

Land Protection Plan
June 1986

Wilsonia and Oriole Lake Areas

Sequoia & Kings Canyon

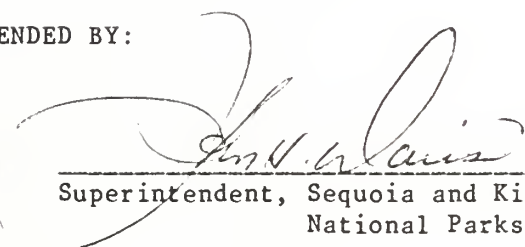


Sequoia-Kings Canyon National Parks/California

WILSONIA AND ORIOLE LAKE
LAND PROTECTION PLAN

SEQUOIA AND KINGS CANYON NATIONAL PARKS
JUNE 1986

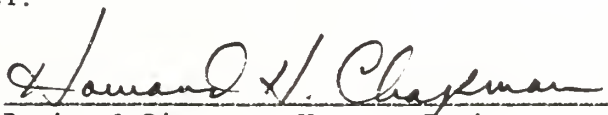
RECOMMENDED BY:



Superintendent, Sequoia and Kings Canyon
National Parks

5/23/86
Date

APPROVED BY:



Regional Director, Western Region

6/10/86
Date



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WILSONIA AND ORIOLE LAKE AREAS
SEQUOIA AND KINGS CANYON NATIONAL PARKS

Land Protection Plan Summary

Current Land Ownership Within Boundary (Acres):

	<u>Sequoia</u>	<u>Kings Canyon</u>
Federal:	401,781.48	460,080.02
Private:		
Oriole Lake	9.15	-----
Wilsonia	-----	56.18
Tracts Remaining To Be Protected:	198	

Proposed Protection Methods:

Fee acquisition on willing seller basis; reservations of use and occupancy to be considered for residential tracts.

Funding Status:

Sequoia and Kings Canyon National Parks are inholding areas. There are no acquisition ceilings.

Top Priorities:

	<u>Rationale</u>
1. All undeveloped tracts.	Prevent resource damage.
2. Developed tracts at Oriole Lake.	Would permit closure of access to area, reducing poaching impacts and maintenance requirements.

Planning Team:

Superintendent and Staff, Sequoia and Kings Canyon National Parks

Status of Environmental Compliance:

Categorically excluded from the procedural provisions of the National Environmental Policy Act.

Status of Jurisdiction:

Exclusive.

WILSONIA and ORIOLE LAKE LAND PROTECTION PLAN

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WILSONIA AND ORIOLE LAKE LAND PROTECTION PLAN
SEQUOIA AND KINGS CANYON NATIONAL PARKS

I. INTRODUCTION

A. Policy

On May 7, 1982, the Department of the Interior published a policy statement in the Federal Register (47 FR 19784) concerning the use of the Federal portion of the Land and Water Conservation Fund. The policy requires that, in carrying out its responsibility for land protection in Federally administered areas, each agency using the Fund will:

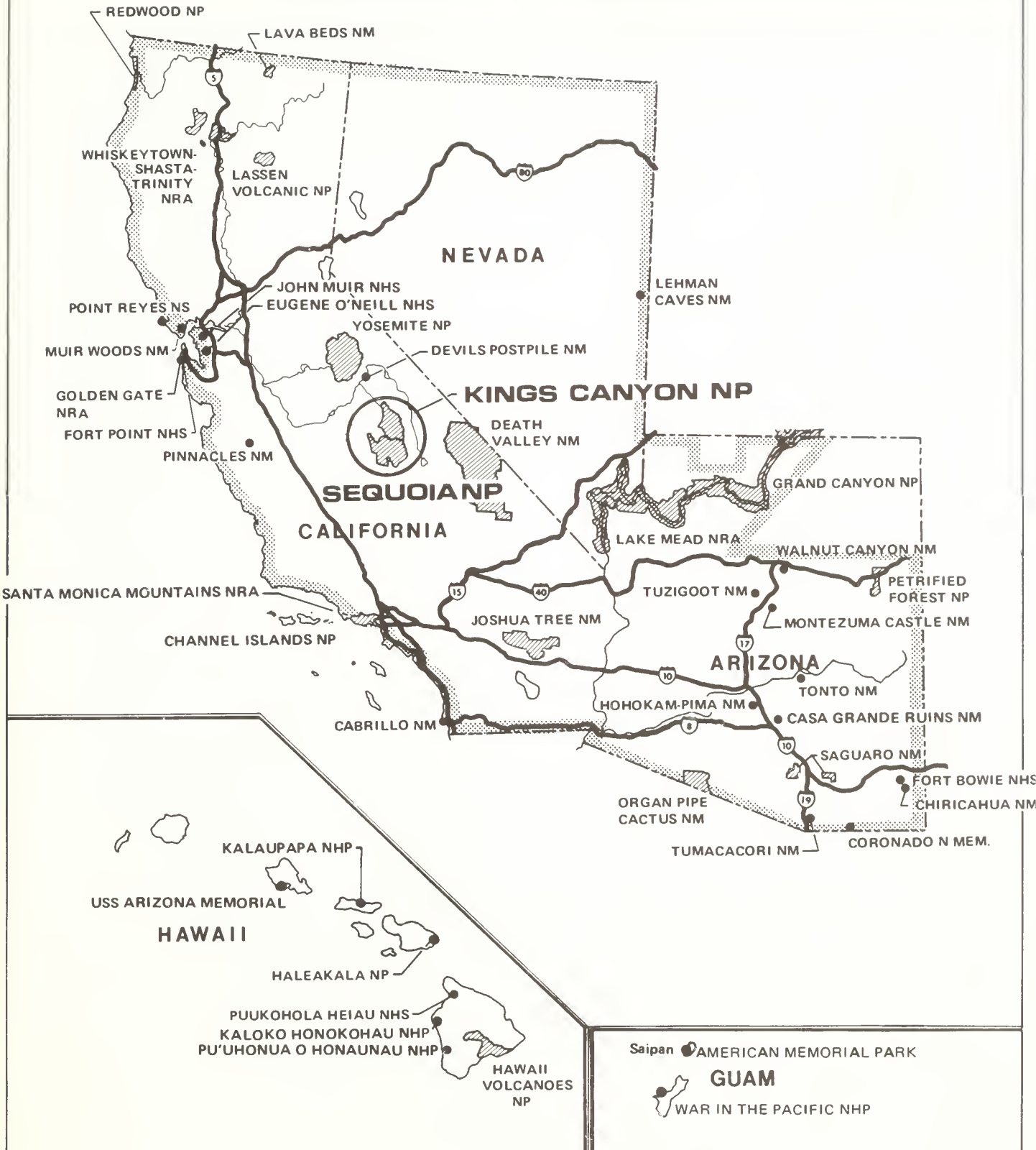
- Identify what land or interests in land need to be in Federal ownership to achieve management unit purposes consistent with public objectives in the unit.

- 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.

Subsequently, the National Park Service published in the Federal Register on May 11, 1983, its guidelines for the preparation of land protection plans for units of the National Park System where private land exists within the authorized boundary.



REGIONAL MAP

SEQUOIA and KINGS CANYON
NATIONAL PARKS



LOCATION MAP

SEQUOIA and KINGS CANYON
NATIONAL PARKS

B. Purpose of the Plan

This Land Protection Plan is for Wilsonia and Oriole Lake within Sequoia and Kings Canyon National Parks. These two areas of inholdings constitute the only remaining private inholding in the Parks, exclusive of the Mineral King addition. (See the Land Protection Plan for Mineral King, approved February 1984.) The Land Protection Plan is intended to ensure protection of the resources within the unit consistent with the purposes for which the Parks were established. For private lands within Wilsonia and Oriole Lake, the plan will address acceptable and unacceptable uses, determine any fee acquisition needs, identify priority protection actions, and recommend possible methods of acquisition or alternative means of protection. The Plan is prepared as part of the Parks' overall general management planning process and will be reviewed biannually and updated as necessary.

The major issues to be addressed for Wilsonia and Oriole Lake are:

1. whether to plan for fee acquisition of developed lands or to seek other means of protection based on the acceptability of continued private use,
2. whether undeveloped lands are needed for park purposes and whether they may be protected in private ownership or through less than fee methods of acquisition,
3. what actions would be appropriate if any property were subjected to uses identified as unacceptable in the Plan.

C. The Plan as Guide

The Plan does not constitute an offer to purchase land or interests in land. It will generally guide protection actions subject to availability of funds and other constraints and does not diminish the rights of non-Federal landowners.

II. PURPOSE OF UNIT AND RESOURCES TO BE PROTECTED

A. Purpose

Sequoia and Kings Canyon National Parks were established because of the unique values of all their natural resources but especially their wilderness character and their vegetation, with emphasis on giant sequoia forests. The Parks were also established as "public parks" for the enjoyment and benefit of people, so the beauty of the Parks could be experienced.

Kings Canyon National Park was established by the Act of March 4, 1940. The Act abolished General Grant National Park, including it as part of Kings Canyon, and provided that the area was "dedicated and set apart as a public park ... for the benefit and enjoyment of the people." It also provided that the Secretary of the Interior "in order to insure the permanent preservation of the wilderness character of the Park may, in his discretion, limit the character and number of privileges" within the Park. The Act also provided that the administration, protection, and development of the Park be "subject to the Act of August 25, 1916, entitled 'An Act to Establish a National Park Service, and for other purposes.'"

Sequoia National Park, by its establishing Act of September 25, 1890, was "dedicated and set apart as a public park, or pleasing ground, for the benefit and enjoyment of the people" and "for the preservation from injury of all timber, mineral deposits, natural curiosities or wonders" and "their retention in their natural condition." The primary purpose for establishment, the preservation of Park forests, especially sequoia forests, is set out in the preamble, "Whereas, the rapid destruction of timber and ornamental trees in various parts of the United States, some of which trees are the wonders of the world on account of their size and limited number growing, makes it a matter of importance that at least some of said forests should be preserved."

B. Significance of Resources

1. Natural Resources

Sequoia and Kings Canyon National Parks include the highest and most rugged portions of the Sierra Nevada range. The Parks are predominantly mountains and canyons, including a complete spectrum of life zones from foothill elevations of 2000' to Mount Whitney, 14,494', the highest point in the conterminous United States.

The higher mountains contain hundreds of lakes in basins, thousands of miles of rushing mountain streams, gathering into major forks of the Kaweah, Kern, Kings, and San Joaquin Rivers. High mountain meadows of all sizes, a few as large as several hundred acres, lie in the canyons and on the plateaus.

Vegetation is especially diverse: beginning as open oak savannah and chaparral on the foothill slopes; progressing upward through climatically influenced bands; through ponderosa pine forests and mixed conifer forests, including giant sequoia groves; fir forests; and to the high elevation foxtail pine and extensive lodgepole pine forests. The sequoia forests are without parallel anywhere, both as to extent of forests and size of individual specimens. The General Sherman tree is recognized as the largest known living thing on the planet and other park trees approach its bulk. The General Grant tree at Grant Grove is a near equal to the General Sherman tree.

The Parks provide native habitat for a variety of fish and wildlife, including threatened California bighorn sheep and the Little Kern golden trout. More commonly observed species of fish and wildlife include black bear, mule deer, and trout.

