land protection and \$500,000 for development) to carry out the provisions of that law.

D. Resource Management and Visitor Use Objectives

Ebey's Landing National Historical Reserve is an example of a new kind of park where there is a strong Congressional presumption that the National Park Service will work its way out of the major management responsibility as local capabilities are developed. Once land is acquired and NPS interpretive facilities are installed and cooperative agreements completed and signed, the actual transfer can be made and the maintenance and operational costs of the reserve will be the responsibility of local and state agencies. At this point, the NPS project manager's role becomes advisory as management responsibility shifts to a local project coordinator and a trust board.

The trust board will advise local government on the operations and coordinate management of the reserve, comment on the actions of agencies or individuals within the reserve, and serve as a partner in the contractual agreements of public reserve lands and development

rights. The reserve manager will have the responsibility for liaison with other agencies and accountability for the reserve.

The trust board will obtain advice, information and guidance from the Regional Director of the National Park Service's Pacific Northwest Regional Office as needed. Each year, the Service will conduct an appraisal of the management and operation of the reserve under the requirements of Paragraph (e), Section 508 of P.L. 95-625.

The National Park Service will request an appropriation through customary budgetary procedures to defray a portion--not to exceed 50%-- of operational costs. The remaining costs will be borne by local governments. The budget request based on actual operations and maintenance costs will be submitted by the trust board to the Regional Director of the Pacific Northwest Region.

The enabling legislation provides for correcting problems in the reserve management after the transfer. If the Secretary determines that the reserve is not being managed in a manner consistent with the purpose of P.L. 95-625, he shall give a notice to the appropriate officials to correct the situation and 90 days to conform to the applicable laws, ordinances, rules, and procedures. If no correction or improvement is made, the Secretary will withdraw the management and administration from the transferee and manage the area as a unit of the National Park System. The authority for this procedure is found in Paragraph (e), Section 508 of P.L. 95-625.

Sound development and the management of the reserve will necessitate coordination with landowners, local citizens, local governments, and land-managing state agencies. Operations of the reserve will have little effect on the policies or programs of the state land-managing agencies.

The Interagency Committee for Outdoor Recreation will be consulted where appropriate, to assure compliance with outdoor recreation policies of the state as contained in the Statewide Comprehensive Outdoor Recreation Plan (SCORP).

Washington State Parks will continue to function with little impact from the reserve. Advice from state parks staff will be valuable to the local reserve coordinator and the trust board. Close working relationship at both central-office and field-office levels will be needed in the early stages of planning and development, after which the field level will be the major source of assistance. All National Park Service planning, location and construction of the coastal hiking trail will be done in cooperation with Washington State Parks. Management of the trail on State Park land would be their responsibility.

The State Department of Natural Resources has designated its property adjacent to Fort Ebey State Park as recreational land and is developing the area for this purpose. A cooperative agreement between DNR and the reserve may be needed to protect the forested nature of the land. The proposed coastal hiking trail will follow the existing DNR trail to the top of the bluffs.

The Washington State Game Department has shown interest in Crockett Lake and might be the appropriate agency to manage this resource. It would be hoped that the Game Department could acquire title to the lake or that a special agreement be developed so that the Department could assume complete control of the lake.

Two wayside exhibits will be located on SR-20 and close coordination with the State Department of Transportation during the design and construction stage will be needed. Other interpretive waysides and pull-offs will need to be located with the help of the State Transportation Department officials.

The bulk of the responsibility for management and operation of the reserve will fall on local governments. The various departments of Island County and the Town of Coupeville will be responsible for fire and police protection, roadside maintenance, land-use planning, enforcement of zoning ordinances and sanitation in the areas of their jurisdiction within the reserve. These local government endeavors will be channeled through the reserve coordinator. Policy matters for the reserve will be set by the trust board. The organizational chart in the Conceptual Plan, Section VI, diagrams the inter-relationships.

The U.S. Navy will be consulted to obtain its input regarding its activities at the Outlying Landing Field (OLF) and Smith Prairie. A joint effort to interpret aircraft operations at the OLF is one possibility.

The Town of Coupeville Historic Review Board and Island County's Historic Advisory Committee will continue to be involved in their part of the decision making process, providing advice through the local planning departments.

Special attention will be given to the development of cooperative efforts with the planning staffs of the Town and County. These staffs possess special skills and could be a valuable advisory group to the reserve coordinator and the trust board.

The State Office of Archeology and Historic Preservation will be deeply involved with the local citizens on a one-to-one basis. The Service, the trust board, and the State Office of Archeology and Historic Preservation will need to work together closely to assist owners of historic properties in obtaining special grants for preservation.

Continuous cooperation of the various federal, local and state agencies involved in creating the reserve will ensure that the Ebey's Landing National Historical Reserve will serve the entire nation as an important living historical account of 19th Century Pacific Northwest life and yet remain an economically viable community as well.

The comprehensive plan dated May, 1980, includes the National Park Service General Plan and the Citizens' Conceptual Plan. The National Park Service General Plan covers the topical elements of historic preservation, interpretation, land acquisition, staffing and operational costs, development schedule, cooperative management schedule,

and a list of cooperating agencies' responsibilities. The conceptual plan identified three categories of use areas for which management objectives are defined. These categories are:

1. Public Use and Development--Those public or private areas within the reserve that are accessible to the general public. The areas may have historic and/or natural value; they have potential as primary recreational areas because of this combination of assets.
2. Historic and Natural Preservation--Historic areas are defined as specific sites or locations that are significant to events or people associated with their history; natural areas possess unique physical features which remain relatively untouched by human activity.
3. Private Use Subject to Appropriate Local Ordinances--These are privately owned properties to which there is no public access and which are subject to local land use design controls.

The management objectives for each use category were applied to the reserve's natural and cultural resources, and from this analysis four distinct planning areas were identified:

1. Public Use Areas--Lands meeting historic/natural preservation objectives and possessing potential for public use.
2. Private Use Areas--Lands meeting historic/natural preservation objectives that are best suited for continuous private use.
3. Public/Private Use Areas--Lands which meet historic/natural preservation objectives and possess value for both public and private use.
4. Undesignated, Unspecified Areas--All other land and water areas which are managed by zoning, building codes, shoreline management, and design review controls. Federal funding authorized by reserve legislation will not be used in these areas.

Eighteen specific sites within these use areas were identified by priority for preservation; these are shown on Map 3.

Although specific visitation figures for Ebey's Landing National Historical Reserve are not available, highway figures indicate that approximately 500,000 people visit the area annually. The Washington State Department of Transportation estimates that there were 1,200 daily summer visitors through the Central Whidbey area in 1978.

III. LAND OWNERSHIP AND USES

A. Description

As mentioned previously, the reserve contains an attractive mosaic of farmlands, forests, prairies, inland lakes, coastal bluff and beach, seascape and numerous historic buildings.

Nearly 90 percent of the land area of the reserve is privately owned. Only about 3 percent of the area is in federal ownership; this includes a 200-acre Navy facility and 293 acres of National Park Service lands and interests in lands. The remaining 8 percent of the reserve is in state and local ownership. The following table summarizes land ownership within the reserve:

<u>Owner</u>	<u>Acres</u>
Federal	493
State/local	1,000
Private	11,607
Total land and freshwater area	13,100
Total salt water area	4,300
Total area of reserve	17,400

B. Compatibility of Uses of non-Federal Land

The focus of this section is on the use of lands not presently owned or proposed for ownership by the Federal government. Authority for the control of land use on these lands rests with local governments.

Map 3 shows the location and extent of private use areas in the reserve. The conceptual plan, prepared by local citizens and city and county governments, includes management objectives which seek to preserve the reserve's scenic, historic, and natural areas while maintaining a viable working community. Rather than attempt to list all land uses that are compatible or incompatible with the purpose of the reserve, proposed or existing land uses should be examined to determine how well they meet the following objectives. The National Park Service supports land uses that are consistent with the management objectives of the conceptual plan. Conversely, land uses that are in conflict with the objectives would be viewed as being incompatible with the purposes of the reserve. The objectives listed in the conceptual plan are as follows:

1. Open space should be preserved in key natural and historic areas.
2. Encourage infilling of existing developing areas in order to preserve designated key historic and natural areas.
3. Coupeville should be recognized as a historic town with natural and cultural resources that are supportive of the integrity of the reserve.
4. Every effort should be made to save historic buildings and sites, including exploration of various means of restoration and maintenance and the establishment of a revolving fund.
5. Vistas in natural and historic areas should be protected.
6. Signing should be carefully designed and located so that the goals of the reserve's objectives are protected. Signing and advertising should reflect the purposes of the reserve concept.

7. Work to maintain the viability of the existing farming and rural community.

- a. Utilize laws and ordinances to protect future operation of agricultural and rural activities from threats due to incompatibility or encroachment of potential urban or residential growth; i.e., noise, odor, pets, trespass.
- b. Work on long range solutions to the economic burdens placed on farmers created by tax structures and development pressures.

8. Develop local controls that protect valuable natural and historic sites and open spaces. These controls should respect the economic constraints of property owners.

- a. Establish priorities for vital physical resources in order to limit areas of rigid control but which assure protection of the most vital historic natural areas.
- b. A concerted effort should be made to encourage private property owners to preserve historic sites, structures, and scenic corridors.
- c. Appropriate zoning design review guidelines should be developed to assure that private uses are compatible with the objectives of the reserve.
- d. Assure that the town and county planning efforts are coordinated, and overlapping areas of concern are jointly addressed.

9. Density tradeoffs should be encouraged for preserving open space. Clustering of development should be considered in wooded areas or where planning and design characteristics will minimize impact, particularly on marginally productive agricultural land.

10. Development should be placed where public utilities and services are available. High quality development should be encouraged.

11. Protect options and opportunities of the local business community.

12. Emphasis should be given to local control of the reserve, including the establishment of a local trust board to oversee maintenance and operation of the reserve.

C. External Conditions Affecting Land Protection Within the Reserve

A number of land uses occurring outside the reserve have the potential of affecting adversely some of the reserve's resources. These threats include: lowered water quality of surface and ground waters from agricultural run-off; and aesthetic degradation of the reserve's "viewshed" from mineral extraction, timbering, land development and urban encroachment. Attempts to mitigate these potential impacts should be made by working with state and local authorities and by publicizing the problems and possible impacts through the local news media.

D. Past Acquisition Activities

Acres acquired:	273.19	Fee
	20.0	Scenic Easement
	.02	Long Term Lease

Methods of acquisition: Purchase and Donation

Numbers of improvements acquired: None

Types and terms of interest reserved by sellers: None

E. Status of Protection Program

Current acquisition ceiling: \$4,500,000

Appropriations to date: \$4,396,040

Expenditures to date: \$2,414,850

Appropriations available for expenditure: \$1,981,190

Status of pending eminent domain actions: Not authorized

F. Social/Cultural Relationships

Historically, the lands and people within what is now the reserve were mainly dedicated to farming. Today the reserve's rural character is still much in evidence, although the economy of the area is more diversified and is now supported by public administration and tourism as well as agriculture.

If the recommendations of this plan are carried out, the impact on landowners and the social/cultural fabric of the reserve will be positive, although the degree of effect will vary depending on the specific recommendation and area in which it is exercised. Because the authorizing legislation prohibits land acquisition by condemnation, no lands or interest in lands will be acquired from unwilling sellers. As described in Section V, only about 12 percent of the reserve's area will be affected by the recommendations for the acquisition of land or interest in land. Less than one percent of the reserve is recommended for fee acquisition. Thus, the overall effect on the reserve's population and land use will be slight. In the critical areas of the reserve, i.e., those areas most important in contributing to the definition of the reserve's scenic quality and historic character, the impacts of the plan will be positive through the preservation of rural/open space and existing ways of life in those areas. On the balance of the reserve and throughout the county, it is likely that there will be more development and at a faster rate than would have occurred if the critical areas were not preserved.

