

Natural Resource Preservation Brief #12

Land Protection

One of the most important resources management activities which is conducted at Antietam is land protection through real estate transactions. The United States Congress has given us the mandate to preserve the historic scene of the battlefield within a specified boundary. In very simple terms, protection can be afforded in two ways. The U.S. Government can buy full title to a tract of land or it can purchase the right to control certain activities on a tract. If we purchase full title otherwise known as "fee ownership," we take full responsibility for the management of the property. If we purchase certain rights on a tract, otherwise known as "less-than-fee ownership," we only own certain rights on the property. A scenic easement is a form of "less-than fee ownership" which allows the National Park Service to control things like building construction, tree removal and painting of structures.

It is not the purpose of this Brief to go into the details of land acquisition. If an employee is interested in gaining a more detailed understanding of this function, he or she should contact the resources management staff. Instead, we want to outline what is going on in this area and provide a list of the kinds of documentation the park is maintaining related to lands.

Within the boundary of Antietam there are about 167 tracts of land. This number varies from month to month depending on how land is being sold and purchased. Some tracts are owned by the U.S. Government in "fee." Others the government holds "less-than-fee" on. Still others, the government holds nothing on. This last group is unprotected from activities which may destroy the integrity of the historic scene. The Land Protection Plan, which was prepared in 1983, outlines how the National Park Service intends to protect those tracts which are unprotected. It also addresses flaws in currently held scenic easements and proposes a strategy for strengthening those easements. Finally, the plan sets out priorities among the many tracts which need attention.

The activities which are identified in the Land Protection Plan (LPP) are carried out by the Land Resources Division. Our project office is in Philadelphia. At one time the staff from the Lands Division acted autonomously from the park staff. Recent budget constraints and the advent of the LPP have resulted in close coordination with park employees.

Because of the increased involvement on the part of park employees in land protection, a deliberate effort has been made to upgrade our information management system as it related to land resources. That system consists of the following components:

- 1) Land Protection Plan - Originally prepared in 1983 with annual updates prepared as needed.
- 2) Land Status or Segment Maps - These maps display all tracts in the park and the type of interest we currently hold on all tracts where an interest is held. The original map is prepared by the Lands Division. As updates are made, the resources management staff make appropriate changes on all copies of the maps maintained in the park.
- 3) Master Deed List - The Lands Division, WASO, maintains a computer tracking system on all tracts in the park. Printout updates ^{are} received

irregularly. This list provides a quick source of information about land within the park boundary.

- 4) Park Files - Park files related to lands are coded as "^L/" files. In general terms; this category is split into two sections. One section contains a file on each tract in the park. All information on that ^{tract} is filed in it's folder. Documentation which should be found in these folders includes correspondence, deeds, change orders*, title insurance policies, tract descriptions, and appraisals. The second section of files is more general in nature. This section includes historical files, files of all tract descriptions, files of all easements, files of deed encumbrances, files of all change orders* and files of data sheets.
- 5) Lands Database - To facilitate the manipulation of lands data, a computer program named Landstat has been developed on the resources management computer. This program contains most of the information included on the Master Deed List as well as information found in the LPP. Once the program is fully operational, data sheets on each tract will be produced as well as various outputs which evolve from data manipulation.

Finally, a Land Resources Encumbrance Guide has been prepared for the park. The guide outlines all of the special circumstances involved in the management of a particular piece of land. Those special circumstances include things like special use permits, agreements, leases, deed encumbrances (utility right-of-ways, access right-of-ways, etc.) and scenic easements. Field personnel should be familiar with this document because it describes activities which may or may not occur in certain locations.

The central concept that an employee should keep in mind when dealing with land resources is that each tract is unique not only in its physical make up but in the legal constraints placed upon its use. As a result, the land protection process is complex and sometimes highly technical. This should not, however, stop an employee from obtaining a minimal understanding of the land protection process.

*Change Orders - Each time a change in land status occurs (change in ownership, sub-division, scenic easement acquisition, etc.) The Lands Division prepares a "Change order." This order is used to make up dates to the Land Status Maps and the Master Deed List

The Resources Management Staff