The Parks are diverse geologically. Granite bedrock has been scoured into rugged forms and polished by glaciers. There are several beautiful marble caves. Thousands of visitors take guided tours of Crystal Cave each year.

a. Wilsonia

Wilsonian is located on typical southern Sierra granitic intrusions, overlain with metamorphic rock, and is uplifted and tilted to the west. Soils in the area are generally sands and loamy sands developed from parent bedrock.

There are a very few small springs and seeps in Wilsonia. Much of the culinary water is obtained from wells. The area is designated as a Class I airshed.

The area is vegetated primarily by a mixed conifer forest dominated by ponderosa pine, jeffrey pine,

sugarpine, white fir, and incense cedar, with some understory brush, including manzanita and ceanothus. Giant sequoias are not found in Wilsonia, but are located nearby.

Wildlife commonly seen in the area includes mule deer, an occasional black bear, coyote, squirrels, chipmunks, and a variety of small birds. There are no threatened or endangered species in this area.

b. Oriole Lake

The geology and soils at Oriole Lake are similar to Grant Grove. There are a couple of small perennial creeks at Oriole Lake and some seeps and springs. It is also a mixed conifer area with jeffrey pine, white fir, sugar pine, incense cedar, and some oak, with an understory of manzanita, ceanothus, and mountain mahogany. Wildlife species frequenting the area are the same as at Wilsonia. There are no threatened or endangered species in this area.

2. Cultural Resources

Cultural resources in Sequoia and Kings Canyon National Parks include prehistoric aboriginal sites such as Hospital Rock, structures representing pioneer settlement and the history of the utopian Kaweah Colony (Cattle Cabin, Gamlin Cabin, Squatter's Cabin), historic roads and trails, cabins built by fur trappers, stockmen and miners, and even structures of significance in the history of science such as the Smithsonian Institution Shelter on Mount Whitney. There are also equally significant early concessioner structures, representing a further variety of rustic architectural styles.

There are many cabins in Wilsonia that date back to the 1930s, but none that is considered to be historically significant enough to warrant preservation beyond documentation. None of the remaining few cabins at Oriole Lake is historically significant.

C. Legislative and Administrative/Directives or Constraints

Sequoia and Kings Canyon National Parks are among the four oldest units of the System, tracing their origins back to the Acts of September 25, 1890 (26 Stat. 478) and October 1, 1890 (26 Stat.

650). Only Yellowstone National Park is older. Kings Canyon National Park was established, including General Grant Grove, (previously known as General Grant National Park) on March 4, 1940 (54 Stat. 41), and enlarged by approximately 10,000 acres on June 21, 1940 (54 Stat. 2410). The State of California ceded exclusive jurisdiction over General Grant National Park on April 15, 1919 and over Kings Canyon on April 7, 1943. The Act of August 14, 1948 (72 Stat. 616) approved a boundary adjustment which transferred lands between the Park and Sequoia National Forest. Lands in the Tehipite Valley of the Sierra National Forest were added to the Park on August 6, 1965 (79 Stat. 446).

The Act of July 1, 1916 (39 Stat. 308) authorized the Secretary to accept donations of land in Sequoia National Park. Exclusive Jurisdiction was ceded by the state on April 15, 1919 and accepted on June 2, 1920 (41 Stat. 731). Sequoia National Park was enlarged by the Act of July 3, 1926 (44 Stat. 818), the same act that created the Sequoia Game Refuge in Mineral King Valley. Minor exchanges were authorized on December 21, 1943 (57 Stat. 606), and the act of August 14, 1958 (72 Stat. 604) provided authorization for up to ten acres to be removed from the Park and added to Sequoia National Forest at Mineral King. Public Law 95-625 (92 Stat. 3467) added Mineral King Valley to the Park on November 10, 1978.

Funding for land acquisition has been through "inholding" appropriations under the Land and Water Conservation Fund (78 Stat. 897) and as such has been subject to the various policy and budget constraints that have affected that program from time to time over the past 20 years. Acquisition must be in accordance with the provisions of the Uniform Relocation Act of 1970 (PL 91-646).

D. International Biosphere Reserve Status

The United Nations Educational, Scientific, and Cultural Organization, under the Programme on Man and the Biosphere, designated Sequoia and Kings Canyon National Parks as an International Biosphere Reserve on January 17, 1977. Under this designation the Parks are recognized internationally as a representative sample of a unique ecosystem that will be preserved in perpetuity. It provides a standard against which can be measured the effects of man's impact on his environment.

E. Management Objectives

1. Wilsonia

Wilsonia is adjacent to the Grant Grove area, a destination for more than half of the visitors to these Parks. The Grant Grove area contains some of the most spectacular giant sequoias. NPS development has been planned to accommodate all Park visitors, and provide for park administration and essential employee housing.

The management objective for Wilsonia is to gradually eliminate residential development so that the area can be restored to its natural condition and enjoyed by all of the public rather than just a relatively few private land owners. The current level of residential use has several effects on the natural environment including: some soil disturbance for roads, parking and cabins; removal of vegetation (including hazard trees) for cabins and roads; use of water and reduction of groundwater supplies; waste water disposal; diversion of surface water flows; displacement and/or unnatural concentrations of wildlife; firewood collection and use; increased traffic on access roads; some minor increase in concentrations of air pollutants from vehicles and cabins.

The use and occupancy of Wilsonia by private cabin owners inhibits the opportunity for visitors to experience the area in an undeveloped, open forest situation in association with the Giant Sequoia Grove. Public access and use for hiking is blocked by private ownership, and the development intrudes on the scenic values of this forested area. The National Park Service, has for many years been providing police, fire protection, emergency medical and safety and sanitation overview services to Wilsonia. The expenses for these public services are an additional impact on National Park Service operations which has an adverse effect on their ability to meet needs of the visiting public.

Although Wilsonia itself does not contain any outstanding natural resources or special attractions, the existing level of private development occupies an area of magnificent forest that could contribute to the natural values of this Park. The impacts of human occupancy on wildlife also extend beyond the immediate developed area.

Because Wilsonia is adjacent to an area planned for development to serve the visiting public, these impacts are not as significant as those in Oriole Lake where the few remaining private tracts are surrounded by designated wilderness. There is no immediate need to eliminate all private ownership at Wilsonia as long as there is no

substantial increase in the level of use.






Minimizing disruption and dislocation of current property owners in Wilsonia is another objective for this Plan. The long history of private ownership in Wilsonia includes strong support for protection of the Park by members of the community.

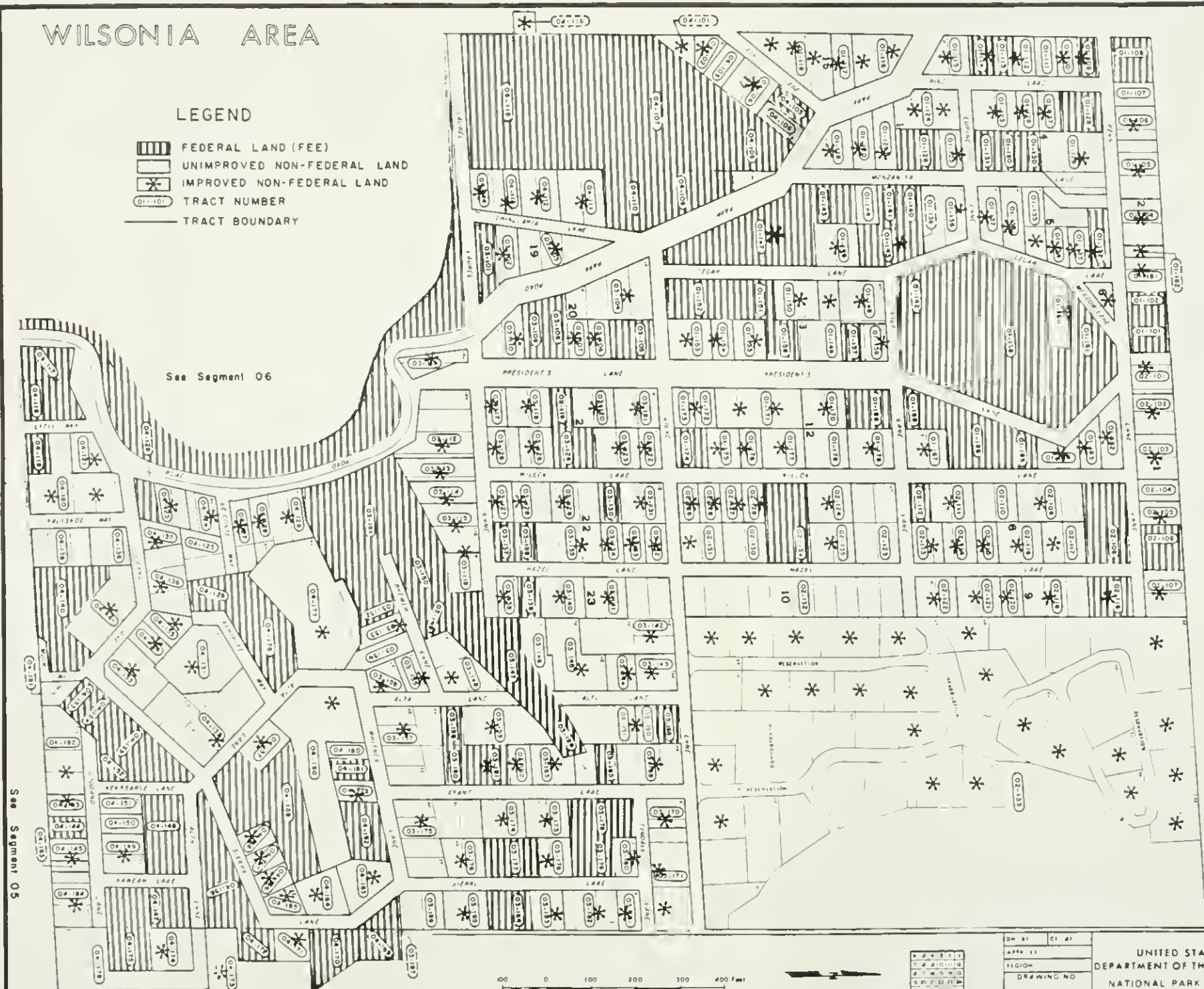
2. Oriole Lake

The management objective for Oriole Lake is to restore the area to natural conditions and add it to the designated wilderness of these Parks. Elimination of the residential uses of the area will readily allow natural regeneration of native vegetation and wildlife and allow for reintroduction of fire.