IV. PROTECTION ALTERNATIVES

A. Existing Land Protection Laws and Authorities

Federal authority for protection of cultural resources:

Executive Order 11593 (Protection and Enhancement of the Cultural Environment, May 13, 1971) and Section 110, P.L. 96-515 (National Historic Preservation Act, as amended, December 12, 1980). These authorities establish affirmative responsibilities for federal agencies.

Agencies are to identify, consider, preserve, and positively use historic properties under these authorities in order to achieve the basic purposes of the Act, which are:

- (1) use measures, including financial and technical assistance to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;
- (2) provide leadership in the preservation of the prehistoric and historic resources of the United States and of the international community of nations;
- (3) administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations;
- (4) contribute to the preservation of non-federally owned prehistoric and historic resources and give maximum encouragement to organizations and individuals undertaking preservation by private means;
- (5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and,
- (6) assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

Section 106 of the Historic Preservation Act of 1966. Section 106 requires federal agencies to take into account the effects of federal or federally assisted undertakings on National Register eligible or listed properties and to give the Advisory Council on Historic Preservation an opportunity to comment on such undertakings.

Section 2124 of P.L. 94-455, the Tax Reform Act of 1976; Section 701(f) of P.L. 95-600, the Revenue Act, 1978; P.L. 97-34, the Economic Recovery Tax Act, 1981. These laws contain a variety of incentives to encourage capital investment in historic buildings and to spur revitalization of historic neighborhoods. These preservation tax incentives only apply to commercial or income-producing structures. Rehabilitation must be done according to the Secretary of the Interior's

historic preservation standards. The tax incentives are available for any project which the Secretary designates as a certified rehabilitation of a certified historic structure.

The following Federal laws pertain to archeological resources:

Archeological and Historic Preservation Act of 1974; Public Law 93-291; 16 U.S.C. 460

This act calls for the preservation of historic and archeological materials and data that otherwise would be lost as a result of Federal construction or Federally licensed or aided activities. Data recovery or in situ preservation are available to the Secretary.

Archeological Resources Protection Act of 1979; Public Law 96-95; 16 U.S.C. 470aa

This act further protects historic, prehistoric, and archeological properties on Federal and Indian lands by providing criminal and civil penalties against unauthorized use and destruction of those properties.

State and local authorities:

State

The State Environmental Policy Act requires environmental review of projects within the State. The Act requires preparation of an Environmental Impact Statement and public hearings on any actions that will have a significant impact on the environment. An EIS was written for the Ebey's Landing Plan and would be required for any project that would significantly affect the physical and/or cultural/historical environment.

The Open Space Law RCW 84-34 is particularly beneficial to the reserve. Under this law, agricultural and forest lands are assessed for taxes on current use rather than the appraised market value. In 1980, 50% of the land within the reserve was taxed at a current use rate. This law eases the tax burden of the large landowners in the reserve: the farmers and forest owners.

The Preservation of Historic Properties Ordinance RCW 43.51 established a state program and advisory council to encourage historic preservation. The State Office of Archeology and Historic Preservation works with local governments to provide for the protection of historic districts and sites. Island County has requested and received a map of the archeological sites in the county and will refer to this map in the county's environmental review process. Many of these archeological sites are located around Penn Cove.

Various agencies of the State government have regulations that apply to the reserve. The Department of Natural Resources administers much of the land around Fort Ebey under their land use regulations. Washington State Parks and Recreation Commission is responsible for Fort Casey, Fort Ebey, and the beach strip at Ebey's Landing. The Hydraulic Code RCW 75.20.100 requires that written approval be obtained from

the Department of Fisheries or the Department of Game prior to the conduct of construction activities below mean higher high water in saltwater areas or below ordinary high water in freshwater areas. The approval is required for the protection of foodfish, game fish and shellfish.

Local--Coupeville

Coupeville Ordinance #238c, effective May 23, 1983, designated an Historic Restoration Zone (map available), set guidelines and procedures to aid in the preservation of Coupeville's historic structures, and established an Historic Advisory Committee.

The stated intent of the guidelines is "to keep the essence of Coupeville's historic and rural character alive and lasting." The guidelines provide direction for the renovation of the exterior of historic buildings. They are an attempt to see that renovation does not destroy the historic integrity of the building or change the building in a way that is not compatible with the surroundings. The Historic Advisory Committee is charged with applying the guidelines to building permits and land use changes within the Restoration Zone. The Committee is also directed to give information and assistance to Coupeville residents on historic restoration projects.

The Coupeville Comprehensive Plan serves as a guide for town planning. The plan recognizes the need to retain the existing rural and historic characteristics of the town. There are specific policy statements within the plan that support this goal: Urban uses which intrude upon prime farmland, forest, or natural resource areas are to be avoided. Residential development is to be restricted to areas already developed or platted. Local government officials are encouraged to learn about methods for historic and open space preservation.

Local--Island County

The Island County land use codes and the planning process are undergoing revision now. The plan under consideration uses a combination of planned unit development, transfer of development rights, and density controls to direct growth away from forest, agricultural and sensitive areas and cluster/in-fill around existing areas of development capable of handling growth.

Island County Interim Zoning Ordinance, 1966, provides minimal land use control within the reserve, but does not reflect the more recently adopted planning policies or goals of the county. The Interim Ordinance uses the standard zoning tools of lot size limits, minimum dimensional standards, and separation of incompatible uses.

The Island County Comprehensive Plan, adopted in 1977 and amended in 1979, is the basic document that guides Island County officials in making decisions regarding land use. The general goal of the Comprehensive Plan is to preserve the rural character of Island County through clustering and in-filling. Under this plan, the lands in Island County have been classified and mapped according to optimal

land use and density and development guidelines have been established. These guidelines set 20 acres as minimal parcel size for agricultural land and for rural forest areas, 2-1/2 to 10 acres per unit for rural areas, 4 units or more per acre for residential areas. Sensitive areas were given special consideration and it was suggested that development be limited to not less than 5 acres per unit. Several areas within the reserve are in this category: Outer Landing Field, because of noise levels; much of the shoreline; the kettles because of the unique vegetative growth and geologic formations; and the bluff and beach from Ebey's Landing to Point Partridge.

The Ebey's Landing Citizen's Plan, 1980, was written by a local group of citizens to "provide a plan for the protection, preservation, and interpretation of the Reserve." They identified the areas or zones within the reserve which would be most appropriately devoted to Public Use/Development, Historic and Natural Preservation and Private Use. The areas were then prioritized as to their importance to the reserve and management options were suggested to guide planning.

This plan was developed to form a component of the Comprehensive Plan but has not been adopted by the County Commissioners.

The Shoreline Management Program provides guidelines for planning and management of the county shorelines. This is the program under which the County administers the regulatory requirements of the State Shoreline Management Act and provides protection of the county's shoreline. The program classifies the shoreline for optimal use from natural (minimal development) to urban. A special report for the reserve was written that made suggestions for additions and changes to the Shoreline Master Program that would aid in maintaining the historic/scenic nature of the shorelines within the reserve.

Island County Ordinance #P-38-72 established the Central Whidbey Historic Preservation District. The ordinance set the boundaries for the Historic District and provided for the appointment of a Historic Preservation Advisory Committee. The advisory committee reviews and applies the adopted guidelines for historic preservation to building permits, shoreline permits, and all land use permits affecting areas or sites of significant historic value. The boundaries of the Central Whidbey Historic District coincide with those of the reserve.

Island County has various other ordinances and permit requirements administered by the building, health, and road departments that provide protection to the reserve. These include building permits, forest practice permits, grading permits, sewage disposal regulations, etc., that are generally directed at protecting the environment. It should be noted that some of these general ordinances and requirements have development standards which may represent a threat to the cultural landscape.

B. Criteria for Alternatives Evaluation and Priority Setting

1. The guiding principle in the evaluation of protective alternatives is the degree to which the alternatives comply with the reserve's authorizing legislation. Therefore, the preferred alternatives would:

- a. Contribute to the protection and preservation of the reserve's rural community.
- b. Relate to the commemoration of the reserve's historical significance through public interpretation and preservation of historical resources.
- c. Support the findings and recommendations of the May, 1980 comprehensive plan.
- d. Be consistent with the financial limitations of the act.

In addition, the preferred alternative would:

- 2. Be the most cost-effective means of achieving the desired level of protection; i.e., realize the greatest degree of protection for the least expenditure of funds.
- 3. Involve the minimum interest in private lands, if federal acquisition is necessary.
- 4. Be administratively and politically feasible.
- 5. Have high potential for contributing to the cooperative management of the reserve, i.e., support or foster cooperative relationships between various levels of government and the private sector in land preservation.

In order to focus the range of possible alternatives on the array of resources most needing protection, "critical areas" were identified as priority protection areas. These were defined by the visual landscape assessment approach which encompass the elements of:

- 1. Visual absorption--how much development can a landscape absorb before it is visually compromised?
- 2. Visual sensitivity--how sensitive is the landscape to any form of development?
- 3. Susceptibility to development--how susceptible is an area to development because of the availability of open, flat land; access; water and sewer facilities; soil percolation, etc.?
- 4. Visual contrast of development--what overall effect will development have when contrasted to the entire visual character of the landscape?

The four elements are used to determine the "criticalness" of a given area. Using this type of assessment, lands in the reserve were rated, and the criticalness of each area was compared with those areas suggested for preservation in the citizens conceptual plan. The results of the visual landscape analysis corresponded directly with the first 13 of the 18 priority areas in the citizens' plan, with the

exception of the town of Coupeville, in which no purchase of development rights is proposed. Map 4 defines the critical areas identified within the reserve by the National Park Service.

The protection alternatives discussed below are directed at the critical areas within the reserve.

C. Analysis of Alternatives

Alternative 1. Purchase of development rights

Purchase of development rights in the critical areas would preserve some of the open and rural character of the reserve and decrease the county-planned density of these lands. Protection of reserve resources would be restricted, however, because of the high price that would have to be paid for the development rights and because of the limited amount of money now remaining for land protection--\$1.9 million. In addition, acquisition of development rights would be conditioned on approval of the landowners. Adjacent lands which directly affect the critical areas could be protected by a yet to be developed Island County special zoning and/or density requirement ordinance. Historic structures (those listed on the National Register) would remain in private ownership, and no attempt would be made by the Service to acquire structural or facade easements.

Donations of development rights would also be sought from the landowners within the critical areas to supplement the funding limitation. Design review of the county's Historic Advisory Committee would complement the Service's purchase of development rights and existing zoning.

Alternative 2. Purchase in Fee Simple

Using the visual landscape assessment described above, land would be purchased to preserve the historical rural character of the critical areas. Protection of open space and cultural landscape would be minimal, however, because of the high cost of land within the reserve and the limitation of the remaining \$1.9 million. In addition, federal acquisition of these lands would also depend on the willingness of the landowners to sell their lands. The preservation of additional lands would be the responsibility of the local levels of government.

To supplement the fee simple purchase program, donations of development rights or fee simple titles would also be sought from the landowners. In addition to the Service's land acquisition program and existing zoning, the county's historic advisory board would do design review and development proposals. Historic structures identified in the National Register would remain in private ownership, and no attempt would be made by the National Park Service to acquire structural or facade easements.

Alternative 3. Develop Zoning Plan, in Cooperation with Local Government, to Protect the Critical Areas and federal Purchase in Fee Simple Selected Historic Structures

This alternative would concentrate Federal funding on historic preservation projects throughout the reserve and place full responsibility for cultural landscape preservation upon the local governments. Under this approach, the Service would direct funding to those historic structures which are available on a first-come, first-buy basis rather than on the criteria of merit or historic value. Stronger historic preservation ordinances would be developed through the assistance of the town and county governments. Hopefully the tax benefits of preservation projects could be emphasized to encourage rehabilitation of historic buildings.

