

IMPLEMENTATION PROCEDURES

Appendix L contains the list of specific land protection recommendations. This listing identifies a minimum interest needed for protection but recognizes that the actual means of protection may change as a result of negotiation. To carry out the purposes of ANILCA, section 1302 authorizes the secretary of the interior to acquire by purchase, donation, exchange, or otherwise any lands within the boundaries of conservation system units. Where acquisition is proposed, exchange is the preferred method whenever possible. Donations, or relinquishments where applicable, are encouraged. Purchase with appropriated or donated funds is another possible method. It should be noted that the appropriation of funds for land acquisition is expected to be very limited for the next few years. Therefore, the purchase of nonfederal interests in the park and preserve is expected to be minimal.

No estimates of the cost of implementing the recommendations of this plan have been prepared at this time. A useful estimate requires appraisals that are costly and have a short shelf life because of variable and changing market conditions. Appraisals for individual tracts will be prepared following agreement in concept with the landowner to acquire a specific interest in real property.

Where it is determined that land or interests in land must be acquired, the National Park Service will negotiate with the owner to reach a compatible settlement for purchase. If the land use activities produce an imminent threat or actual damage to the integrity of park or preserve lands, resources, or values, the Park Service will diligently negotiate for acquisition of sufficient interest to prevent such damage. If a negotiated settlement cannot be reached, the secretary of the interior may exercise the power of eminent domain to preclude or cease activity damaging to park resources. Condemnation proceedings, where allowed by law, will not be initiated until negotiations to achieve satisfactory resolution of the problem through means other than condemnation have been exhausted. Under certain circumstances, condemnation action may be used during the process of acquisition involving willing sellers to overcome defects in title.

Landowners who no longer wish to retain their land for the purposes for which it was acquired and who wish to sell property within the park or preserve are encouraged to contact the superintendent. The National Park Service is interested in the opportunity to review all proposed land offerings or proposals. These proposals will be reviewed for possible purchase by the National Park Service, based on their priority in the land protection plan recommendations and on their potential contribution to the enhancement of scenic values, resource protection, continuation of community subsistence opportunities, enhancement of recreational opportunities, and maintenance of the wilderness or undeveloped character of the area. Extenuating circumstances, including hardship as defined in section 1302(g), will also be considered. The availability of appropriated funds will determine the Park Service's ability to act on proposals from willing sellers.

When an owner of improved property offers to sell to the United States, the owner may retain a right of use and occupancy for noncommercial residential or recreational use. Such rights are by agreement with the National Park Service and may last for a period of up to 25 years or for life.

In recognition of the Bureau of Indian Affairs' responsibility to owners of native allotments the National Park Service will notify the bureau before taking actions relating native allotments, such as securing agreements, acquiring easements, acquiring full title to lands, or leasing the property for administrative purposes.

The plan establishes priorities to identify the relative importance of tracts and to provide a general explanation of what lands are considered most important for park purposes. However, because ANILCA and its legislative history strongly support acquisition of lands from voluntary sellers and by exchange, the land protection program will proceed primarily on an opportunity basis as owners offer to sell or exchange their lands. Therefore, tracts may not be acquired in exact priority order. Priorities will be most important if several different offers are submitted at the same time. Limited funds and lands suitable for exchange will generally mean that only high priority lands among those offered can be acquired. Emergency and hardship cases also may be addressed as they arise, regardless of priority.

Potential additions to the park or preserve by exchange with the state pursuant to section 1302(i) of ANILCA or boundary adjustments or additions pursuant to section 103(b) will be designated either park or preserve, whichever is adjacent to the addition. Potential acquisitions within the park or preserve will similarly be designated the same category as surrounding lands. If such an addition or acquisition is adjacent to both park and preserve lands, the tract will have a split designation following the extension of the park and preserve boundary, adjusted wherever possible to follow hydrographic divides or embrace other topographic or natural features. For additions to the park or preserve beyond the 23,000-acre limit of section 103(b), congressional action will be required and park or preserve designations will be determined by the legislation. Public and congressional notification and review of proposed additions pursuant to sections 1302(i) and 103(b) will be provided as appropriate.

Additions to the park or preserve or acquisitions that are within the congressionally established wilderness boundary will automatically become wilderness upon acquisition, pursuant to section 103(c) of ANILCA.

Lands added or acquired will be managed in the same manner as other unit lands of the same designation.

COMPLIANCE CONSIDERATIONS

Actions of this land protection plan that propose no significant change to existing land or public use are categorically excluded from NEPA considerations, in accordance with Department of the Interior implementing procedures (516 DM 6, appendix 7.4(11), and 516 DM, appendix 2). The proposed actions for small tracts, native allotments, mining claims, administrative sites, and agreements and cooperative planning for submerged or adjacent lands are included in this category.

National Environmental Policy Act requirements for proposals in this plan related to native corporation lands and state lands will be fulfilled at a later date when, and if, conceptual agreements are reached with these landowners. Environmental assessments and/or environmental impact statements will be prepared prior to the implementation of any land exchange, with the exception of land exchanges involving the conveyance of lands to native corporations that fulfill entitlements under the terms of ANCSA, as provided by section 910 of ANILCA.

Consistent with current policies on implementation of section 810 of ANILCA, evaluations will be prepared on any proposals in this land protection plan that require the preparation of environmental assessments and/or environmental impact statements, or any proposals that result in the removal of lands (or interests in lands) from federal ownership.

Section 103(b) of ANILCA requires that Congress be notified of the intent to make boundary adjustments. The public will also receive reasonable notice of the intent to implement boundary adjustments and will be provided the opportunity to review and comment on such adjustments. The compliance requirements of NEPA and ANILCA will be fulfilled in the case of administrative boundary adjustments.