

Sequoia and Kings Canyon National Parks

NPS
U.S. Department of the Interior

Sequoia and Kings Canyon
National Parks
California



Wilsonia and Oriole Lake Areas

Land Protection Plan

(for Areas with Exclusive Jurisdiction in Sequoia and Kings
Canyon National Parks)

July 2013

Recommended by:

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7.15.13
Date

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7/17/13
Date

Summary

Purpose of the Plan:

This Land Protection Plan (LPP or Plan) is for the Wilsonia and Oriole Lake areas within Sequoia and Kings Canyon National Parks (Parks). These two areas constitute the private inholdings in the Parks under exclusive jurisdiction. The LPP is intended to ensure the protection of the resources 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.

This document is an update and revision of a previous LLP (1986) for these areas, which is being updated per the direction of the Sequoia and Kings Canyon National Parks General Management Plan (GMP) (2007).

Proposed Protection Methods:

Land exchange and fee simple acquisition on a willing seller basis.

Funding Status:

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

Top Priorities:

1. Undeveloped Tracts: Would prevent resource damage
2. Developed Tracts at Oriole Lake: Would permit closure of the road to vehicles, removing ease of access will reduce impacts from poaching and marijuana grow sites, and it would achieve the intent of Congress by completing the progression of land from Designated Potential Wilderness Addition to Designated Wilderness.

Planning Team:

Superintendent and staff, Sequoia and Kings Canyon National Parks

Status of Environmental Compliance:

Categorically excluded for the procedural provisions of the National Environmental Policy Act (NEPA) (42 USC 4321-4370d; PL 91-190) under 43 CFR § 46.210 and 516 DM 12, Section 3.4(B)4: Land protection plans which propose no significant change to existing land or visitor use.

Status of Jurisdiction:

Exclusive

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Introduction

Policy

On May 7, 1982, the U.S. Department of the Interior (DOI) 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 (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 socio-cultural impacts are considered and that the most outstanding areas are adequately managed.

Subsequently, the National Park Service (NPS) issued its guidelines for the preparation of land protection plans for units of the National Park System where private land exists within the authorized boundary on May 11, 1983 (48 FR 21121- 21131).

Purpose of the Plan

This Land Protection Plan (LPP or Plan) is for the Wilsonia and Oriole Lake areas within Sequoia and Kings Canyon National Parks (Parks). These two areas constitute the private inholdings in the Parks under exclusive jurisdiction. The LPP is intended to ensure the protection of the resources 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.

This document is an update and revision of a previous LPP (1986) for these areas, which is being updated per the direction of the Sequoia and Kings Canyon National Parks General Management Plan (GMP) (2007).

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

- whether to plan for fee acquisition of developed lands or to seek other means of protection based on the acceptability of continued private use;
- 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;
- what actions would be appropriate if any property were subjected to uses identified as unacceptable in the LPP; and
- changes associated the listing of Wilsonia in the National Register of Historic Places.

The Plan as Guide

The Plan does not constitute an offer to purchase land or interests in land. It is used to guide protective actions subject to availability of funds and other constraints. This Plan does not diminish the rights of private landowners.

Parks Purpose and Significance**Purpose**

As defined by park managers in the GMP, the following are the purposes of Sequoia and Kings Canyon National Parks, which incorporate the mission statement:

- Protect forever the greater Sierran ecosystem — including the sequoia groves and high Sierra regions of the park — and its natural evolution.
- Provide appropriate opportunities to present and future generations to experience and understand park resources and values.
- Protect and preserve significant cultural resources.
- Champion the values of national parks and wilderness.

Parks' Significance

As described in the GMP, Sequoia and Kings Canyon National Parks are special and unique places because they have:

- the largest giant sequoia trees and groves in the world, including the world's largest tree — the General Sherman Tree
- an extraordinary continuum of ecosystems arrayed along the greatest vertical relief (1,370 to 14,495 feet elevation) of any protected area in the lower 48 states
- the highest, most rugged portion of the high Sierra, which is part of the largest contiguous alpine environment in the lower 48 states
- magnificent, deep, glacially carved canyons, including Kings Canyon, Tehipite Valley, and Kern Canyon
- the core of the largest area of contiguous designated wilderness in California, the second largest in the lower 48 states
- the largest preserved southern Sierran foothills ecosystem
- 275 known marble caverns, many inhabited by cave wildlife that is found nowhere else
- a wide spectrum of prehistoric and historic sites documenting human adaptations in their historic settings throughout the Sierran environments

Sequoia and Kings Canyon National Parks have been designated as an international biosphere reserve, a program under the United Nations Educational, Scientific, and Cultural Organization that recognizes resources with worldwide importance. While this designation does not grant any form of control or ownership to the international body, it underscores the exceptional and singular qualities of the parks.