Donations of development rights and fee-simple title would be actively sought for both structures and cultural landscapes. The existing Island County Historic Advisory Board would need to be strengthened to deal with the more complex and demanding ordinances and controls required for this type of historic preservation.

Alternative 4. Purchase Development Rights and Fee-Simple Interest in Lands Within the Critical Areas and, in Cooperation with Local Government, Develop Zoning Plan to Protect the Historic Rural Character of Lands Adjacent to the Critical Areas

This alternative would consist of purchasing development rights and land in fee simple within the critical areas and, in cooperation with the local governments, developing a zoning plan to protect the historic rural character of the lands adjacent to the critical areas. Map 5 indicates the critical areas within the reserve and their priority for acquisition. The critical areas would be the same as those identified in the visual assessment approach outlined above.

Under this dual approach, fee-simple lands already acquired could be exchanged for development rights on other lands within the critical areas. A scenic easement would be retained on the fee-simple land to be exchanged. This concept would allow the National Park Service to obtain as much protection as possible for the money invested. In addition, this would allow local farmers to expand their farms without additional capital investment.

Land needed for interpretive sites and wayside pull-offs, not likely to exceed 20 acres in total, would be acquired in fee simple or through long-term leases. In addition, the development right and fee-simple purchase program would be supplemented by seeking donations of land or development rights within the critical areas.

Historic structures listed on the "National Register of Historic Places" would remain in private ownership, and no attempt would be made by the National Park Service to acquire structural or facade easements. The role of the Service in historic preservation would be to provide information through workshops and personal services to assist owners in obtaining tax relief, financial aid, and grants. Design review by the county's Historic Advisory Board would complement existing zoning and the land acquisition program. The existing Coastal Zone Management Program specifies goals and policies to guide development in areas covered by the Coastal Zone Management Act.

Because Alternative 4 best meets the evaluation criteria, it is the preferred alternative.

V. RECOMMENDATIONS

A. Priority Criteria

Priority criteria are necessary for defining where protection efforts should occur. This is especially important in view of the wide range of resources that should be protected and the limited amount of funds appropriated for that purpose.

The criteria for land protection activities within the reserve are as follows:

Priority 1 efforts should be directed at those lands:

1. most important to defining the essence of the reserve; i.e., those critical areas without which the essential integrity of the reserve would be lost.

2. needed to provide for public access and/or interpretation, whether in critical areas or not.

Priority 2 efforts should be directed at those lands needed to maintain the existing landscape of each major critical area.

Priority 3 efforts should be directed at maintaining the existing landscape throughout the reserve, especially on lands in, or adjacent to, critical areas.

B. Priorities for Protection

The areas to be preserved and the means of protection to be employed for each priority category are discussed below. The specific interest to be acquired is described in Tables 1 and 2, Appendix.

Priority 1. Ebey's Prairie and the Coastal Strip and Bluff are the most significant areas within the reserve. Protection will entail the acquisition of scenic easements, fee simple interest, and permanent public access easements within these two areas. In addition, access to seven tracts will be acquired for interpretive sites throughout the reserve. The total area to be acquired includes about 600 acres and 16,000 linear feet of waterfront. This includes about 110 acres to be acquired in fee and about 430 acres in scenic easement; the balance of approximately 60 acres will be available for public use and managed through cooperative agreements. The methods proposed to protect these lands will be purchase, exchange, and cooperative agreements.

Priority 2. Protection activities will be concentrated on Crockett Lake and uplands and Grasser's Hill and Lagoon. Scenic easements and development rights covering approximately 640 acres will be acquired through purchase, donation, and land exchange.

It should be pointed out that Keystone Spit is not included in this priority category because the estimated land protection costs for that one area exceed the total amount of funds available. Therefore, it is more cost-effective to use the limited funds to obtain protection of critical areas throughout the reserve than expend the remaining monies for the acquisition of a portion of only one area.

Priority 3. The environment to be protected is the rural landscape not affected by Priority 1 and 2 protection activities. Protection is to be achieved generally through local zoning. However, after providing protection to Priority 1 and 2 areas, it is recommended that any remaining funds be used to assist in protecting Keystone Spit, the forested lands northwest and southeast of Ebey's Prairie, and the lands adjacent to Ebey's Prairie.

Zoning should control residential development in and adjacent to the critical areas. Specifically, a minimum lot size of 40 acres is desirable for Ebey's Prairie, Grasser's Hill and the lands around the lagoon, the Crockett Lake shoreline and uplands, and Keystone Spit. A minimum lot size of 20 acres is recommended for the adjacent agricultural lands northwest of Grasser's Hill, southeast of Ebey's Prairie, north of Crockett Lake Uplands, and for the agricultural land with special development provisions northeast of and east of Ebey's Prairie. Lands adjacent to the areas already mentioned should be zoned as "sensitive lands," as should the Town of Coupeville and Smith Prairie. See Map 6 in Appendix for the delineation of preferred zoning.

Appendix Tables 1 and 2 summarize protection recommendations for each priority category. The total area to be acquired accounts for about 12 percent of the reserve, and fee acquisition will be limited to less than 1 percent of the reserve's area.

C. Methods of Acquisition

The Service's primary land acquisition approach will be through the purchase of scenic easements (development rights) on critical areas that have been identified in the citizens' preservation plan and in concert with appropriate local government laws and regulations. Each parcel of land in the critical areas will be considered individually, keeping in mind the overall objective of the Island County Comprehensive Plan which is to retain as much open space/agricultural land as possible. In addition, the needs and desires of each landowner must be considered.

In the critical areas, on the fringe of the critical areas, and on the lands adjacent to these areas, the Service will cooperate with Island County in developing an alternative strategy involving density trade-offs, cluster housing, and exchange or transfer of development rights through contract zoning with the Island County Planning Department.

The following are the methods of acquisition which may be used to preserve the open space/agricultural lands:

Lease for agricultural purposes

An exchange of restricted agricultural lands with adjacent land-owners for their development rights

Purchase of development rights (scenic or preservation easements)

Purchase of architectural controls

Donation of any of the above interests

Acquisition in fee simple, with landowners consent, not to exceed various combinations of the above methods may also be used for special cases. For example, a particular landowner's financial position may be such that a partial purchase/partial donation of development rights may net the same dollar amount after taxes as a total purchase resulting in less cost to the public. Also, a landowner wishing to increase his agricultural base may be benefited by a fee-simple exchange of agricultural lands for development rights in an adjacent area. In any event, these kinds of alternatives will be explored for each acquisition.

Sample scenic easement instruments are included in the Appendix.

D. Lands Adequately Protected

Lands adequately protected under existing ownership include state and county lands. These amount to nearly 1,500 acres.

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APPENDIX

TABLE 1

**EBEY'S LANDING NATIONAL HISTORICAL RESERVE
LAND PROTECTION PRIORITY RECOMMENDATIONS**

AREA	Total Area To Be Acquired		Minimum Interest To Be Acquired			Methods Of Protection Other than Purchase		
	Acres*	Linear Feet	Fee Acres	Scenic Esmt/ Development Rights		Donation/ Land Exch. Acres	Cooperative Agreement Acres	Zoning ¹ Linear Feet
				Acres	Linear Feet			
PRIORITY 1								
Ebey's Prairie	423			423		250		A
Coastal Strip and Bluff	159	16,000	95	7			57	A
Public Interpretive Sites	15		12				3	A,B,C
Subtotal	597	16,000	107	430		250	60	16,000
PRIORITY 2								
Grasset's Hill and Lagoon	47			47				A
Crockett Lake and Uplands	597			597		400		A
Subtotal	644			644		400		
PRIORITY 3								
Town of Coupeville								C
Timber Interests	51			51				A
Ebey's Prairie Buffer	477			477				B
Keystone Spit	343	9,000		332	9,000		11	A
Subtotal	871	9,000		860	9,000		11	
Grand Total	2,112	25,000	107	1,934	9,000	650	71	16,000

* All acreage figures are rounded to the nearest acre.

¹ Zoning classifications:

A--min. lot size 20-40 acres, agr. land

B--min. lot size 20 acres, agr. land w/special provisions

C--sensitive lands

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TABLE 2

LAND PROTECTION PRIORITIES

<u>PRIORITY I</u>	<u>TRACT</u>	<u>NAME</u>	<u>ESTIMATED ACREAGE OF AREA TO BE PROTECTED¹</u>	<u>ESTATE</u>
Ebey's Prairie	101-69	Sherman Farms Inc.	250.47	Scenic Easement ²
	70	Alan R. Hancock	20.10	Scenic Easement
	71	Robert L. Hancock	19.90	Scenic Easement
	73	Robert Y. Pratt	34.40	Scenic Easement
	81	Burton C. Engle	80.00	Scenic Easement
	87	Robert Y. Pratt	18.00	Scenic Easement
Coastal Strip & Bluff	101-62	Robert Y. Pratt	65.80	Fee
	72	Burton C. Engle	4.20	Fee
	79	Albert Heath	18.65	Fee
	80	Albert Heath	2.33	Scenic Easement
	84	Washington State Parks	22.00	Cooperative Agreement
	85	Robert Y. Pratt	6.00	Fee
	86	Washington State Parks	23.00	Cooperative Agreement
	88	Robert Y. Pratt	4.75	Scenic Easement
	91	Dept of Natural Resources	4.00	Cooperative Agreement
	92	Gary Beppler	0.20	Fee
	93	Washington State Parks	8.00	Cooperative Agreement
Interpretive Sites	101-82	Sherman Farms Inc.	2.25	Fee
	102-15	Seattle Pacific University	6.37	Fee
	27	Fort Casey Investment Co.	0.45	Fee
	28	Vernon J. Merkle	1.60	Fee
	29	Island County	0.58	Cooperative Agreement
	31	U.S. Navy	2.50	Cooperative Agreement
	103-04	Marjorie R. Grasser	1.25	Fee
<u>PRIORITY II</u>				
Grasser's Hill & Lagoon	103-01	Penn Cove Association	33.00	Scenic Easement
	02	Madeline Darst	6.25	Scenic Easement
	03	Marjorie R. Grasser	8.00	Scenic Easement
Crockett Lake & Uplands	102-01	Donald Feoco	8.25	Scenic Easement
	02	Albert D. Bingisser	7.54	Scenic Easement
	03	Freeman E. Boyer, Jr.	62.00	Scenic Easement
	04	Theodore C. Boyer, et ux	1.40	Scenic Easement
	05	Dale N. Boyer	1.40	Scenic Easement
	06	Richard Murray	1.40	Scenic Easement
	07	Robert L. Eggerman	43.50	Scenic Easement
	08	Woodrow P. Ballou	1.40	Scenic Easement
	09	Robert J. Pryal, et al	1.40	Scenic Easement

TABLE 2 (continued)

LAND PROTECTION PRIORITIES (continued)

<u>PRIORITY II</u>	<u>TRACT</u>	<u>NAME</u>	<u>ESTIMATED ACREAGE OF AREA TO BE PROTECTED¹</u>	<u>ESTATE</u>
Crockett Lake & 102-11		Terence K. H. Wong	10.30	Scenic Easement ²
Uplands	13	Irma C. Armstrong	3.20	Scenic Easement
(continued)	17	Edgar A. Scholz	452.00	Scenic Easement
	26	Maynard L. Reeser	2.30	Scenic Easement
	30	Frank W. Stone, Jr.	1.30	Scenic Easement
<u>PRIORITY III</u>				
Timber	101-83	Burton C. Engle	18.00	Scenic Easement
Interests	89	Sherman Farms, Inc.	13.00	Scenic Easement
	90	Robert Y. Pratt	20.00	Scenic Easement
Ebey's	101-63	Edwin R. Sherman	50.14	Scenic Easement
Prairie	64	George E. Smith	12.50	Scenic Easement
Buffer	65	Robert A. Engle	26.70	Scenic Easement
	67	Burton C. Engle	91.72	Scenic Easement
	68	William C. Engle	83.58	Scenic Easement
	76	Robert A. Engle	85.87	Scenic Easement
	78	Robert Y. Pratt	80.00	Scenic Easement
	94	Robert L. Hancock	46.97	Scenic Easement
Keystone	102-18	Soundview Realty	134.18	Scenic Easement
Spit	19	Thomas B. Ridley	10.00	Scenic Easement
	32	Island County	10.92	Cooperative Agreement
	33	Edgar A. Scholz	94.25	Scenic Easement
	34	Clyde A. Wagner	93.57	Scenic Easement

1 Acreages shown in this listing are approximate. The exact acreage of the area to be protected will be determined prior to the initiation of negotiations with the landowner.