WILSONIA AREA

LEGEND

-  FEDERAL LAND (FEE)
-  UNIMPROVED NON-FEDERAL LAND
-  IMPROVED NON-FEDERAL LAND
-  TRACT NUMBER
-  TRACT BOUNDARY



See Segment 05

See Segment 06

See Segment 06



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
DIVISION OF LAND ACQUISITION

KINGS CANYON
NATIONAL PARK
TULARE COUNTY
CALIFORNIA

TRACT NO.	ACRES	OWNER	DATE	REMARKS
01-101	1.00
01-102	1.00
01-103	1.00
01-104	1.00
01-105	1.00
01-106	1.00
01-107	1.00
01-108	1.00
01-109	1.00
01-110	1.00
01-111	1.00
01-112	1.00
01-113	1.00
01-114	1.00
01-115	1.00
01-116	1.00
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01-118	1.00
01-119	1.00
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01-125	1.00
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01-133	1.00
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01-138	1.00
01-139	1.00
01-140	1.00
01-141	1.00
01-142	1.00
01-143	1.00
01-144	1.00
01-145	1.00
01-146	1.00
01-147	1.00
01-148	1.00
01-149	1.00
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01-151	1.00
01-152	1.00
01-153	1.00
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01-190	1.00
01-191	1.00
01-192	1.00
01-193	1.00
01-194	1.00
01-195	1.00
01-196	1.00
01-197	1.00
01-198	1.00
01-199	1.00
01-200	1.00

DEED	TRACT	OWNER	ACRES	INT
	02-101	DELETED		
	02-102	BREWER	(S-208 PT)	1.41 FEE
PUR 0-17	02-103	HEARD		0.72 FEE
	02-104	JAMISON	(S-208 PT)	1.28 FEE
	02-105	JAMISON	(S-208 PT)	1.07 FEE
	02-106	DARETTE	(S-208 PT)	1.34 FEE
	02-107	LA PRESTA	(S-208 PT)	0.85 FEE
PUR 0-30	02-108	SCHWACH	(S-208 PT)	1.15 FEE
	02-109	JAMISON	(S-208 PT)	1.21 FEE
PUR 0-31	02-110	GREENING		0.25 FEE
	02-111	JAMISON		1.73 FEE
	02-112	MINIO	(02-101 PT)	1.54 FEE
PUR 0-32	02-113	SPIERS	(02-101 PT)	1.01 FEE
PUR 0-29	02-114	JAMISON	(02-101)	146.41 FEE

OLD TRACT NUMBERS
IN PARENTHESES

T
17
S

THREE

3/16/79 UPDATE STATUS
1 6 76 UPDATE STATUS
DATE REVISIONS

ORIOLE LAKE SUBDIVISION
SECTION 8
SW 1/4

R 30 E

SEE LAND STATUS MAP 03

CENTER SECTION 8

T
17
S

TO
THREE RIVERS

SEE LAND STATUS MAP 03

SEE LAND STATUS MAP 03

SEE LAND STATUS MAP 03

LEGEND

- FEDERAL LAND
- NON FEDERAL LAND
- TRACT NUMBER
- TRACT BOUNDARY
- Improved non-Federal Land

LED	TRACT	OWNER	ACRES	INT
RUB 0-11	02-101	DETTED		
	02-102	BOBBA	15-200 RT	1 11 RT
	02-103	HEAD		0 12 RT
	02-104	JANISON	15-200 RT	1 20 RT
	02-105	JANISON	15-200 RT	1 07 RT
RUB 0-10	02-106	GARTEL	15-200 RT	1 14 RT
	02-107	LA RUIETA	15-200 RT	0 85 RT
	02-108	SCHWACH	15-200 RT	1 15 RT
	02-109	JANISON	15-200 RT	1 21 RT
	02-110	CRANKING		0 25 RT
RUB 0-31	02-111	JANISON		1 13 RT
	02-112	WIND	07-101 RT	1 54 RT
RUB 0-32	02-113	SILVER	02-101 RT	1 01 RT
	02-114	JANISON	07-101	166 RT

OLD TRACT NUMBERS
IN PARENTHESES

ESTABLISHED SEPTEMBER 25 1890
BOUNDARY CHANGE NOVEMBER 10, 1978
DATE JUNE 1974
MAPPED BY
DENVER SERVICE CENTER COLORADO

MT DIABLO MERIDIAN

200 0 200 400 600
5419 Feet

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
DIVISION OF LAND ACQUISITION

LAND STATUS MAP 02

DRAWN BY	CERT
APPROVED BY	DATE
REGION	WESTERN
DRAWING NO	8550
	92 005
SHEET	3 OF 6

SEQUOIA
NATIONAL PARK
TULARE COUNTY
CALIFORNIA

III. LAND OWNERSHIP AND USES

A. Description of Ownership and Use

1. Wilsonia

There are 190 private tracts remaining in Wilsonia, amounting to 56.18 acres. Most tracts are small, individually owned cabin sites, although two tracts totalling 19 acres are owned by the Masonic Family Club and used as a private resort for members of the organization. There are 205 separate structures of more than shed size, 166 of them being used as family dwellings for at least part of the year. A few of the homes are used as year-round residences. Most homes are on one-tenth acre. There is potentially room for about 150 more cabins to be built on the remaining undeveloped private land.

As indicated on the tract maps, a number of parcels in Wilsonia and most of Oriole Lake inholdings have been acquired by the NPS.

Wilsonian Lodge is the hub of activity in Wilsonia. It consists of a small combination restaurant general store and 16 rental cabins or rooms. It is located on 1.6 acres of land. The Lodge has been acquired by the National Park Service. However, by the terms of the deed, the owner may continue to use and occupy it until early 1991. Wilsonia Lodge was acquired with the intent of ultimately restoring the site to natural conditions.

Wilsonian has been basically a summer cabin area for several decades. Many of the present owners spent much of their "growing up" summers at Wilsonia. In this sense there are strong family "roots" in Wilsonia.

2. Oriole Lake

Oriole Lake consists of eight privately owned tracts totalling 9.15 acres. The National Park Service already has acquired 149.54 acres of the quarter section of previously all private land. There are five cabins on the tract at this time, three of which are actively used.

B. Acceptability of Use

1. Wilsonia

Since 1931, the National Park Service has spent approximately \$2.5 million to acquire private land in Wilsonia. Federally owned tracts are now interspersed with private lands. Failure to acquire the balance of private land in Wilsonia would substantially reduce the benefits of previous investments.

As noted above, the existing uses of Wilsonia are not compatible with long term objectives for restoration of natural conditions, providing for visitor access, and eliminating impacts of this development on park resources. However, the natural systems have, to some extent, become adapted to the current level of residential use at Wilsonia.

Existing private cabins should be removed to meet long term objectives, but continuation of current uses is considered to be acceptable in the interim. Section G includes a list explaining what type of maintenance, remodeling, and reconstruction is considered to be acceptable as a continuation of current use. New construction or substantial changes in the current use are considered to be unacceptable, and examples also are provided in Section G. The list of unacceptable uses is intended to define changes in use would adversely impact the existing character of the area and conflict with long range objectives.

2. Oriole Lake

Oriole Lake is a very small enclave of private holdings in an otherwise remote and undeveloped area. The access road is a very rough dirt road, which is generally impassable between January and March. Summer cabin development in the area is incompatible with the values of the designated wilderness on surrounding park lands.

C. External Conditions

1. Wilsonia

Wilsonia is within the Grant Grove section of Kings Canyon National Park, which is surrounded by the Sequoia National Forest. The Forest is managed for some uses that are consumptive, such as grazing and timber, and for some non-consumptive recreation uses. There are numerous tracts of

private land holdings on the Forest. Some of these are used for mountain cabins and there are resorts such as Hume Lake, Sequoia Lake, and Pinehurst. West of Wilsonia in the mountain areas around Pinehurst, Miramonte, Badger, and Hartland, there are many mountain cabins, some used seasonally and some used as permanent residences. There are also some small ranchettes mixed in among several larger ranches. These areas are at lower elevations, not as heavily timbered as Wilsonia, and not as cool in the summer.

The National Park Service provides routine police, structural fire, and medical emergency service to Wilsonia. In addition, NPS plows snow from the road to Wilsonia Lodge, cuts hazard trees throughout Wilsonia, and monitors safety and environmental health conditions at Wilsonia Lodge.

2. Oriole Lake

Oriole Lake is surrounded on four sides by park land which was designated as wilderness on September 19, 1984. There is considerable private land in the general area toward Three Rivers but no mountain cabin development of the nature found at Mineral King or Wilsonia.

D. Acquisition History

The National Park Service first acquired land in Wilsonia in 1931. A few additional acquisitions occurred in the 1930s, 40s, and 50s. The number of cabin tract acquisitions increased in the late 1960s through the 1970s and very early 1980s. However, in the early 1980s the number of acquisitions began to decrease because budget cuts limited funds available for acquisition, and the policy on acquisition changed as described in the introduction.

Land was first acquired in the private quarter section in the Oriole Lake area in the early 1970s. A 146 acre tract of undeveloped land was acquired in this period along with several smaller parcels subdivided for summer cabin use. No lands have been acquired at Oriole Lake since 1975.

Tables 1 and 2 provide a brief overview of the acquisition and protection history of Sequoia and Kings Canyon National Parks. The Land Acquisition Plan of December 1979 set forth the NPS policy of acquiring available and threatened inholdings.

TABLE 1
Acreage Summary
Sequoia National Park (Including Mineral King)

	<u>Acres</u>
Total Federal	401,769.51
Tulare County	4.46
Private	713.86

Gross Acreage in Existing Boundary	402,487.83
 <u>Acquisition/Disposal</u>	
Purchase	2,437.01
Exchange	160.76
Donation	3,314.97
Transfer from other Agency	14,915.26
Withdrawal (Public Domain)	380,953.48
Boundary Revision	- 9.40
Disposal/Exchange	- 2.57

TOTAL	401,769.51

TABLE 2

Acreage Summary

Kings Canyon National Park

Total Federal.....460,080.02

Private.....36.18

Gross Acreage In Existing Boundary.....460,136.20Acquisition/Disposal

Purchase.....4,108.03

Declaration of Taking.....1,320.00

Donation.....11.71

Transfer From Other Agency.....120.00

Withdrawal (Public Domain).....454,680.28

Boundary Revision.....-160.00

TOTAL

460,080.02

E. Status of Protection Program

There is no acquisition ceiling for the two parks except for the Mineral King addition which is a newly authorized area funded by line-item appropriations. Total expenditures for acquisition in the two parks (exclusive of Mineral King) to date are:

TABLE 3
Expenditures

Sequoia	\$1,453,800
Oriole Lake	\$331,200
Kings Canyon	\$3,478,629
Wilsonia	\$2,561,757
TOTAL	\$4,932,429

There are no pending condemnation actions.

F. Social/Cultural Aspects

According to Clarence Fraser in a paper on the history of Wilsonia, written in 1971, the Grant Grove section of Kings Canyon National Park was first visited in 1862 by Joseph Hardin Thomas. For nearly four decades other visitors to the area were inspired either by the magnificence of the trees as an esthetic feature or by their timber/lumber potential. Prior to the Park's establishment in 1890, a homestead on 160 acres was filed. The homestead changed ownership several times, ultimately being subdivided in about 1918 and named Wilsonia, after then President Woodrow Wilson. The subdivided property was soon sold for summer cabin development. Many existing cabins date back to the 1920s, 30s, and 40s.

Wilsonian residents generally have strong family ties to the area. Many of the cabins have been owned by the same family for two or three generations. Some were built by the same family that owns them now. Many people who now own cabins spent significant portions of their youth at Wilsonia and have many fond memories of experiences there.

Wilsonian is primarily a summer cabin area. Originally, mountain

cabins were built as a place to escape from the valley summer

heat for periods of a few days to a few weeks, and in some cases, an entire summer. Some cabins are used as year-round residences.