Significant Resources

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 1,370 feet to Mount Whitney, 14,500 feet, the highest point in the conterminous United States. The Parks encompass 865,964 acres of which 837,594 are designated or managed as wilderness.

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 lodge pole 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 Sierra Nevada bighorn sheep; more commonly observed species of wildlife include black bear, mule deer, and squirrels.

The Parks are diverse geologically. Granite bedrock has been scoured into rugged forms and polished by glaciers. There are more than 275 caves located within these parks. Thousands of visitors take guided tours of Crystal Cave each year.

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.

Legislative and Administrative Directives or Constraints

Enabling Legislation

Sequoia National Park was established as the nation's second national park on September 25, 1890. The primary purpose for establishing the park is described in the act's 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.

The legislation also stipulated that Sequoia National Park is to be a place “dedicated and set apart as a public park, or pleasuring ground, for the benefit and enjoyment of the people,” and it is to be managed “for the preservation from injury of all timber, mineral deposits, natural curiosities or wonders . . . [and for] their retention in their natural condition.”

One week later, on October 1, 1890, legislation was enacted that nearly tripled the size of Sequoia National Park and established General Grant National Park. This legislation extended the same protection to the new areas.

An act of July 3, 1926, again enlarged Sequoia National Park and instructed the Secretary of the Interior to establish regulations aimed at:

the freest use of said park for recreational 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 . . . and for the preservation of said park in a state of nature so far as is consistent with the purposes of this Act.

Kings Canyon National Park was established by an act of March 4, 1940. This act abolished General Grant National Park, added its lands to Kings Canyon National Park, and provided that the new park be “dedicated and set apart as a public park . . . for the benefit and enjoyment of the people.”

An act of August 6, 1965, added Cedar Grove and Tehipite Valley to Kings Canyon National Park and instructed that these lands be managed “subject to all the laws and regulations applicable to such park.”

The National Parks and Recreation Act of November 10, 1978 (Public Law [PL] 95-625), added U.S. Forest Service (USFS) lands in the Sequoia National Game Refuge to Sequoia National Park to “assure the preservation of the outstanding natural and scenic features of the area commonly known as the Mineral King Valley and enhance the ecological values and public enjoyment of the area.”

In 2000 Public Law 106-574 authorized the addition of the Dillonwood sequoia grove to Sequoia National Park.

Permit Review and Approval Authority

Regulations found at 36 CFR § 7.8 assign a review and approval authority to the Superintendent of Sequoia and Kings Canyon National Parks (NPS).

Privately owned lands—(1) Water supply, sewage or disposal systems, and building construction or alterations. The provisions of this paragraph apply to the privately owned lands within Sequoia and Kings Canyon National Parks.

No person shall construct, rebuild, or alter any building, water supply or sewage disposal system without the permission of the Superintendent. The Superintendent will give such permission only after receipt of written notification from the appropriate Federal, State, or county officer that the plans for such building or system comply with State or county standards.

Other Related Laws and Directives:

(Note: this list is not exhaustive, rather it is representative of the regulations, laws and directives considered in the drafting of this LPP).

National Park Service Organic Act
16 USC 1—4; Aug. 25, 1916, ch. 408, 39 Stat. 53511

Wilderness Act
16 USC 1131—1136; PL 88-577

National Environmental Policy Act of 1969 (NEPA)
42 USC 4321—4370d; PL 91-190

National Historic Preservation Act (NHPA)
16 USC 470—470x-6; PL 89-665, 96-515

Anti-Deficiency Act
31 USC 1341; July 12, 1870, ch. 251, 16 Stat. 251, PL 97-258

Antiquities Act of 1906
16 USC 431—433; June 8, 1906, ch. 3060, 34 Stat. 225

Archaeological Resources Protection Act of 1979 (ARPA)
16 USC 470aa—470mm; PL 96-95

Endangered Species Act of 1973
16 USC 1531—1544; PL 93-205

Land and Water Conservation Fund Act of 1965
16 USC 460l-4

Native American Graves Protection and Repatriation Act (NAGPRA)
25 USC 3001—3013; PL 101-601—460l-11; PL 88-578

American Indian Religious Freedom Act (AIRFA)
42 USC 1996—1996a; PL 95-341, 103-344

NPS Management Policies 2006

Oriole Lake (area specific information)**Significant Resources*****Natural Resources***

Oriole Lake 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.