2 The exact nature of the scenic easement estate will vary from property to property depending on the level of protection needed as well as the specific needs and desires of the landowners.

EBEY'S LANDING NATIONAL HISTORICAL RESERVE

SEC. 506. (a) There is hereby established the Ebey's Landing National Historical Reserve (hereinafter referred to as the "reserve"), in order to preserve and protect a rural community which provides an unbroken historical record from nineteenth century exploration and settlement in Puget Sound to the present time, and to commemorate—

Establishment
16 USC 461 *note*.

(1) the first thorough exploration of the Puget Sound area, by Captain George Vancouver, in 1792;

(2) settlement by Colonel Isaac Nelf Ebey who led the first permanent settlers to Whidbey Island, quickly became an important figure in Washington Territory, and ultimately was killed by Haidahe from the Queen Charlotte Islands during a period of Indian unrest in 1857;

(3) early active settlement during the years of the Donation Land Law (1850-1853) and thereafter; and

(4) the growth since 1883 of the historic town of Coupeville.

The reserve shall include the area of approximately eight thousand acres identified as the Central Whidbey Island Historic District.

(b) (1) To achieve the purpose of this section, the Secretary, in cooperation with the appropriate State and local units of general government, shall formulate a comprehensive plan for the protection, preservation, and interpretation of the reserve. The plan shall identify those areas or zones within the reserve which would most appropriately be devoted to—

(A) public use and development;

(B) historic and natural preservation; and

(C) private use subject to appropriate local zoning ordinances designed to protect the historical rural setting.

(2) Within eighteen months following the date of enactment of this section, the Secretary shall transmit the plan to the President of the Senate and the Speaker of the House of Representatives.

(c) At such time as the State or appropriate units of local government having jurisdiction over land use within the reserve have enacted such zoning ordinances or other land use controls which in the judgment of the Secretary will protect and preserve the historic and natural features of the area in accordance with the comprehensive plan, the Secretary may, pursuant to cooperative agreement—

(1) transfer management and administration over all or any part of the property acquired under subsection (d) of this section to the State or appropriate units of local government;

(2) provide technical assistance to such State or unit of local government in the management, protection, and interpretation of the reserve; and

(3) make periodic grants, which shall be supplemental to any other funds to which the grantee may be entitled under any other provision of law, to such State or local unit of government for the annual costs of operation and maintenance, including but not limited to, salaries of personnel and the protection, preservation, and rehabilitation of the reserve except that no such grant may exceed 50 per centum of the estimated annual cost, as determined by the Secretary, of such operation and maintenance.

(d) The Secretary is authorized to acquire such lands and interests as he determines are necessary to accomplish the purposes of this section by donation, purchase with donated funds, or exchange, except that the Secretary may not acquire the fee simple title to any land without the consent of the owner. The Secretary shall, in addition, give prompt and careful consideration to any offer made by an individual owning property within the historic district to sell such property. If such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship,

lands and interests therein so acquired shall, so long as responsibility for management and administration remains with the United States, be administered by the Secretary subject to the provisions of the Act of August 23, 1916 (39 Stat. 535), as amended and supplemented, and in a manner consistent with the purpose of this section.

(e) If, after the transfer of management and administration of any lands pursuant to subsection (c) of this section, the Secretary determines that the reserve is not being managed in a manner consistent with the purposes of this section, he shall so notify the appropriate officers of the State or local unit of government to which such transfer was made and provide for a ninety-day period in which the transferee may make such modifications in applicable laws, ordinances, rules, and procedures as will be consistent with such purposes. If, upon the expiration of such ninety-day period, the Secretary determines that such modifications have not been made or are inadequate, he shall withdraw the management and administration from the transferee and he shall manage such lands in accordance with the provisions of this section.

(f) There is hereby authorized to be appropriated not to exceed \$5,000,000 to carry out the provisions of this section.

16 USC 461 *et seq.*

Determination and notification.

Withdrawal.

Appropriation authorization.

9 Stat. 496, 30
Stat. 358, 305.

Comprehensive
plan.

Transmittal to
President of the
Senate and
Speaker of the
House.

Management and
administration.

Assistance.

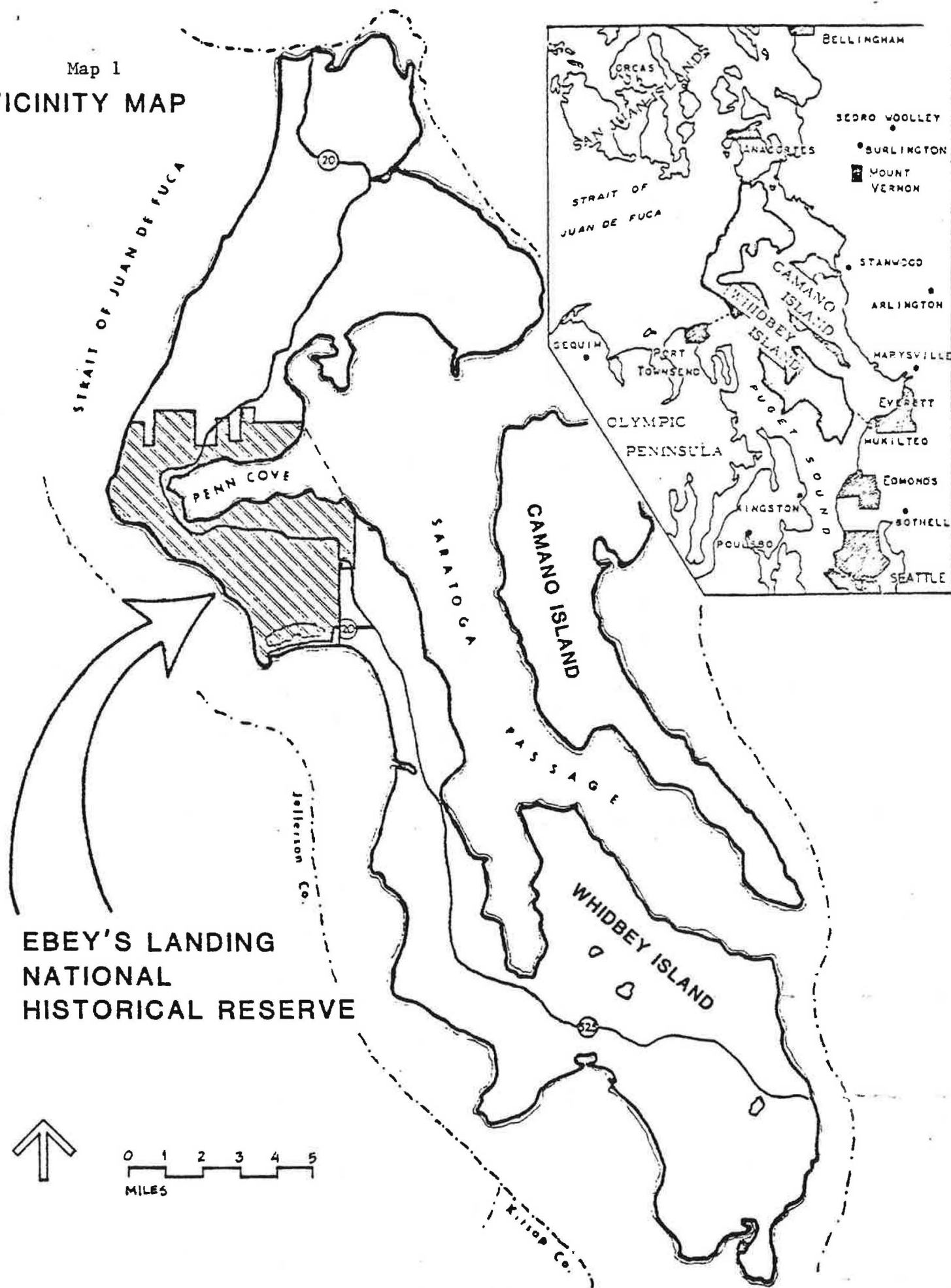
Grants.

Lands and
interests,
acquisition.

Administration.

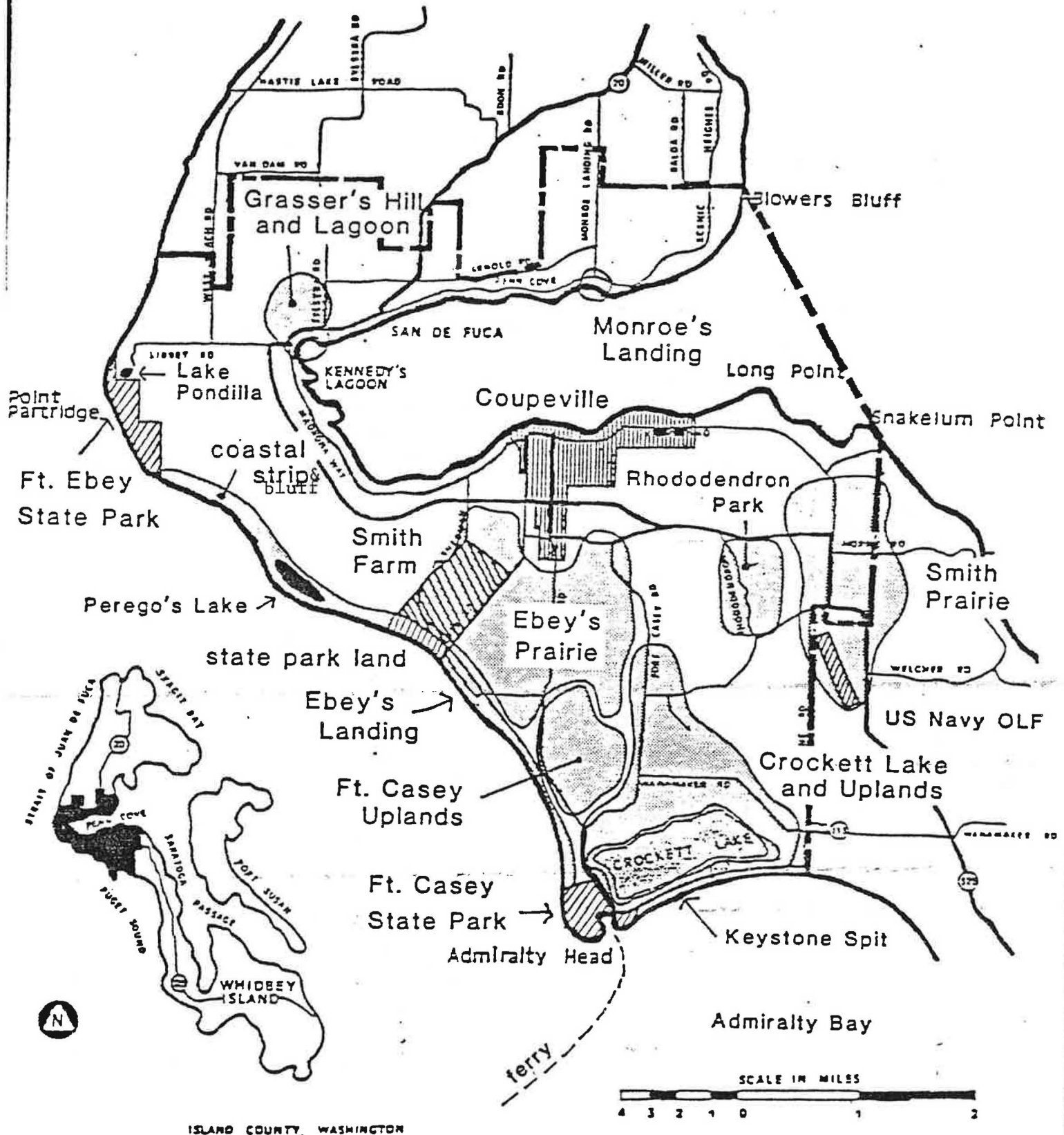
(k) Section 508(d), re: Ebey's Landing National Historical Reserve, is amended by changing "with donated funds" in the first sentence to "with donated or appropriated funds".