The Wilsonia Cabin Owners Association was organized in about the 1930s, partly as a group for community social gatherings and functions, and partly to achieve common goals of improving roads, utilities, and services to Wilsonia. The Association has generally taken a strong stand against NPS acquisition of cabins and property.

As acquisition continues over time, the Wilsonia community may find it increasingly difficult to function effectively toward keeping up utility systems and other related support services.

Social ties and activities at Oriole Lake are almost non-existent at this time. The few remaining cabin owners spend less time in the area than in past years. Although the few remaining cabin owners have strong historical ties to the area, present activity and interest are not as high.

NPS policy has discouraged development in Wilsonia and Oriole Lake. The cost of maintaining, operating, and using an extra home also appears to have contributed to the willingness of some property owners to sell to the NPS.

G. Regulation of Development and Use on Private Lands

The Park Service has exclusive jurisdiction over much of the area of Sequoia and Kings Canyon National Parks, including the Wilsonia and Oriole Lake areas. The extent of jurisdiction means that the Park Service has the authority to adopt and administer land use regulations for the areas. To date no such regulation have been developed.

Guidelines (acceptable and unacceptable uses) for development and use of private lands were, however, outlined in the Land Acquisition Plan developed in 1979 and revised in 1981 and are updated here as outlined below.

Acceptable Uses

1. Normal maintenance and upkeep of private property. This includes repair of walks and driveways, repair of chimneys, removal of downed trees, painting, replacement of water lines or septic systems, upgrading to comply with sanitary

codes, install indoor plumbing, new roofing, new siding, shoring up, etc.

2. Minor modifications to existing structures and outbuildings. This might include screening in or roofing a porch or deck, adding steps to gain access, changing a roof from wood shingle to asphalt shingle, adding electricity to the main structure or outbuilding, adding or deleting doors or windows, interior remodeling, changing room locations, adding or deleting partitions, adding windows, etc.

Roofing a porch or deck is considered an expansion that must be within the 25% limitation.

3. Repair or replacement of utility lines.
4. Cabins may be expanded by up to 25 % of the original square feet. This may be done only one time to avoid incremental increases in the size of the cabin. The 25% expansion is based on the original square feet in the building, not including decks unless they have already been roofed over prior to approval of this plan.
5. Reconstruction of accidentally destroyed, old and obsolete structures, dilapidated and /or unsafe structures, etc., is allowed. Replacment of a structure must be within the same square footage and the same number of stories, except that the one-time expansion of up to 25 percent (per #4 above) can be allowed at the time of rebuilding.
6. Maintenance, repair, modification, expansion, etc., must be done with materials and by methods that will maintain the rustic mountain cabin character that is prevalent at Wilsonia and Oriole Lake.

Unacceptable Uses

1. Construction of buildings or other improvements on undeveloped land. No buildings, tent frames, roads, driveways, septic systems or water systems, etc., can be placed on undeveloped land. Exceptions would be driveways, water systems, sewer systems, etc., to service a cabin that is located on 2 or 3 consolidated lots.
2. Construction or reconstruction of buildings that are substantially different in size, location, or purpose from those removed or destroyed. Any structure built to replace one that was destroyed cannot be increased by more than 25

percent of the number of square feet of the original structure(s). A reconstructed building must occupy the same site unless a relocation is necessary to meet building codes, setback restrictions, sanitary or environmental concerns, and then only as long as no resource damage occurs.

3. Intensification of use on developed or undeveloped land such as the introduction of: establishing a commercial business, intensifying the existing commercial business (Wilsonia Lodge), grazing, harvest of timber, mining, occupancy by recreation vehicles or house trailers or motor homes, except that on currently developed land, recreation tents, recreation vehicles, or recreation trailers may be used by the landowner or immediate family for a period not to exceed one month in any calendar year, and in a manner that does not cause resource damage, as long as the existing sanitary facilities will accommodate the increased use.
4. Subdivision, lot splits, or selling-off a portion of the land. Owners having an undivided or divided interest in the land is acceptable, i.e., owners can have a percent interest in the total tract but the land itself cannot be divided so that each owns a portion.
5. Any action that produces a documented increase in damage to natural or cultural resources or wildlife or scenery. These actions might include cutting timber, leveling the land, rerouting a drainage that would cause silting of a stream, remodeling or destroying an historical structure, etc.
6. Creation of hazards that endanger Park visitors or other members of the public.
7. Impairment of historical integrity of an identified historic structure.

Landowner proposals for additions, modifications, reconstruction, etc., are reviewed under a long-standing cooperative arrangement with Tulare County. Under this system, landowners apply to the County for a building permit, which is then reviewed by the County for technical code compliance and by the Park Service for compliance with the above guidelines for development and use. If the guidelines are met, a building permit is issued and the Park notifies the landowner that the project is acceptable. The only means of enforcement of the guidelines has been through the Park Service's authority to acquire lands from unwilling sellers to meet public purposes. In the event

that a property owner should proceed on a construction/development project without a permit, or should violate any of the guidelines, the Park Service option is to pursue immediate acquisition.

IV. PROTECTION ALTERNATIVES

A number of land protection measures have been considered in arriving at the recommended plan. Factors influencing the methods considered and selection of the recommended plan include cost-effectiveness, long-term goals, compatibility of private ownership, exclusive jurisdiction and consideration for long-time owners. The preferred alternative for land protection must ultimately assure preservation and restoration of the natural environment in compliance with the mandate to preserve park resources and provide for their enjoyment by the people.

A. Land Use Regulation

The long-term objectives for both Wilsonia and Oriole Lake involve the elimination of development and the restoration of natural conditions. As an interim land protection method for the already developed tracts within the two areas, land use regulation based on the acceptable and unacceptable uses listed above could be employed until such time as permanent protection can be obtained. Consequently, land use regulation is not a permanent solution but is appropriate as an interim protection measure for developed tracts.

Land use regulation is not an appropriate interim protection method for undeveloped tracts intended for retention in their natural state.

As indicated above, the National Park Service has exclusive jurisdiction in the Parks, which is sufficient to permit the promulgation and administration of land use regulations for private lands. A properly drawn set of regulations would serve both the Park and the residents' interests by ensuring fair and consistent treatment of property owners, retaining the rustic nature of the residential setting desired by property owners, and protecting the park resources from adverse impacts. Adoption of such regulations, incorporating the elements of the guidelines for development and use, and incorporating the cooperative building permit system with Tulare County, would have substantial advantages over the present system, particularly in the area of enforcement. Rather than relying on acquisition or the threat of acquisition for obtaining compliance, a duly promulgated set of

regulations could be enforced more effectively and expeditiously through judicial proceedings.

B. Less-than-Fee Acquisition

Less-than-fee acquisition involved acquiring a portion of the rights of land ownership. For example, scenic easements may be acquired to protect certain landscape values or rights-of-way may be acquired to permit public access for trail use.

The primary value of less-than-fee applications in park situations is where some degree of private economic activity, e.g., farming, ranching, etc., is consistent with park objectives. In some Park Service administered areas, where preservation of a pastoral historic scene is a primary management objective, scenic easements represent a highly desirable form of protection method, permitting continuation of agricultural land uses which contribute to the purposes of the unit. However, in the case of Wilsonia and Oriole Lake, where the ultimate objective is the restoration of the natural situation, less-than-fee instruments are not appropriate.

C. Fee Acquisition

Because the objective for both Wilsonia and Oriole Lake is restoration of the natural systems, and there are no compatible private land uses, fee acquisition represents the only satisfactory long-term protection method.

However, it is not expected that resource values will be further impacted by existing private land uses, and it is recognized that, particularly in the case of Wilsonia, immediate near-term acquisition of all residential properties would be highly disruptive to landowners. Many of the remaining property owners would be reluctant to sell, and condemnation of those properties would add considerable additional expense to the acquisition program. Given these considerations, an accelerated and mandatory acquisition program appears to be neither necessary to achieve the ultimate park objectives, nor desirable in its effects on park residents.

A more feasible approach is the gradual acquisition of private tracts as they are offered for sale. This type of approach would permit the realization of the long-term objectives over an extended period of time, representing a more realistic view of budget possibilities and providing a less disruptive program for area residents.

V. SOCIAL, CULTURAL, AND ECONOMIC IMPACTS

The potential for significant social, cultural, and economic impacts resulting from a land protection program at Wilsonia is substantial, as the area has functioned as a community for many years and still includes some 166 residences occupied for at least part of the year. The impacts accruing to the Oriole Lake area would be relatively minor given the limited number of dwelling units and the limited amount of use that most receive.

The extent of impacts depends largely on the alternative protection plan selected. A program of immediate, full fee acquisition would produce substantial social disruption for the residents of Wilsonia, while the choices of land use regulation or less-than-fee acquisition would have less impact. A policy of acquiring fee interests only from willing sellers, providing for a gradual transition to Federal ownership, would gradually change the character of the community, and eventually would eliminate Wilsonia as a village site. The transition would occur over an extended period of time and individual residents would part with their property only at such time as they consider it appropriate. It should be noted that persons selling land to the government are entitled not only to fair compensation for their property, but also to relocation assistance.

VI. RECOMMENDATIONS

Fee acquisition is recommended as the permanent land protection method for all tracts in Wilsonia and Oriole Lake. However, it is recommended that acquisition be limited to willing sellers, and that reservations of use and occupancy be made available to those willing sellers interested in continuing use of their land for a life-term or for a fixed period of time, to be negotiated at the time of acquisition. It is recognized that accomplishment of the long-term objectives under this approach will require many years.

Because acquisition and restoration of the many developed properties is many years away, it is recommended that federal land use regulations be promulgated and administered as an interim land protection approach. Land use regulations will be based on the elements of the guidelines for development and use outlined in Section III., G., which provide both for maintenance of the rustic character of residential areas and prevent adverse impacts on park resources.

As a counterpart to the regulations, it is recommended that the cooperative building permit process with Tulare County that has been successful for many years be continued.

First priority for acquisition will be accorded to undeveloped tracts either offered for sale or proposed for development. Among the remaining tracts offered by willing sellers, acquisition priorities will favor those tracts whose acquisition will alleviate existing adverse environmental effects, and those tracts whose acquisition will permit road closures or other actions to restore natural conditions and reduce maintenance requirements.

Methods of Acquisition: When acquiring land, Federal agencies must follow the procedures of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, which requires them to offer to purchase land at not less than its appraised fair market value. At the same time, however, the Government may receive donations of the full value of the land. Donation may provide the landowner with tax benefits. A qualified tax advisor should be consulted for details. The bargain sale of land to the National Park Service at less than its fair market value results in part sale and part charitable contribution or donation from the landowner. The tax consequences of the donation are based on the difference between the fair market value of the property and the actual sale price. This acquisition method may have application possibilities in Sequoia and Kings Canyon where full donation is not possible. Opportunities for obtaining donated rights to land exist and will be explored as the most desirable, mutually beneficial method of acquiring land.

The National Park Service may acquire lands or interest in lands by trading available land or interest already under Federal jurisdiction. Exchange provides an opportunity to consolidate or acquire needed interests in land without using appropriated funds.