Oriole Lake is a rare lake in the foothills environment. 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 commonly seen in the area includes mule deer, an occasional black bear, coyote, squirrels, chipmunks, and a variety of small birds.

Cultural Resources

Oriole Lake was homesteaded prior to the establishment of Sequoia National Park in 1890. This privately owned quarter section (160 acres) has been used for ranching, orchards, logging, and at one time there were plans for a lodge and tourist destination. Issues with road conditions and difficulties in funding construction prevented the growth of the area, and today there remains just four cabins that are used sporadically as mountain retreats.

The properties in Oriole Lake were considered not historically significant in the 1986 LPP. It is recommended that this assumption be verified on a case by case basis, if lands with existing structures are purchased in the future by the parks or building permits are submitted for review and approval. Most of the privately owned structures in Oriole Lake are not actively occupied or maintained by their owners.

Management Objectives

The management objective for the Oriole Lake area remains unchanged from the 1986 LPP, which 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. This was also the direction provided in the Parks' 2007 GMP, "acquire from willing sellers, restore, provide trail access, remove facilities, designate as wilderness."

Land Ownership

External Conditions

Located in a remote area at the end of a rough road Oriole Lake is a rare lake in the foothills environment in a remote area of Sequoia National Park; the area is surrounded by designated wilderness. Some day hiking occurs in this area, mostly by local park visitors.

Internal Conditions

Originally, Oriole Lake was a quarter section (160 acres) of privately owned property; currently there are six privately owned tracts with four cabins on 7.55 acres. Access is by way of a primitive narrow dirt road that is gated, restricting public access. The Park Service has negotiated with landowners to provide public pedestrian access to Oriole Lake. At one time there was a small airplane runway, which has been removed and the area returned to more natural conditions. The Park Service provides minimal services. The condition of water and sewer facilities is unknown.

As the inholdings are classified as Designated Potential Wilderness Additions and can achieve full wilderness designation upon cessation of "non-conforming" uses and follow-up administrative action, after acquisition and the removal of development, the area could be designated wilderness.

Compatible Use

Oriole Lake is a very small enclave of private holdings in an otherwise remote and undeveloped area. The access is by 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.

Acquisition History

Originally, Oriole Lake was a quarter section (160 acres) of privately owned property; currently there are six privately owned tracts with four cabins on 7.55 acres. Land was first acquired in the early 1970s, and to date the Parks have purchased 152.45 acres- the majority of which came as a single 146 acre undeveloped tract (1970-75).

Background on the Communities and Relationship with Parks

Social ties and activities at Oriole Lake continue to be almost non-existent at this time (from 1986-2012). 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.

The 1986 LLP discouraged development in Wilsonia and Oriole Lake. The cost of maintaining, operating, and using an extra home may also have contributed to the willingness of some property owners to sell to the NPS.

Wilsonia

Significant Resources

Natural Resources

Wilsonia 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 vegetated primarily by a mixed conifer forest dominated by ponderosa pine, Jeffrey pine, sugarpine, white fir, and incense cedar, with some understory brush, including green leaf 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.

Cultural Resources

Wilsonia is a primarily seasonal (summer) community which consists of private in-holdings and NPS-owned properties in Kings Canyon National Park (KICA), southeast of the Grant Grove Village area. This community was established as a homestead on 160 acres, prior to the park's designation in 1890. In 1918, the homestead was subdivided and the area was named "Wilsonia" after the President Woodrow Wilson. The subdivided property was then sold for summer cabin development. Most of the cabins in Wilsonia were built between 1919 and 1945.

In March 1996, the Wilsonia community was listed as a Historic District on the National Register of Historic Places. The following is the statement of significance from the 1996 National Register of Historic Places Registration Form:

"The Wilsonia Historic District is eligible to the National Register under Criterion A as a representative recreational mountain community developed between 1918 and 1945, the peak years in the broader context; of recreational mountain communities developed in California between 1850 and 1950. While its development patterns and architecture are typical of the period, Wilsonia is unique in two major ways. First, its land ownership as a privately-owned tract since its subdivision is distinct from that of the majority of recreational mountain communities in California which were built on federally-owned land. Second, Wilsonia's setting wholly surrounded by a National Park is uncommon. The combination of built and natural elements, the land ownership pattern, and the setting as an inholding within a National Park makes the Wilsonia Historic District a cultural and historic resource unusual within the context of recreational mountain communities in the State of California."