Map 1
VICINITY MAP



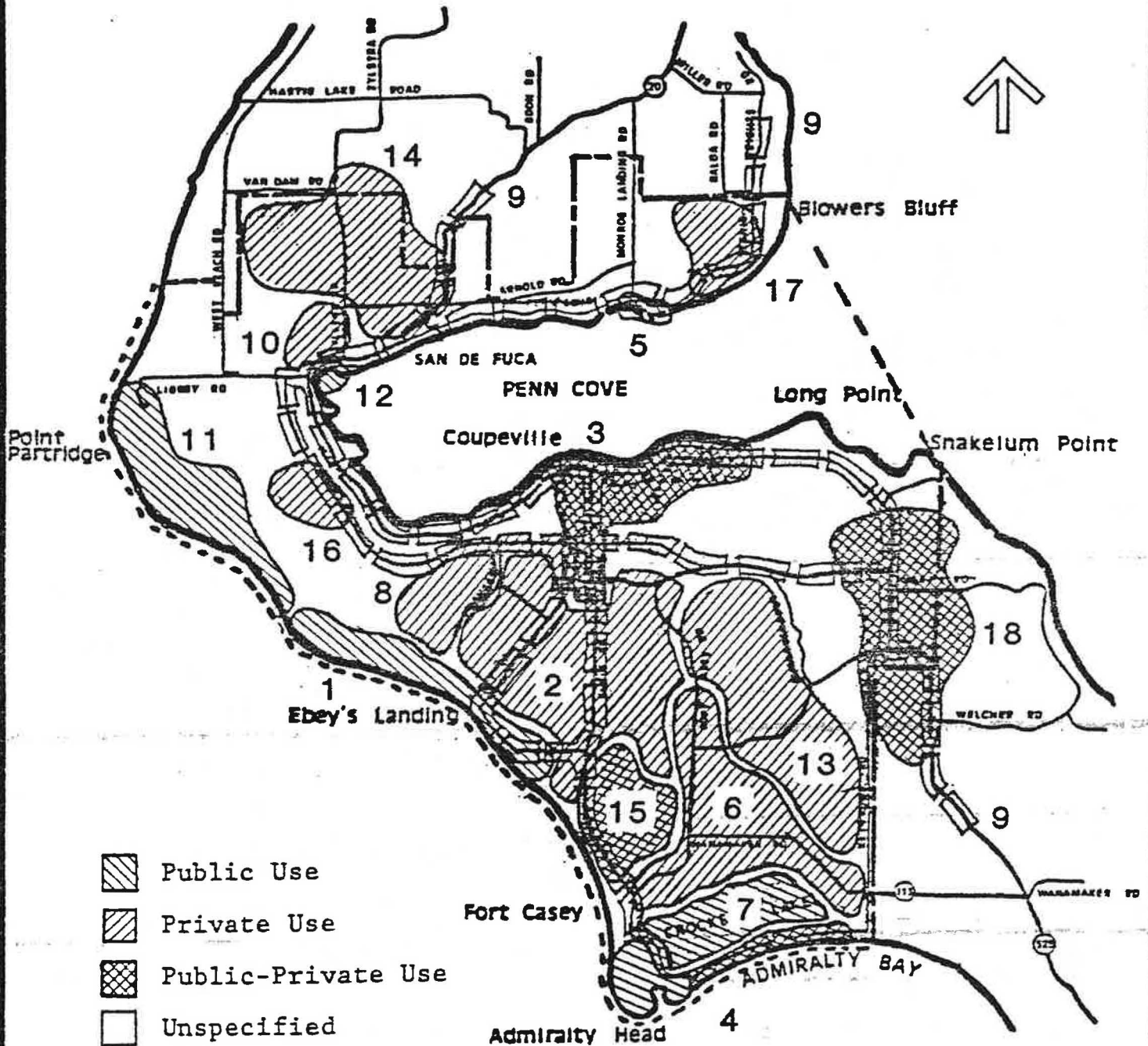
Map 2
LOCATION MAP

EBEY'S LANDING
NATIONAL HISTORICAL RESERVE



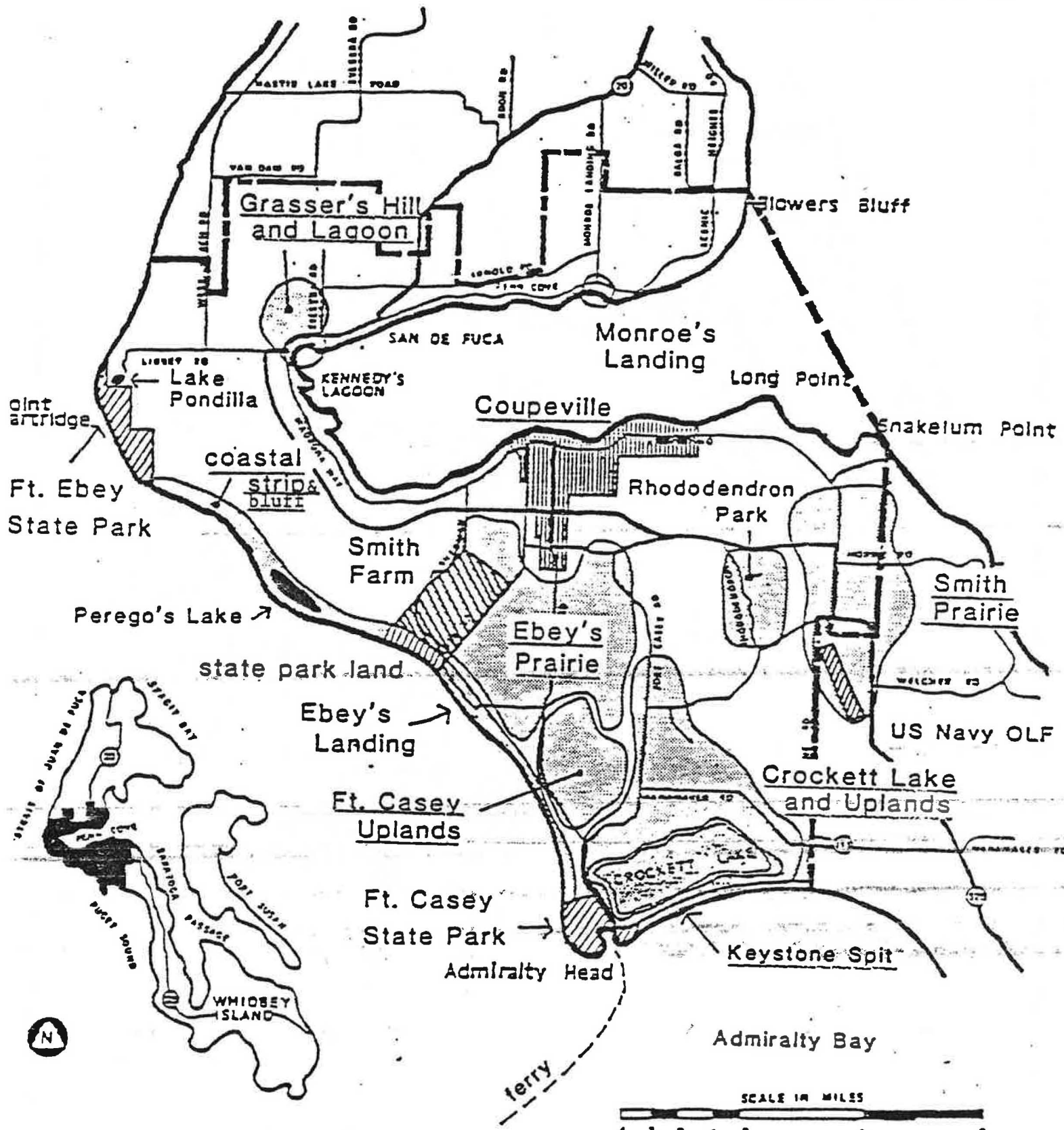
Map 3
PRESERVATION PRIORITIES

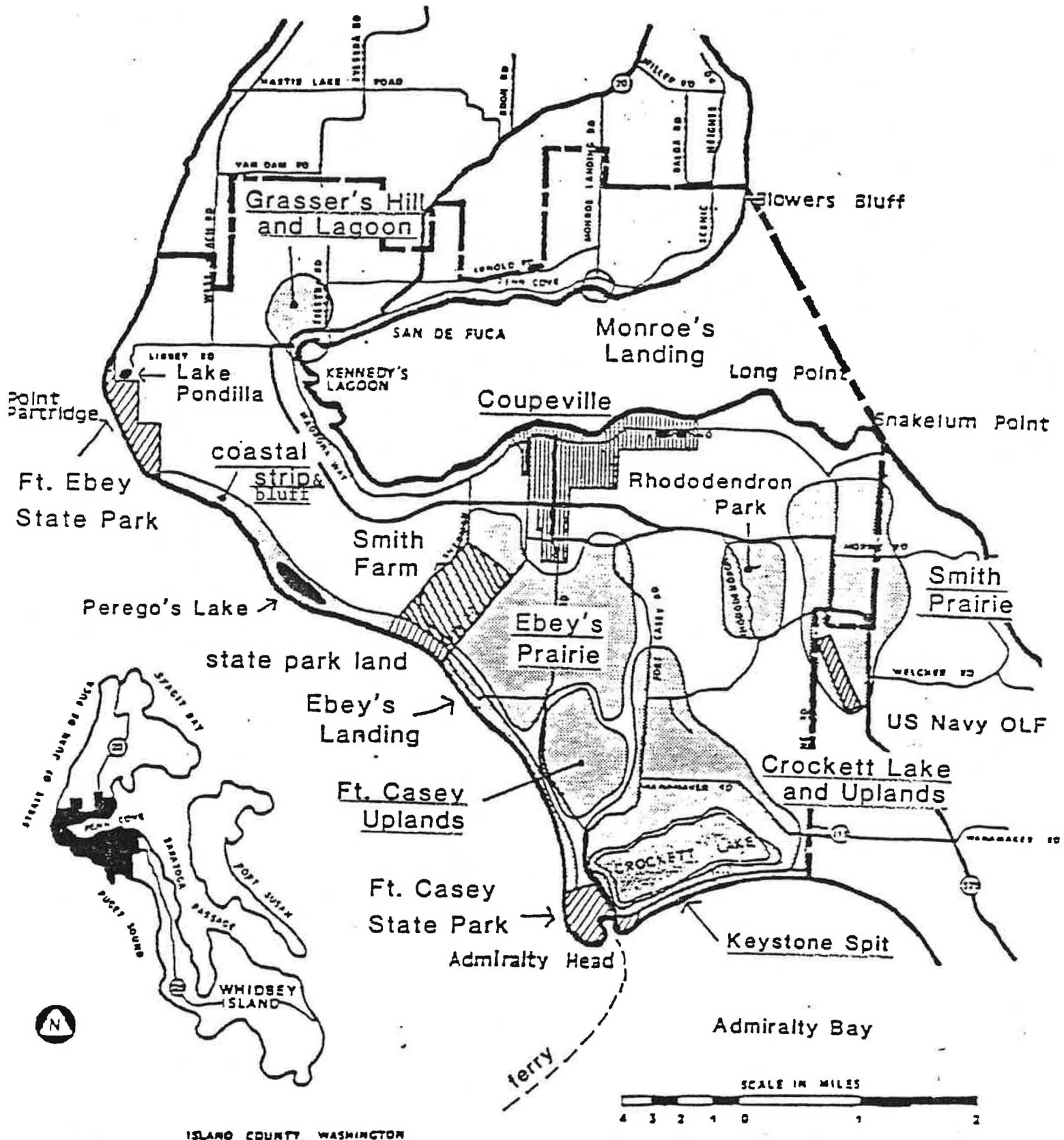
EBEY'S LANDING
NATIONAL HISTORICAL RESERVE