The preferred methods of acquisition are by donation, bargain sales, or exchange.

Purchase is also an acceptable method of acquisition and will be used where other methods are not successful.

Donations and bargain sales will be encouraged, but based upon experience to date, purchase is most likely to be the method of acquisition. Condemnation would only be used when efforts to reach a negotiated agreement have been exhausted and:

1. There is immediate danger of adverse impact on park resources, e.g., development of presently undeveloped land.
2. The property is needed for administrative or other public use and agreement cannot be reached on price,

3. The condemnation process is required to clear title or establish value.

VII. APPENDICES

- A. Legislative History
- B. Environmental Compliance
- C. Acquisition Procedures
- D. Sample Conditions of Right of Use and Occupancy
- E. Tract Listing
- F. Photographs

APPENDIX A-1

LEGISLATION FOR

SEQUOIA

NATIONAL PARK

An Act To set apart a certain tract of land in the State of California as a public park, approved September 25, 1890 (28 Stat. 478)¹

Preamble.

Whereas, the rapid destruction of timber and ornamental trees in various parts of the United States, some of which trees are the wonders of the world on account of their size and the limited number growing, makes it a matter of importance that at least some of said forests should be preserved: Therefore

Big trees.

Public land in California reserved, etc., for a public park, etc.
Location, etc.

Reservation, etc.

Trespassers.

Secretary of Interior to control, care, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tract of land in the State of California known and described as township numbered eighteen south, of range numbered thirty east, also township eighteen south range thirty-one east; and sections thirty-one, thirty-two, thirty-three, and thirty-four, township seventeen south range thirty east, all east of Mount Diablo meridian, is hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park, or pleasure ground, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon, or occupy the same or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom. (U.S.C., title 16, sec. 41.)

SEC. 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, mineral deposits, natural curiosities or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years of small parcels of ground not exceeding five acres, at such places in said park as shall require the erection of buildings for the accommodation of visitors: (all of the proceeds of said leases and other revenues that may be derived from any source connected with said park to be expended under his direction in the management of the same and the construction of roads and paths therein.) He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction, for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same, after the passage of this act to be removed therefrom, and, generally, shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act. (U.S.C., title 16, sec. 43.)

Regulations.

Leases for buildings (Amended by vol. 30, p. 555, as amended. See p. 9.)

Expenditure of revenues.

Destruction of fish and game.

Removal of trespassers, etc.

¹ (This act covers part of Sequoia National Park; the remainder of said park is reserved by sec. 3 of act of October 1, 1890, which follows.)

An Act To set apart certain tracts of land in the State of California as forest reservations, approved October 1, 1890 (26 Stat. 650)*

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

Forest reservations, California. Boundaries.

SEC. 3. There shall also be and is hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and shall be set apart as reserved forest lands, as hereinbefore provided, and subject to all the limitations and provisions herein contained, the following additional lands, to wit: Township seventeen south, range thirty east of the Mount Diablo meridian, excepting sections thirty-one, thirty-two, thirty-three, and thirty-four of said township, included in a previous bill. And there is also reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as forest lands, subject to like limitations, conditions, and provisions, all of townships fifteen and sixteen south, of ranges twenty-nine and thirty east of the Mount Diablo meridian. And there is also hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands under like limitations, restrictions, and provisions, sections five and six in township fourteen south, range twenty-eight east of Mount Diablo meridian, and also sections thirty-one and thirty-two of township thirteen south, range twenty-eight east of the same meridian. Nothing in this act shall authorize rules or contracts touching the protection and improvement of said reservations beyond the sums that may be received by the Secretary of the Interior under the foregoing provisions, or authorize any charge against the Treasury of the United States. (U.S.C., title 16, sec. 45.)

Other lands reserved as forest lands. Description.

Limit upon contracts, expenditures, etc.

* Secs. 1 and 2 of this act relate to Yosemite National Park. Of the lands described in sec. 3 of the act Tps. 15 and 16 S., Rs. 29 and 30 E., Mount Diablo base and meridian, and all of T. 17 S., R. 30 E., with the exception of secs. 31, 32, 33, and 34, form part of the Sequoia National Park, the lands forming the remainder of said park being reserved by the act of Sept. 25, 1890. The following lands, described in sec. 3 constitute General Grant National Park: Secs. 6 and 6, Tp. 14 S., R. 23 E., and secs. 31 and 32, T. 13 S., R. 23 E., Mount Diablo base and meridian.

Act of Legislature of California, approved April 15, 1919, ceding to the United States exclusive jurisdiction over Yosemite, Sequoia, and General Grant National Parks in the State of California. (Statutes and amendments to Codes of California, 1919, p. 74)

The people of the State of California do enact as follows:

SECTION 1. Exclusive jurisdiction shall be and the same is hereby ceded to the United States over and within all the territory which is now or may hereafter be included in those several tracts of land in the State of California set aside and dedicated for park purposes by the United States as "Yosemite National Park," "Sequoia National Park," and "General Grant National Park," respectively; saving however to the State of California the right to serve civil or criminal process within the limits of the aforesaid parks in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State outside of said parks; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said parks, and the right to fix and collect license fees for fishing in said parks; and saving also to the persons residing in any of said parks now or hereafter the right to vote at all elections held within the county or counties in which said parks are situate: *Provided, however*, That jurisdiction shall not vest until the United States through the proper officer notifies the State of California that they assume police jurisdiction over said parks.

An Act To accept the cession by the State of California of exclusive jurisdiction of the lands embraced within the Yosemite National Park, Sequoia National Park, and General Grant National Park, respectively, and for other purposes, approved June 2, 1920 (41 Stat. 731)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act of the Legislature of the State of California (approved April 15, 1919) ceding to the United States exclusive jurisdiction over the territory embraced and included within the Yosemite National Park, Sequoia National Park, and General Grant National Park, respectively, are hereby accepted and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the said State of California the right to serve civil or criminal process within the limits of the aforesaid parks or either of them in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State outside of said parks; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said parks, and the right to fix and collect license fees for fishing in said parks; and saving also to the persons residing in any of said parks now or hereafter the right to vote at all elections held within the county or counties in which said parks are situated. (U.S.C., title 16, sec. 57.) All the laws applicable to places under sole and exclusive jurisdiction of the United States shall have force and effect in said parks or either of them. All fugitives from justice taking refuge in said parks, or either of them, shall be subject to the same laws as refugees from justice found in the State of California. (U.S.C., title 16, sec. 58.)

National Parks,
Calif.
Cession of jurisdiction of State
over designated,
accepted.

Rights reserved
to State.

United States
laws applicable.

Extradition of
criminals

Sequoia and
General Grant
Parks

Assigned to California southern
district.

Punishment of
offenses against
State laws

Sec. 3. That said Sequoia National Park and General Grant National Park shall constitute part of the United States judicial district for the southern district of California, and the district court of the United States in and for said southern district shall have jurisdiction of all offenses committed within the boundaries of said Sequoia National Park and General Grant National Park. (U.S.C., title 16, sec. 77.)

Sec. 4. That if any offense shall be committed in the Yosemite National Park, Sequoia National Park, General Grant National Park, or either of them, which offense is not prohibited or the punishment is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of California in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of California shall affect any prosecution for said offense committed within said parks, or either of them. (U.S.C., title 16, sec. 59.)

Hunting, fishing
etc., prohibitions.

Regulations, etc.,
to be prescribed.
(Amends vol. 28,
p. 650. See p.
49.)

SEC. 5 That all hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals, when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said parks; or shall any fish be taken out of any of the waters of the said parks, or either of them, in any other way than by hook and line, and then only at such seasons and such times and manner as may be directed by the Secretary of the Interior. (U.S.C., title 16, sec. 60.) That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to the passage of the respective Acts creating and establishing said parks, natural curiosities or wonderful objects within said parks, and for the protection of the animals in the park from capture or destruction, and to prevent their being frightened or driven from the said parks; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the said parks or either of them. (U.S.C., title 16, sec. 61.) Possession within said parks, or either of them, of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that person or persons having same are guilty of violating this Act. (U.S.C., title 16, sec. 62.) Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this Act, and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of this Act, or any rule or regulation that may be promulgated by the Secretary of the Interior, with reference to the management and care of the said parks, or either of them, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits, other than those legally located prior to the passage of the respective Acts creating and establishing said parks, natural curiosities, or wonderful objects within said parks, or either of them, or for the protection of the animals, birds, or fish in the said parks, or either of them, or who shall within said parks commit any damage, injury, spoliation to or upon any building, fence, hedge, gate, guide post, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to the passage of the respective Acts creating and establishing said parks, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be subject to the penalty provided for the violation of rules and regulations of the Secretary of the Interior

Evidence of
violations.

Penalty for vio-
lating provisions
hereof, etc.

authorized by section 3 of the Act of Congress approved August 25, 1916 (Thirty-ninth Statutes, page 535), entitled "An Act to establish a National Park Service, and for other purposes," which section is hereby amended by striking therefrom the words "and any violations of any of the rules and regulations authorized by this Act shall be punished as provided for in section 50 of the Act entitled 'An Act to codify and amend the Penal Laws of the United States,' approved March 4, 1909, as amended by section 6 of the Act of June 25, 1910 (Thirty-sixth United States Statutes at Large, page 857)," and inserting in lieu thereof the words "and any violation of any of the rules and regulations authorized by this Act shall be punished by a fine of not more than \$500 or imprisonment for not exceeding six months, or both, and be adjudged to pay all cost of the proceedings" (U.S.C., title 16, sec. 63): *Provided*, That nothing herein shall be construed as repealing or in any way modifying the authority granted the Secretary of the Interior by said section 3 of the said Act approved August 25, 1916, to sell or dispose of timber in national parks in those cases where, in his judgment, the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery of the natural or historic objects in such parks and to provide for the destruction of such animals and such plant life as may be detrimental to the use of any of said parks, or the authority granted to said Secretary by the Act approved April 9, 1912, entitled "An Act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes," as amended by the Act approved April 16, 1914. (U.S.C., title 16, sec. 64.)

SEC. 6. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of said parks, or either of them, when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals, shall be forfeited to the United States and may be seized by the officers in said parks, or either of them, and held pending prosecution of any person or persons arrested under the charge of violating the provisions of this Act, and upon conviction such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior. (U.S.C., title 16, sec. 65.)

SEC. 8. That the United States District Court for the Southern District of California shall appoint a commissioner for the Sequoia National Park and the General Grant National Park, who shall reside in one of said parks, and who shall have jurisdiction to hear and act upon all complaints made of any violations of the law or of the rules and regulations made by the Secretary of the Interior, for the government of the Sequoia National Park and the General Grant National Park, and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by this Act.

Vol. 39, p. 588.
See p. 8.
Punishment
modified.

Proviso.
Disposal of timber,
destroying
injurious animals,
etc., not
affected.

Vol. 37, p. 80.
See p. 75.
Vol. 38, p. 343.
See p. 76.
Forfeiture of
guns, traps, etc.,
illegally used.

Commissioner
for Sequoia and
General Grant
Parks.
Appointment,
authority, etc.

Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this Act prescribed for the government of said Sequoia National Park and General Grant National Park, or either of them, and for the protection of the animals, birds, and fish in said last-named parks, or either of them, and try persons so charged, and, if found guilty, impose punishment and to adjudge forfeiture prescribed. (U.S.C., title 16, sec. 67.)

Judicial powers
in violation of
rules, etc.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States Court for the Southern District of California, and the United States district court in said district shall prescribe rules and procedure and practice for said commissioner in the trial of cases and for appeals to said United States district court. (U.S.C., title 16, sec. 68.)

Appeals.

SEC. 9. That any such commissioner within his jurisdiction shall also have the power to issue process as hereinbefore provided for the arrest of any person charged with commission within said boundaries of said parks, or either of them, as specified above in this Act, of any criminal offense not covered by the provisions of section 5 of this Act, to hear the evidence introduced, and if he is of the opinion that probable cause is shown for holding the person so charged for trial, he shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States district court in and for the judicial district to which he belongs, and certify a transcript of the record of his proceedings and testimony in the case to the court, to which the park is attached as above specified in this Act, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State. (U.S.C., title 16, sec. 70.)

Procedure in
criminal cases

Provided
Bail.

Service of
process.

SEC. 10. That all process issued by the commissioner of the Yosemite National Park shall be directed to the marshal of the United States for the northern district of California, and all process issued by the commissioner of the Sequoia National Park and the General Grant National Park shall be directed to the marshal of the United States for the Southern District of California, but nothing herein contained shall be so construed to prevent the arrest by any officer or employee of the Government or any person employed by the United States, in the policing of such reservation within the boundaries of said parks, or either of them, without process of any person taken in the act of violating the law or this Act or the regulation prescribed by said Secretary as aforesaid. (U.S.C., title 16, sec. 71.)

Same as process.

Pay of com- missioners.	SEC. 11. That the commissioner provided for in this Act for the Yosemite National Park and the commissioner provided for in this Act for the Sequoia National Park and the General Grant National Park each shall be paid an annual salary of \$1,500, payable monthly: <i>Provided</i> , That the said commissioner for the Yosemite National Park shall reside within the exterior boundaries of said Yosemite National Park, and the commissioner provided for the Sequoia National Park and the General Grant National Park shall reside within the exterior boundaries of one of the said last-named national parks and at a place to be designated by the court making such appointment. (U.S.C., title 16, secs. 69 and 72.) <i>And provided further</i> , That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 13 of this Act. (U.S.C., title 16, sec. 73.)
Provisions.	
Residence requirements.	
Disposal of fees, etc.	
United States fees.	SEC. 12. That all fees, costs, and expenses arising in cases under this Act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (U.S.C., title 16, sec. 75.)
Deposits of fines and costs.	SEC. 13. That all fines and costs imposed and collected shall be deposited by said commissioners of the United States, or the marshal of the United States collecting the same, with the clerk of the United States district court to which said parks are attached, as provided in this Act. (U.S.C., title 16, sec. 74.)
Acceptance of ceding.	SEC. 14. That the Secretary of the Interior shall notify in writing the governor of the State of California of the passage and approval of this Act and of the fact that the United States assumes police jurisdiction over said parks, as specified in said Act.

An Act To revise the boundary of the Sequoia National Park, California, approved July 3, 1926 (44 Stat. 818)

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

assembled, That the boundaries of the Sequoia National Park, California, are hereby changed as follows:

Sequoia National
Park, Calif.
Boundaries
changed.

Beginning at the southwest corner of the present boundary of Sequoia National Park, being the southwest corner of township 18 south, range 30 east of the Mount Diablo base and meridian, California, thence easterly along the present south boundary of Sequoia National Park to its intersection with the hydrographic divide between the headwaters of South Fork Kaweah River and the headwaters of that branch of Little Kern River known as Pecks Canyon; thence southerly and easterly along the crest of the hydrographic divide between Pecks Canyon and Soda Creek to its intersection with a lateral divide at approximately the east line of section 2, township 19 south, range 31 east; thence northeasterly along said lateral divide to its intersection with the township line near the southeast corner of township 18 south, range 31 east of the Mount Diablo base and meridian; thence north approximately thirty-five degrees west to the summit of the butte next north of Soda Creek (United States Geological Survey altitude eight thousand eight hundred and eighty-eight feet); thence northerly and northwesterly along the crest of the hydrographic divide to a junction with the crest of the main hydrographic divide between the headwaters of the South Fork of the Kaweah River and the headwaters of Little Kern River; thence northerly along said divide now between Horse and Cow Creeks and the headwaters of East Fork Kaweah River to its intersection with the present east boundary of Sequoia National Park, approximately at Tar Gap, being the east line of township 17 south, range 30 east; thence northerly along said line to its intersection with the main hydrographic divide north of East Fork Kaweah River; thence easterly following said divide, passing through Timber Gap to the summit of Sawtooth Peak; thence southeasterly along the crest of the Great Western Divide to the summit of Coyote Peaks (United States Geological Survey bench mark, altitude ten thousand nine hundred and nineteen feet); thence northeasterly following the main hydrographic divide south of Coyote Creek to the junction of Coyote Creek and Kern River; thence due east across Kern River to the east bank; thence following said east bank of Kern River northerly to the junction of Golden Trout Creek and Kern River; thence northeasterly following the main hydrographic divide north of Golden Trout Creek, and between the headwaters of Golden Trout Creek and Rock Creek to a junction with the main crest of the Sierra Nevada, northwest of Cirque Peak; thence northerly and westerly along said main crest of the Sierra Nevada to Junction Peak (United States Geological Survey bench mark thirteen thousand nine hundred and three feet); thence westerly along the

Description.

crest of the Kings-Kern Divide to a junction with the crest of the Great Western Divide at Thunder Mountain (United States Geological Survey bench mark thirteen thousand five hundred and seventy-eight feet); thence southwesterly along the crest of the Great Western Divide to Triple Divide Peak (United States Geological Survey altitude twelve thousand six hundred and fifty-one feet); thence westerly and northwesterly along the crest of the hydrographic divide between the headwaters of Roaring River and the headwaters of the Middle and Marble Forks of the Kaweah River to Kettle Peak (United States Geological Survey altitude ten thousand and thirty-eight feet); thence westerly and southwesterly along the crest of the main hydrographic divide next north of Clover Creek and Dorst Creek to the junction of Stony Creek and Dorst Creek; thence following the west bank of the North Fork Kaweah River to its junction with Cactus Creek; thence easterly along the first hydrographic divide south of Cactus Creek to its intersection with the present west boundary of Sequoia National Park, being the west line of township 16 south, range 29 east; thence southerly along said west boundary to the southwest corner of said township; thence easterly along the present boundary of Sequoia National Park, being the north line of township 17 south, range 29 east, to the northeast corner of said township; thence southerly along the present boundary of Sequoia National Park, being the west lines of townships 17 and 18 south, range 30 east, to the place of beginning; and all of those lands lying within the boundary line above described are hereby included in and made a part of the Roosevelt-Sequoia National Park; and all of those lands excluded from the present Sequoia National Park are hereby included in and made a part of the Sequoia National Forest, subject to all laws and regulations applicable to the national forests. (U.S.C., 6th supp., title 16, sec. 45a.)

Area included in
Roosevelt-Se-
quoia National
Park.
Excluded lands
added to Sequoia
National Forest.

Exclusive control
of park under
Secretary of
Interior.
Regulations to
be made.

Fishing by hook
and line per-
mitted.

SEC. 2. That said park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such reasonable rules and regulations, not inconsistent with the laws of the United States, as he may deem necessary or proper for the care, protection, management, and improvement of the same, such regulations being primarily aimed at the freest use of said park for recreation purposes by the public and for the preservation from injury or spoliation of all timber, natural curiosities, or wonders within said park and their retention in their natural condition as far as practicable, and for the preservation of said park in a state of nature so far as is consistent with the purposes of this Act. Such rules and regulations shall permit the taking of fish by hook and line from the streams or lakes in said park, but at such seasons, during such times, and in such manner as may be

directed by the Secretary of the Interior. Such rules and regulations however, shall provide against the destruction of the wild life within said park, and the Secretary of the Interior is hereby authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this Act. Said Secretary may, in his discretion, execute leases to parcels of ground not exceeding ten acres in extent at any one place to any one person or persons or company for not to exceed twenty years, when such ground is necessary for the erection of buildings for the accommodation of visitors. Such leases or privileges may be renewed or extended at the expiration of the terms thereof: *Provided*, That existing leases from the Department of Agriculture may be continued, in the discretion of the Secretary of the Interior, for so long as such extension is not detrimental to the public purposes for which the park is created. (U.S.C., 6th supp., title 16, sec. 45b.)

Leases for accommodation of visitors.

Proviso.
Existing leases continued.

SEC. 3. That nothing herein contained shall affect any valid existing claim, location, or entry heretofore established under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land: *Provided*, That under rules and regulations to be prescribed by him the Secretary of the Interior may issue permits to any bona fide claimant, entryman, landowner, or lessee of land within the boundaries herein established to secure timber for use on and for the improvement of his land; and he shall also have authority to issue, under rules and regulations to be prescribed by him, grazing permits and authorize the grazing of livestock on the lands within said park at fees not to exceed those charged by the Forest Service on adjacent areas, so long as such timber cutting and grazing are not detrimental to the primary purpose for which such park is created: *Provided*, That no permit, license, lease, or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utilization of power within the limits of said park as herein constituted, shall be granted or made without specific authority of Congress. (U.S.C., 6th supp., title 16, sec. 45c.)

Valid claims, etc., not affected.

Proviso.
Use of timber.

Grazing permits.

Restriction on dams, etc., for power.

SEC. 4. That no exclusive privilege shall be granted within said park, or on or over the roads and trails therein, except upon ground leased for the erection of buildings or camps thereon. (U.S.C., 6th supp., title 16, sec. 45d.)

Proviso.
limited.

SEC. 5. That any person found guilty of violating any of the provisions of this Act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park,

Punishment for violating rules, etc.

or for the protection of the property therein, for the preservation from injury or spoliation of timber, natural curiosities, or other objects within said park or for the protection of the animals, birds, and fish in said park, shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than \$500 or imprisonment not exceeding six months or both. (U.S.C., 6th supp., title 16, sec. 45e.)

Sequoia National
Game Refuge.
Lands design-
ated as.

Unauthorized
hunting, etc., in,
of birds or wild
animals, un-
lawful.

Punishment for.

Provisos.
Purposes of sec-
tion declared.

Lands to con-
tinue in Sequoia
National Forest,
for uses thereof.

SEC. 6. That all parts of township 17 south, ranges 31 and 32 east, and township 18 south, range 31 east, Mount Diablo base and meridian, which are north of the hydrographic divide passing through Farewell Gap, and which are not added to and made part of the Sequoia National Park by the provisions of this Act, are hereby designated as the Sequoia National Game Refuge, and the hunting, trapping, killing, or capturing of birds and game or other wild animals upon the lands of the United States within the limits of the said area shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any persons violating such regulations or the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding \$1,000, or by imprisonment for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court: *Provided*, That it is the purpose of this section to protect from trespass the public lands of the United States and the game animals which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands: *Provided further*, That the lands included in said game refuge shall continue to be parts of the Sequoia National Forest and nothing contained in this section shall prevent the Secretary of Agriculture from permitting other uses of said lands under and in conformity with the laws and the rules and regulations applicable thereto so far as may be consistent with the purposes for which said game refuge is established.