LOCATION MAP, CRITICAL AREAS

EBEY'S LANDING
NATIONAL HISTORICAL RESERVE



LOCATION MAP, CRITICAL AREASEBEY'S LANDING
NATIONAL HISTORICAL RESERVE

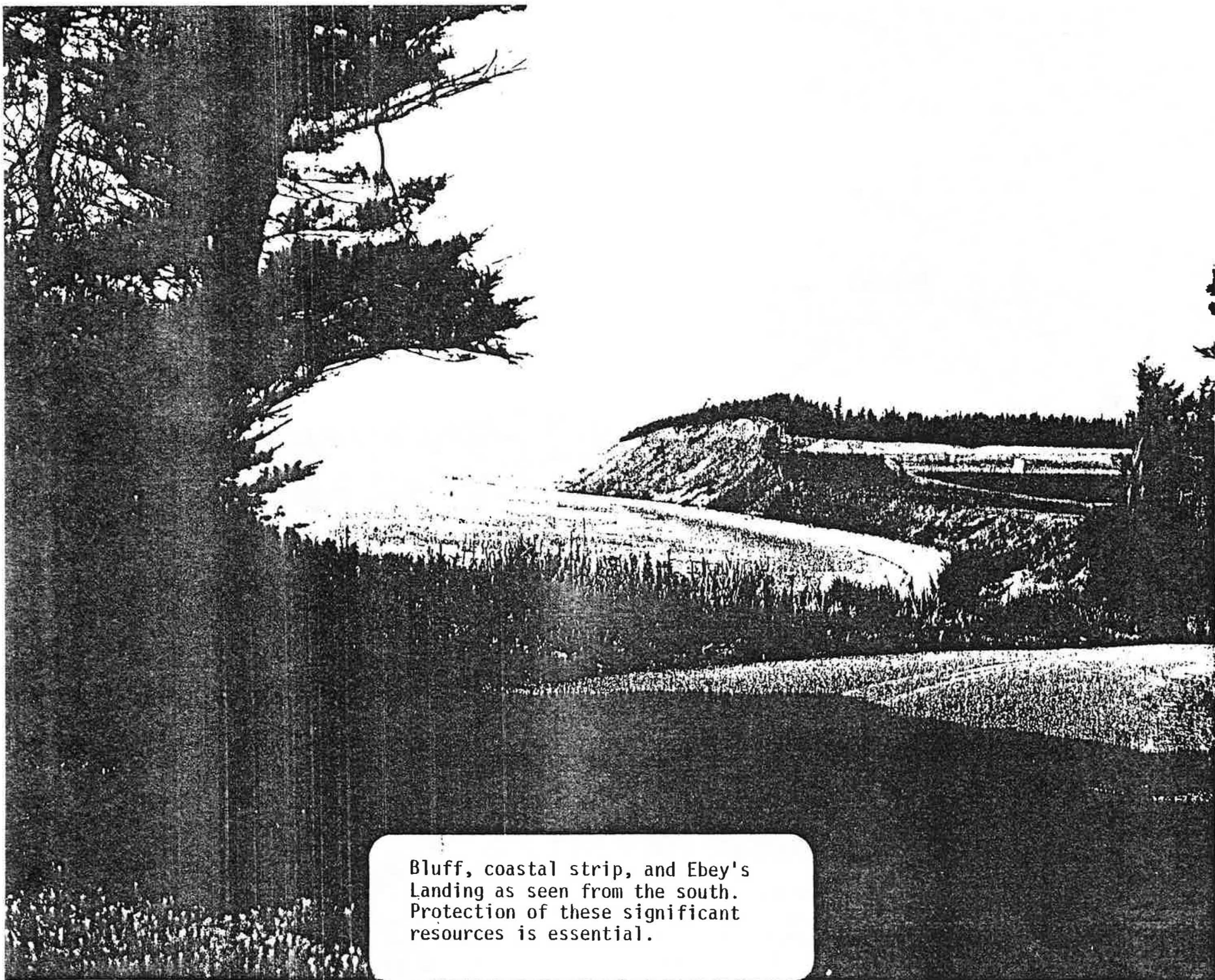
ISLAND COUNTY, WASHINGTON

CRITICAL AREAS AND PROTECTION PRIORITY

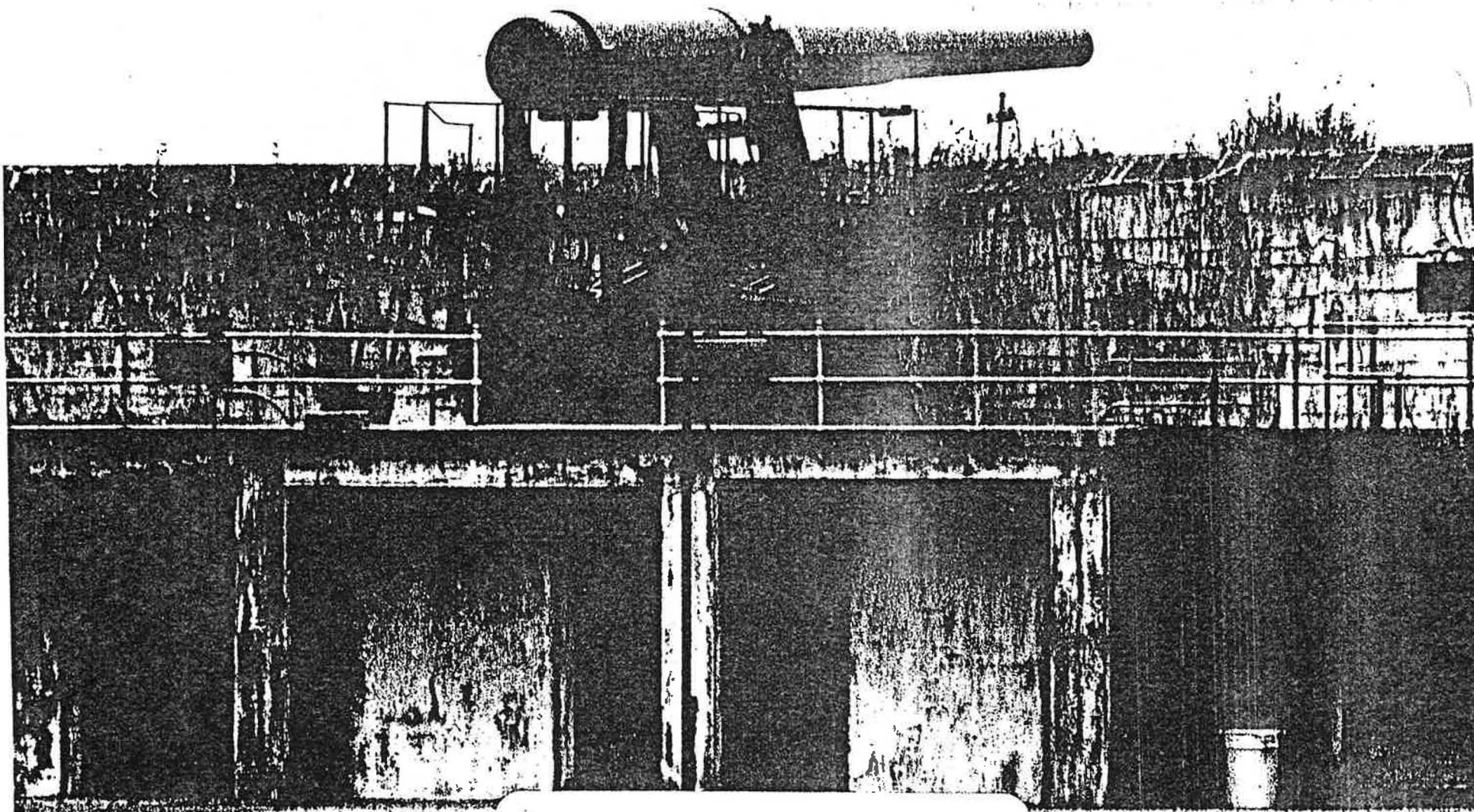




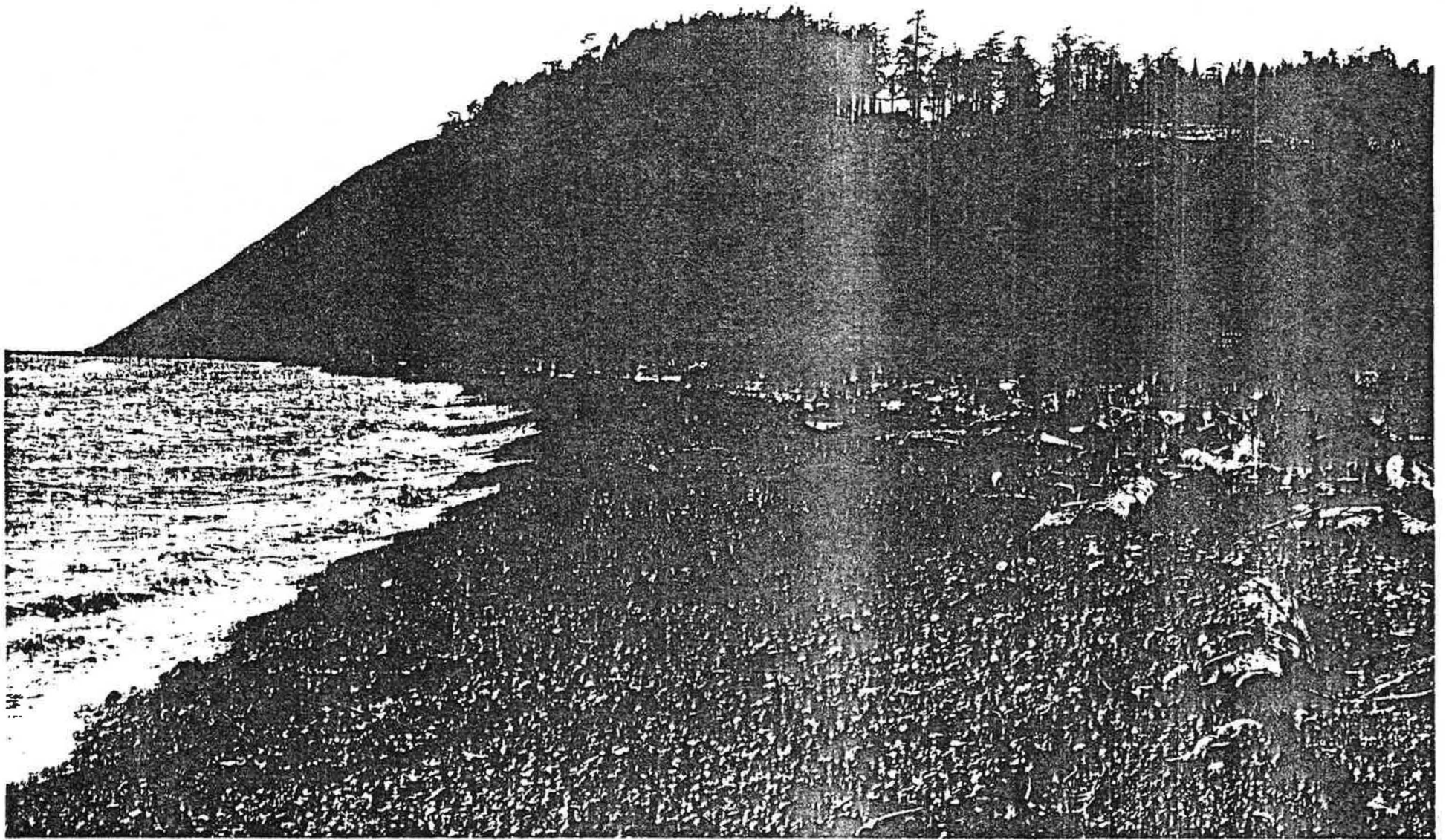
Bluff, coastal strip, and Ebey's
Landing as seen from the south.
Protection of these significant
resources is essential.