An Act To authorize the acquisition by exchange of certain lands for addition to the Sequoia National Park, approved December 21, 1943 (57 Stat. 606)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, in his discretion, to accept title to lands and interests in lands near the entrance to the Sequoia National Park, subject to existing easements for public highways and public utilities, within the following described tracts:

Tract A. A portion of tract 37, township 17 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately two acres.

Tract B. A portion of the east half of the northeast quarter of section 4, township 17 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately thirty-eight acres.

Tract C. A portion of the south half of tract 37, township 17 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately sixty one-hundredths acre.

The owners of the lands to be conveyed to the United States, before any exchange is effective, shall furnish to the Secretary of the Interior evidence satisfactory to him of title to such lands. Such property shall become a part of the Sequoia National Park upon the acceptance of title thereto by the Secretary, and shall thereafter be subject to all laws and regulations applicable to the park. (16 U.S.C. sec. 45a-1.)

SEC. 2. That in exchange for the conveyance to the United States of tract A, as provided in section 1 of this Act, the Secretary is authorized, in his discretion, to patent to the owner of tract A, subject to such terms and conditions as the Secretary may deem necessary, certain lands of approximately equal value described as follows:

Tract D. A portion of the southeast quarter of section 33, township 16 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately two and fifty one-hundredths acres.

In exchange for the conveyance to the United States of tracts B and C, as provided in section 1 of this Act, the Secretary is authorized to patent, in a similar manner, to the owner of tracts B and C certain lands of approximately equal value described as follows:

Tract E. The southwest quarter of the northwest quarter of section 4, which shall be subject to section 24 of the Federal Power Act (16 U.S.C., sec. 818); the south half of the northeast quarter of section 5; and approximately

sixty-eight acres of the north half of the southeast quarter of section 5, which shall not include the surveyed two-hundred-foot strip as shown on map "D" of exhibit "K", entitled "Detailed Map of Kaweah Project of the Southern California Edison Company, Ltd.", and filed in the office of the Federal Power Commission on December 12, 1923; all of said lands in tract E being situated in township 17 south, range 29 east, Mount Diablo meridian, comprising approximately one hundred and eighty-eight acres. (16 U.S.C. sec. 45a-2.)

SEC. 3. Nothing in this Act shall be construed to alter or affect in any manner the provisions, or extend the term, of the permit heretofore granted to the Southern California Edison Company and predecessors thereof for the use of lands in the Sequoia National Park for electric power development purposes, or to relieve the company of any financial or other obligation under said permit, or under agreements or orders relating or supplementary thereto. (16 U.S.C. sec. 45a-1 note.)

APPENDIX A-2

LEGISLATION FOR

KINGS CANYON

NATIONAL PARK

An Act To establish the Kings Canyon National Park, California, to transfer thereto the lands now included in the General Grant National Park, and for other purposes, approved March 4, 1940 (54 Stat. 41)

Kings Canyon
National Park,
Calif.,
establishment.

Description
of tract.

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

That the tract of land in the State of California particularly described as follows, to wit: Beginning at the summit of Junction Peak, being a point on the present north boundary of Sequoia National Park, also a point on the Tulare and Inyo County line; thence westerly along said north boundary of said park to the crest of the hydrographic divide between Boulder Creek and Sugarloaf Creek; thence in a northerly direction along the crest of the hydrographic divide between Boulder Creek and Sugarloaf Creek to the intersection of said divide with the section line between sections 3 and 4 of township 14 south, range 30 east, Mount Diablo base and meridian; thence northerly along the section line between said sections 3 and 4 and between sections 33 and 34, and sections 27 and 28 of township 13 south, range 30 east, to the northwest corner of southwest quarter of section 27; thence northwesterly along the ridge immediately adjacent to and lying northeast from the headwaters of the east fork of Lightning Creek to the intersection of said ridge with the section line between sections 21 and 28, township 13 south, range 30 east, which point lies on the said section line three quarters of a mile more or less westerly from the northeast corner of said section 28; thence in a northerly direction across the easterly branch of the east fork of Lightning Creek at Summit Meadow to the ridge north of said creek branch; thence northeasterly along said ridge to Lookout Peak; thence in a northeasterly direction along the ridge from said peak, being also the crest of the hydrographic divide between Sheep Creek and Lightning Creek to the intersection of said ridge, with the line between section 15 and 22, township 13 south, range 30 east, which point lies one quarter of a mile more or less westerly of the northeast corner of said section 22; thence easterly along said section line to the corner of sections 14, 15, 22, and 23; thence north along the line between sections 14 and 15 to the southwest corner of the northwest quarter of the northwest quarter of section 14; thence east to the southeast corner of the northeast quarter of the northwest quarter of the

said section; thence south to the southwest corner of the northeast quarter of the said section; thence east to the southeast corner of the southwest quarter of the northeast quarter of the said section; thence south to the southwest corner of the northeast quarter of the southeast quarter of the said section; thence east to the northeast corner of the southeast quarter of the southeast quarter of the said section; thence south to the southwest corner of section 13; thence east on the line between sections 13 and 24 to the southeast corner of section 13; thence south to southwest corner of the northwest quarter of the northwest quarter of section 19, township 13 south, range 31 east; thence east along the north latitudinal one-sixteenth section line of sections 19, 20, and 21 to the southeast corner of the northeast quarter of the northwest quarter of said section 21; thence north to the quarter section corner of sections 16 and 21; thence east along the line between sections 16 and 21 to the southeast corner of said section 16; thence north along the section line to the quarter section corner of sections 15 and 16; thence west along the latitudinal quarter section line of sections 16, 17, and 18 to the northwest corner of the southeast quarter of section 18; thence north to the northeast corner of the southeast quarter of the northwest quarter of said section 18; thence west to the northwest corner of the southwest quarter of the northwest quarter of said section 18; thence north along the range line between ranges 30 and 31 east, township 13 south to the northeast corner of section 13, township 13 south, range 30 east; thence west along the line between sections 12 and 13 to the southeast corner of the southwest quarter of the southwest quarter of section 12; thence north to the northeast corner of the southwest quarter of the southwest quarter of said section 12; thence west to the northwest corner of the southeast quarter of the southeast quarter of section 11; thence north to the northeast corner of the northwest quarter of the northeast quarter of said section 11; thence west along the line between sections 2 and 11 to the northwest corner of the northeast quarter of the northwest quarter of said section 11; thence south to the southwest corner of the northeast quarter of the northwest quarter of said section 11; thence west to the northwest corner of the southwest quarter of the northwest quarter of said section 11; thence north along the line between sections 10 and 11 and 2 and 3 to the intersection with the ridge of southeast spur of Stag Dome; thence in a northwesterly direction along the crest of said spur to the summit of Stag Dome; thence in a northerly direction along the crest of the hydrographic divide between Lewis Creek and Deer Cove and Grizzly Creek to its intersection with Monarch Divide at Hog-Back Peak; thence in a westerly direction along the crest of Monarch Divide, to its junction with the northwesterly spur of Mount Harrington; thence northwesterly along the crest of hydrographic divide on the southwest side of the Gorge of Despair to the intersection

ENVIRONMENTAL COMPLIANCE

The recommended plan proposes neither land acquisition outside the authorized boundary nor any significant changes to existing land or visitor use. Under Department of the Interior procedures, 516 DM 1-6, Appendix 7, sections 7.4 B.(11) and C.(2), these actions are categorically excluded from the procedural provisions of the National Environmental Policy Act.

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 ~~im~~mediately in order to prevent resource damage.

A declaration of taking vests title to property in the United States ~~im~~mediately 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.

SAMPLE
CONDITIONS OF
RIGHTS OF USE AND OCCUPANCY OF
SINGLE FAMILY NONCOMMERCIAL PROPERTY

1. Definitions. Within the meaning of this instrument, "Single family noncommercial residential purposes" is occupancy of the reserved premises solely as a residence by an owner or owners having attained the age of eighteen on the date of acquisition of the herein described property. The Reservoir(s) is (are) the person or persons conveying the land covered by this instrument to the United States and reserving a right of use and occupancy for noncommercial residential purposes over all or part of it. The reserved premises is the area covered by the right of use and occupancy for noncommercial residential purposes.
2. Use. The reserved premises shall be used only for noncommercial residential purposes. The reserved premises shall not be used for any commercial, industrial, mining or similar use or for the accommodation of any paying guests for a period of less than 90 days. The Reservoir(s) in the use of the premises shall conform to all applicable laws, ordinances, and regulations in effect in the area, including but not limited to all applicable general National Park Service regulations and general and special regulations for the area in particular.
3. Preservation. The Reservoir(s) shall not add to or materially alter the character of existing improvements or structures or perform any new construction or change the topography of the land without first having obtained the permission in writing of the National Park Service. Any building or structure damaged or destroyed by fire or other casualty or deteriorated by the elements or wear and tear may be maintained, repaired, renovated, remodeled or reconstructed so long as the basic character of the building or structure is not materially altered.
4. Maintenance of reserved premises. The Reservoir(s) shall keep the grounds of the reserved premises in a clean and neat condition and shall maintain all structures and improvements in good repair. The Reservoir(s) shall not commit waste on the reserved premises. The Reservoir(s) is (are) responsible for all costs arising out of the reserved premises, including all costs of maintenance and repair and all utility charges. The United States has no responsibility for any charges or expenses in connection with the reserved premises.
5. Precautions. The Reservoir(s) shall take reasonable care to avoid damage to adjacent or nearby Federal lands or property through the spread of fire originating on the reserved premises, through the spread of sewage or other polluting substances originating on the reserved premises, or by any other activities representing a nuisance or hazard to adjacent or nearby Federal lands or property.
6. Taxes. The Reservoir(s) is (are) responsible for the payment of any taxes or assessments that may be levied against his interest in the reserved premises.

7. Liability. The Reservoir(s) shall hold the United States harmless for any liability arising out of the use of the reserved premises by the Reservoir(s). The Reservoir(s) shall at (his) (her) (their) expense carry such public liability insurance as is customary by homeowners in the vicinity, providing such insurance is available. The park manager must be furnished a copy of such insurance or evidence that coverage is not available from companies that write insurance in the area.

8. Insurance. The Reservoir(s) is (are) responsible for insuring (his) (her) (their) interest in the reserved premises.

9. Transfer. The reserved premises may be conveyed or subleased for not less than 90 days by the Reservoir or (his) (her) (their) successors or assigns provided the instrument of conveyance or sublease imposes on the new Reservoir all of the restrictions and requirements of these provisions. A copy of any such conveyance or sublease shall be furnished the National Park Service prior to the effective date of such conveyance.

10. Expiration of Term. The Reservoir(s) shall peacefully relinquish possession and control of the reserved premises upon the expiration of the term of the right of use and occupancy. (He) (She) (They) shall leave the reserved premises in a neat and clean condition. (He) (She) (They) shall not remove any structures or other improvements which are permanently affixed to the realty unless proper arrangements, with adequate consideration for such removal, have been made with the National Park Service. Any personal property left on the reserved premises upon the expiration of the term may be disposed of by the National Park Service.