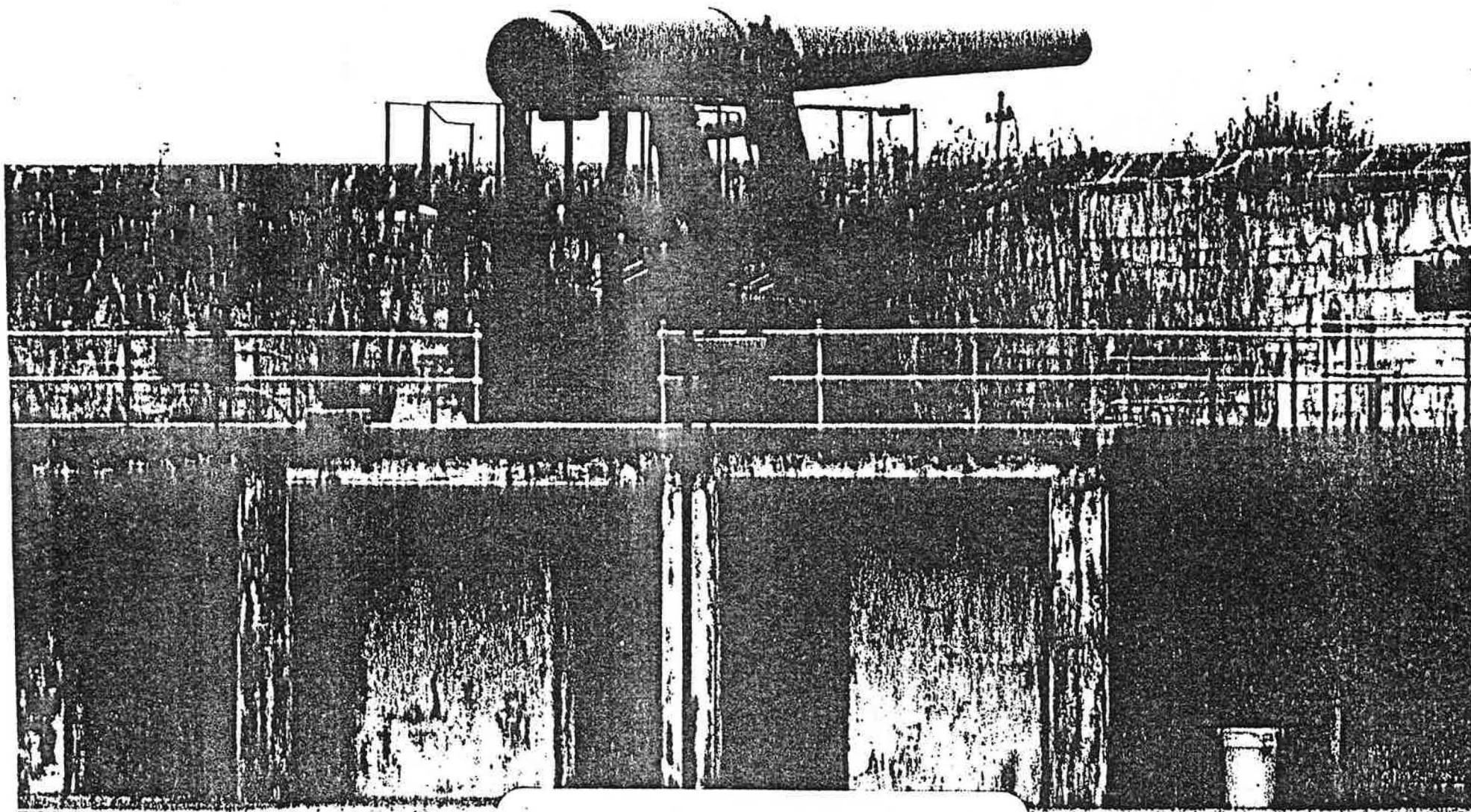
Bluff, coastal strip, and Ebey's Landing as seen from the south. Protection of these significant resources is essential.



Early twentieth century gun
emplacement at Fort Casey State
Park, one of two historic forts
within the reserve.



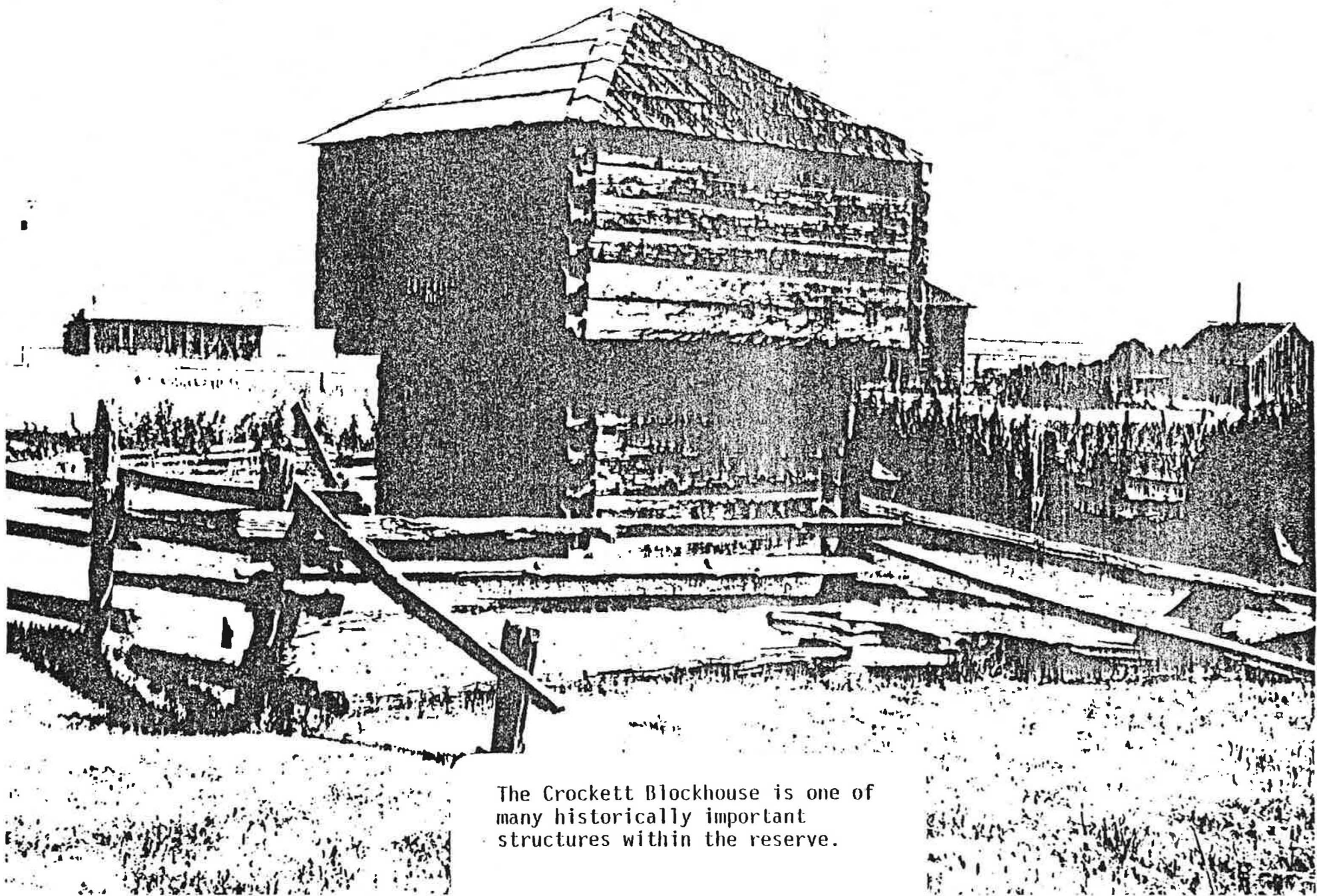
View of bluff from coastal strip.
Easements are needed for public
access along the existing bluff
trail.



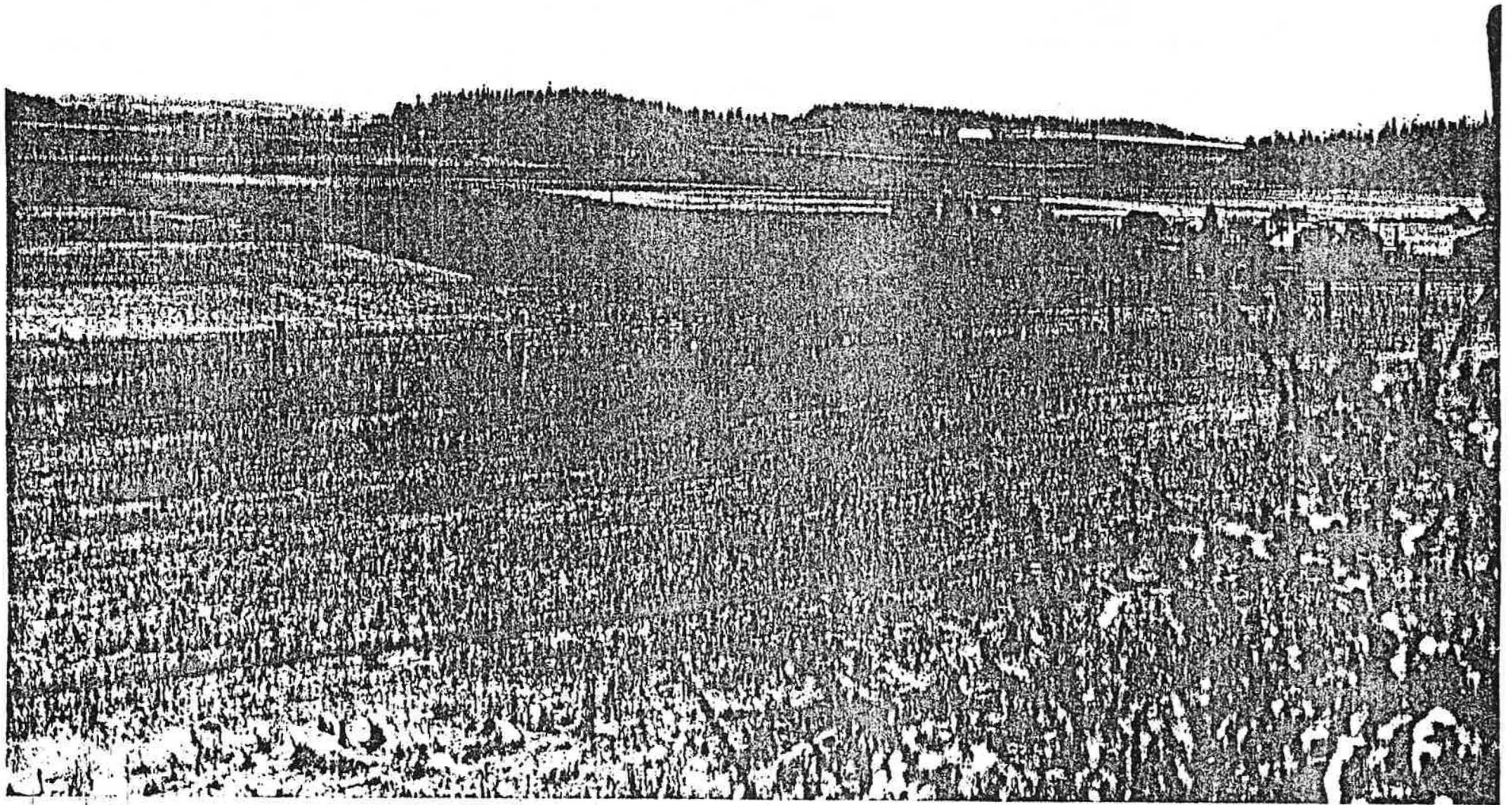
Early twentieth century gun
emplacement at Fort Casey State
Park, one of two historic forts
within the reserve.



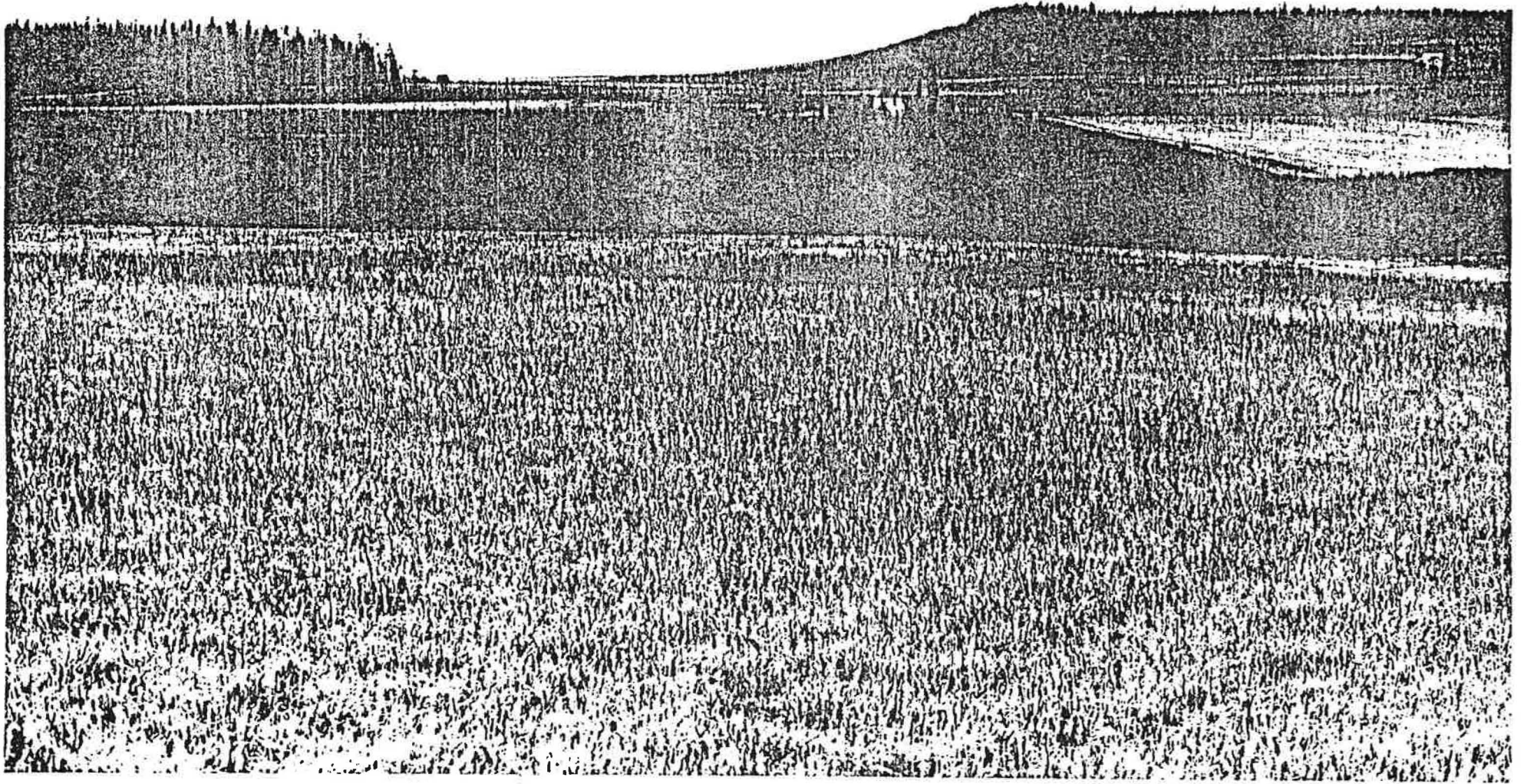
The use of scenic easements is recommended to preserve the existing landscape around Grasser's Lagoon.



The Crockett Blockhouse is one of many historically important structures within the reserve.



Ebey's Prairie as seen from the proposed interpretive site on the northerly side of the Isaac Ebey Donation Land Claim. Land protection measures are needed to pre-



A combination of land protection measures will be used for Ebey's Prairie, here shown with the view to the northwest.

Scenic Easement Provisions
Ebey's Landing National Historical Reserve

EXHIBIT A

Pursuant to authority granted to the Secretary of the Interior in Public Law 95-625 (92 Stat. 3508), as amended, a perpetual estate, interest and easement to preserve the scenic quality of the real estate described in Exhibit A, of the nature and character hereinafter expressed to be and to constitute an easement upon said real estate, which estate, interest, and easement will result from the restrictions hereby imposed upon the use of said property, and to that end and for the purpose of accomplishing the intent of the parties hereto said Vendors covenant on behalf of themselves, their heirs, successors and assigns, to do and refrain from doing, severally and collectively, upon said property, the various acts hereinafter mentioned, it being hereby agreed and expressed that the doing and the refraining from said acts, and each thereof, upon said property, is and will be for the benefit of the United States of America, its successors and assigns, and Ebey's Landing National Historical Reserve as described in Public Law 95-625 (92 Stat. 3508), as amended now or in the future, and will help preserve the scenic value of the said lands.

This grant of scenic easement is only for the purpose of preserving and protecting the scenic value of the said lands, and does not grant the general public any right of ingress or egress over or across said lands, or any other rights of usage.

The restrictions hereby imposed upon the use of said property of the Vendors, and the acts which said Vendors so covenant to do and refrain from doing upon said property in connection therewith are and shall be as follows:

1. The said lands shall not be used for any purpose other than for farming, grazing and the existing single family residential use, except as may be authorized by the Secretary of the Interior or his designated representative; and said lands shall be maintained and kept in the same condition, state, and character as exists at the time of signing this document, except as may be authorized by the Secretary of the Interior or his designated representative, including, but not limited to the hereinafter specifically mentioned restrictions.
2. No new or additional building or any structure may be constructed, erected, or moved onto said lands, except as may be authorized in writing by the Secretary of the Interior or his designated representative. However, there is specifically reserved and retained by Vendors the right to perform ordinary maintenance on all existing structures and buildings, together with the right to replace, rebuild, or substitute any building or structure now existing with similar buildings or structures in substantially the same location, if all or any of such existing buildings are destroyed or damaged by fire, storm, or other casualty.
3. Farming or grazing use shall not include feeder pig operations, hog finishing operations, commercial cattle feed lot operations, the raising of poultry in confined spaces, or other similar operations whereby livestock, poultry, or other animals are raised in a confined or controlled environment. Limited cattle feeding operations which can be restricted to the confines of the existing facilities may be allowed if approved in writing by the Secretary of the Interior or his designated representative.
4. Mobile homes, travel trailers, tent trailers, self-propelled recreational vehicles, and like structures or vehicles shall not be located or used on the land for residential, camping, storage, or other purposes.
5. The dumping of trash or other unsightly materials on the land or the keeping thereon of junked or wrecked vehicles, junked farm equipment, or similar items is prohibited.
6. The land shall be maintained as a -acre tract and not be subdivided into any smaller parcels.

7. No advertising signs or billboards shall be displayed or placed upon the land, with the exception of signs not larger than two feet square advertising home occupations or products or the sale or lease of the lands. Professional nameplates larger than two feet square must be approved in writing by the Secretary of the Interior or his designated representative.

8. There shall be no construction of new roadways or changing the course of existing roads on the property covered hereby, except as may be authorized in writing by the Secretary of the Interior or his designated representative.

9. It is the understanding and agreement of the Vendors that this grant of perpetual easement rights to the United States of America, its successors and assigns shall include a non-exclusive right of access over and across existing private roadways which the Vendor presently utilizes for access, or any reasonable replacement or substitute therefor, to the property covered herein, and the right of the Secretary of the Interior or his designated representative to enter upon the premises covered herein for the purposes of inspecting, accomplishing and/or enforcing the rights and restrictions herein agreed to and granted; provided, however, that the United States of America shall not be obligated in any manner to perform any act or take any affirmative action to accomplish the purposes stated herein and shall not be obligated in any manner to assume or pay any costs incurred therefor.

Scenic Easement Provisions
Ebey's Landing National Historical Reserve

EXHIBIT B

Pursuant to authority granted to the Secretary of the Interior in Public Law 95-625 (92 Stat. 3508), as amended, a perpetual estate, interest and easement to preserve the scenic quality of the real estate described in Exhibit A, of the nature and character hereinafter expressed to be and to constitute an easement upon said real estate, which estate, interest, and easement will result from the restrictions hereby imposed upon the use of said property. To that end and for the purpose of accomplishing the intent of the parties hereto, said Vendors covenant on behalf of themselves, their heirs, successors and assigns, to do and refrain from doing, severally and collectively, the various acts hereinafter mentioned, it being hereby agreed and expressed that the doing and the refraining from said acts, and each thereof, upon said property, is and will be for the benefit of the United States of America, its successors and assigns, and Ebey's Landing National Historical Reserve as described in Public Law 95-625 (92 Stat. 3508), as amended now or in the future, and will help preserve the scenic value of the said land.

This grant of scenic easement is only for the purpose of preserving and protection the scenic value of the said lands, and does not grant the general public any right of ingress or egress over or across said lands, or any other rights of usage.

The restrictions hereby imposed upon the use of said property of the Vendors, and the acts which said Vendors so covenant to do and refrain from doing upon said property in connection therewith are and shall be as follows:

1. The said lands shall not be used for any purpose other than for farming or grazing and said lands shall be maintained and kept in the same condition, state, and character as exists at the time of signing this document, except as may be authorized in writing by the Secretary of the Interior or his designated representative, including, but not limited to the hereinafter specifically mentioned restrictions.

2. No new or additional building or any structure may be constructed, erected, or moved onto said lands, except as may be authorized in writing by the Secretary of the Interior or his designated representative. However, there is specifically reserved and retained by Vendors the right to:

- A. Perform ordinary maintenance on all existing structures and buildings, together with the right to replace, rebuild, or substitute any building or structure now existing with similar buildings or structures in substantially the same location, if all or any of such existing buildings are destroyed or damaged by fire, storm, or other casualty.

- B.

- C.

3. Farming or grazing use shall not include feeder pig operations, hog finishing operations, commercial cattle feed lot operations, the raising of poultry in confined spaces, or other similar operations whereby livestock, poultry, or other animals are raised in a confined or controlled environment. Limited cattle feeding operations which can be restricted to the confines of the existing facilities may be allowed if approved in writing by the Secretary of the Interior or his designated representative.