11. Waiver of Replacement Housing Benefits. The Reservoir(s) fully understands that by reserving the right of use and occupancy reserved herein (he) (she) (they) waives replacement housing benefits under Sections 203, 204, 205 and 206 of Public Law 91-646.

12. Description of Reserved Premises. The area reserved by the Reservoir(s) as the reserved premises, if less than the area described in this instrument, is described as follows:

WILSONIA AND ORIOLE LAKE

LAND PROTECTION PLAN

TRACT LISTING

TRACT NUMBER	OWNER	ACREAGE	PRIORITY *	TRACT NUMBER	OWNER	ACREAGE	PRIORITY
01-104	COLLIN	.22	2	01-177	HOLORAN	.21	
01-105	COLLIN	.24	2	01-178	COLLINS	.20	
01-106	SPETH	.17	2	01-179	HADEN	.24	
01-107	LEDBETTER	.11	2	01-191	SPIITZE	.15	
01-110	CLAPP	.10	2	01-192	COLLINS	.75	
01-111	LIGHTY	.10	2	02-101	GILLESPIE	.17	
01-112	PARKINSON	.10	2	02-102	GEORGE	.19	
01-115	GARNER	.17	2	02-103	MARTIN	.22	
01-116	ROOKINS	.17	2	02-104	WILLIAMS	.11	
01-117	GARD	.15	2	02-105	NADIN	.11	
01-119	WORKMAN	.12	2	02-107	NORTON	.22	
01-120	MEHRTEN	.11	2	02-107	SCHUMACHER	.30	
01-121	DORIS	.15	2	02-110	GRAHAM	.20	
01-123	DALTON	.10	2	02-111	PICE	.20	
01-124	SMITH	.24	2	02-113	SWANSON	.15	
01-125	STONE'S POULTRY	.20	2	02-114	BORRA	.15	
01-126	STEINWILBER	.10	2	02-115	AYDELOTTE	.19	
01-127	CLARK	.10	2	02-116	SLAYRAUGH	.20	
01-129	RICE	.45	2	02-117	SORENSEN	.29	
01-133	SMITH	.10	2	02-119	ROTTI ET AL	.31	
01-134	SMITH	.20	2	02-120	WOOD	.10	
01-135	STONE	.16	2	02-121	MARTIN	.20	
01-136	FRASER	.15	2	02-122	MCPHKE	.29	
01-137	TUCKER	.14	2	02-123	CRONKER	.40	
01-138	SILL	.31	2	02-124	COLLINS	.20	
01-144	CAIN	.10	2	02-126	HATLF	.10	
01-146	PHIPPS	.20	2	02-127	FUGATE	.10	
01-148	MORLEY	.21	2	02-128	WILSON	.10	
01-149	APKARIAN	.30	2	02-129	DORN	.10	
01-150	FONKEN	.20	2	02-130	CONVERSE	.20	
01-153	KORSINEN	.20	2	02-131	OSMIELDS	.20	
01-154	COULTER	.10	2	02-132	MASONIC FAMILY	1.00	
01-155	CASKY	.15	2	02-133	MASONIC FAMILY	19.00	
01-158	PATZKOWSKI	.07	2	02-135	COLLINS	.20	
01-160	TRIPP	.19	2	03-102	CARGILE	.15	
01-161	DEETER	.09	2	03-103	PEARSON	.30	
01-162	MCCAIN	.20	2	03-104	MIXTER	.42	
01-163	ADALIAN	.14	2	03-106	MOLNAP	.10	
01-164	EDMISTON	.17	2	03-107	GIDDINGS	.10	
01-167	PIARULLI	.20	2	03-110	MALLOY	.12	
01-170	WEAVER	.20	2	03-111	NELSON	.15	
01-171	WILSONIA CLUB	.40	2	03-112	KEITH	.42	
01-172	SHEPARD	.10	2	03-113	SWIRIDOFF	.19	
01-173	SCHULTZ	.10	2	03-114	HUFF	.15	
01-175	SHERWOOD	.15	2	03-115	DIRKS	.25	
01-176	GERDES	.10	2	03-116	MAY	.15	
				03-117	HARRIS	.10	
				03-118	MATHIAS	.20	
				03-120	MCKELLAR	.20	

* Priority 1 tracts are undeveloped.

Priority 2 tracts are developed for residential use.

TRACT LISTING

WILSONIA (Cont'd.)

<u>TRACT NUMBER</u>	<u>OWNER</u>	<u>ACREAGE</u>	<u>PRIORITY *</u>	<u>TRACT NUMBER</u>	<u>OWNER</u>	<u>ACREAGE</u>	<u>PRIORITY</u>
03-121	SANTOS	.28	2	04-112	LINZMEYER	.22	2
03-122	PINKSTAFF	.18	2	04-114	GORDON	.15	2
03-123	TOOMEY	.23	2	04-116	DILLON	.85	2
03-125	BODF	.15	2	04-120	BROWN	.57	2
03-126	COTTINGHAM	.15	2	04-121	DEFOE	.12	2
03-127	HANSEN	.17	2	04-123	WALLIS	.13	2
03-129	WILSON	.22	2	04-124	ANDREWS	.17	2
03-131	KOHFELD	.28	2	04-125	COOPER	.21	2
03-132	STOCKINGS	.18	2	04-127	PETERSEN	.14	2
03-133	SCARBROUGH	.18	2	04-128	JONES	.15	2
03-134	RUDD	.18	2	04-129	SPEYCE	.17	2
03-135	JOHNSON	.38	2	04-131	JACKSON	.47	2
03-138	STONE	.18	2	04-132	EVANS	.78	2
03-140	LAMB	.28	2	04-133	SHERWOOD	.29	2
03-141	SMITH	.28	2	04-134	PALSGARD	.18	2
03-142	BRIGHTS NURSERY	.54	2	04-135	BARRETT	.11	2
03-143	NAVE	.15	2	04-136	KIRALY	.32	2
03-144	GILLETTE	.12	2	04-137	GAMRINI	.18	2
03-145	PHILPOTT	.35	2	04-138	BROWN	.15	2
03-146	SUTTON	.17	2	04-139	BROWN	.21	2
03-148	PRESTON	.33	2	04-141	MCKINNEY	.37	2
03-153	HARTSCH	.19	2	04-143	RUNYON	.18	2
03-154	CHRISTENSEN	.12	2	04-145	MYER	.18	2
03-155	MITCHELL	.18	2	04-149	BARNES	.15	2
03-156	CHRISTENSEN	.87	2	04-150	RUNYON	.87	2
03-157	DEROOCK	.57	2	04-151	DARETTE	.89	2
03-159	PRESTON	.38	2	04-157	BROWN	.16	2
03-162	MCCORMICK	.18	2	04-160	DEROOCK	.87	2
03-163	KENNEODY	.17	2	04-163	GRAT	.21	2
03-164	PELOIAN	.89	2	04-164	PADELFORD	.28	2
03-170	KIRCHMAN	.19	2	04-165	KEISER	.11	2
03-171	STANLEY	.45	2	04-166	VEILLEUX	.87	2
03-173	JUNGWIRTH	.28	2	04-167	SMELLING	.87	2
03-174	SPOMER	.28	2	04-168	CORNELL	.17	2
03-175	HILLMAN	.59	2	04-171	TIFFIN	.19	2
03-176	FEAVER	.17	2	04-173	MAIN	.58	2
03-178	JONES	.15	2	04-174	HAILEY, M.	.22	2
03-180	CLARKE	.18	2	04-176	SVENSON	.63	2
03-181	BUCKMASTER	.18	2	04-177	METZGER	.98	2
03-182	BANK OF AMERICA	.25	2	04-179	JAMISON	.18	2
03-183	MCDILLIAMS	.15	2	04-180	CAPRIOLLO	.93	2
03-185	WEL	.27	2	04-181	SHEESLEY	.87	2
03-186	NEIL	.17	2	04-182	SHEESLEY	.32	2
03-188	KIRCHMAN	.38	2	04-183	MYER	.85	2
03-190	FRASIER	.18	2	04-184	STEVENS	.25	2
03-191	FRASER	.29	2				
04-102	FRIESEN	.87	2				
04-104	SCHOLTEN	.28	2				
04-111	HOLT	.27	2				
04-104	Scholter	.85	2				

* Priority 1 tracts are undeveloped.

Priority 2 tracts are developed for residential use.

TRACT LISTING

ORIOLE LAKE

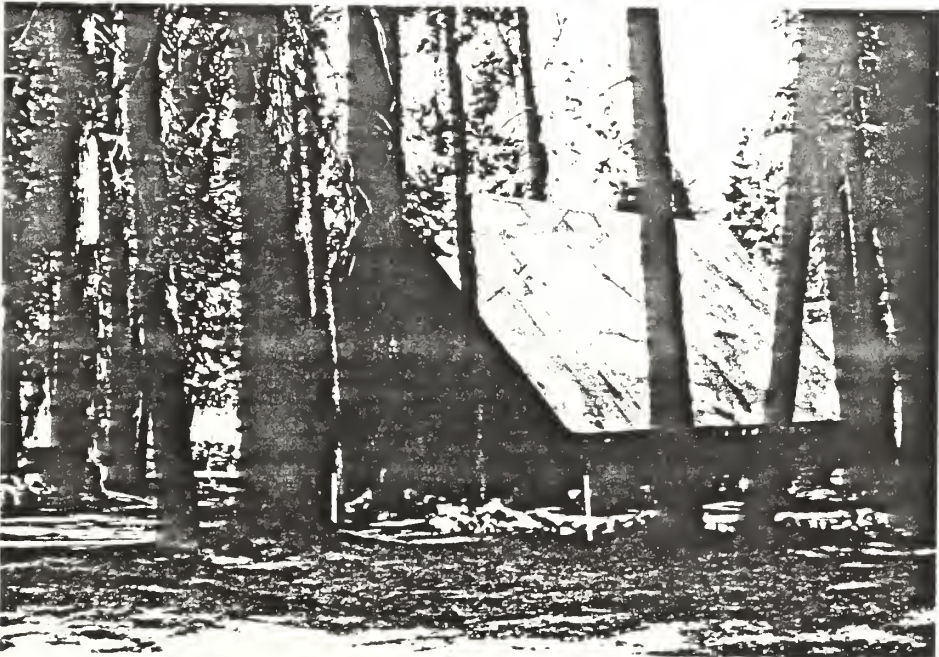
<u>TRACT NUMBER</u>	<u>OWNER</u>	<u>ACREAGE</u>	<u>PRIORITY</u> *
02-102	BREWER	1.47	2
02-104	JAMISON	1.23	2
02-105	JAMISON	1.07	2
02-106	DALETTE	1.33	2
02-107	LA PRESTA	.85	1
02-109	JAMISON	1.21	1
02-111	JAMISON	1.73	2
02-112	MINIO	1.50	1

- * Priority 1 tracts are undeveloped.
 Priority 2 tracts are developed for residential use.

WILSONIA



Private Residence



Private Residence



Wilsonia Lodge



Wilsonia Club House

Rustic Structures In Oriole Lake Area



Residence



Bunk house and platform area