In 2011, the Wilsonia Historic District (District) successfully amended the original 1996 listing. The amendment expanded the period of significance in the recreational cabin district up through the mid-20th

century, ending with the introduction of newer, contemporary building forms during the 1960s and 1970s. The amendment identified the entire District as one contributing site and noted that the compatibility of the recreational community infrastructure with the character-defining aspects of the mountain setting, (e.g. natural vegetation, meadows, boulders, rock outcroppings, intermittent streams, and hilly terrain) provides the District with its unique historic character and sets this place apart from other recreational resources. This acknowledgement of a contributing site recognized that the character defining features of the community extend beyond just the built cabins.

Management Objectives

In the 1986 LPP, the management objective for Wilsonia was to eliminate residential development so that the area could be restored to its natural condition and enjoyed by all of the public rather than just a relatively few private land owners. This LPP redefines the Parks management objectives for Wilsonia.

The NPS mission as defined by the Organic Act of 1916 is "...to conserve the scenery and the natural and historic objects and the wild life therein." This mission statement puts equal value on natural and cultural resources; accordingly the management objectives for this plan will reflect conservation for all resources.

The NPS management objectives in this LPP reflect the District's nominations (1996 and 2011), to include consideration for natural and cultural features. Wilsonia will continue to be a mosaic of privately held residential tracts of land (with culturally sensitive structures) and "natural or wild" tracts (without structures) held and administered by the NPS.

The levels of residential use will be managed to minimize the effects on the natural environment including: soil disturbance; removal of vegetation (including hazard trees); waste water disposal; introduction of invasive plants; diversion of surface water flows; and displacement and/or unnatural concentrations of wildlife.

The levels of residential use will also be managed to minimize the effects on the cultural environment including: construction of buildings; camping; color of paint choices; architectural features; protection of archeological resources as may result from ground disturbing activities etc.

All building and waste water permits require NPS concurrence, per 36 CFR 7.8, will be reviewed for the protection of natural resource values and be subject to review in a historic preservation context (per the regulations in 36 CFR 800).

Land Ownership

External Conditions

Wilsonia is within the Grant Grove section of Kings Canyon National Park, which is surrounded by the Giant Sequoia National Monument of Sequoia National Forest (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 ranches 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.

Internal Conditions

There are 200 private tracts remaining in Wilsonia, amounting to 58 acres. Most tracts are small, individually owned cabin sites, although two tracts totaling 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 inholdings have been acquired by the NPS.

Wilsonia 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.

Compatible Use

Wilsonia will continue to be a mosaic of privately held residential tracts of land (with culturally sensitive structures) and "natural or wild" tracts (without structures) held and administered by the NPS. Existing cabins on NPS acquired lands should be removed or exchanged to meet long-term objectives, but continuation of current residential uses on privately held land is considered to be acceptable.

New construction or changes in the current use, condition, or size of structures will be evaluated, on a case-by-case basis, with consideration given to their impacts on natural resources and cultural resources. This review process would involve multiple parties: property owner; NPS; SHPO; Tribes; Tulare County. (36 CFR 7.8 and 36 CFR 800). [HTTP://WWW.ACHP.GOV/REGS-REV04.PDF](http://www.achp.gov/regs-rev04.pdf).

Acquisition History

Since 1931, the NPS has spent approximately \$2.5 million to acquire private land in Wilsonia. Federally-owned tracts are now interspersed with private lands.

The NPS first acquired private land in Wilsonia in 1931. A few additional acquisitions occurred through the 1950s, and acquisition increased from the 1960s until the early 1980s. The last acquisition occurred in 1983. Most of the federally-owned lots acquired during that period are now vacant as the NPS removed most of the cabins from the lots; however 12 NPS-owned structures remain in place, interspersed through the private land.

Background on the Communities and Relationship with Parks

Prior to the establishment of General Grant National Park 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-1940s.

Wilsonia 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 and some were built by the same family that owns them now. Many cabin owners spent significant portions of their youth at Wilsonia and have fond memories of experiences there.

Wilsomia 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. Few cabins are used as year-round residences.

The Wilsomia Cabin Owners Association (Association) was organized in 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 Wilsomia. The Association has generally taken a strong stand against NPS acquisition of cabins and property.

In 1996, the Wilsomia Historic District was listed in the National Register of Historic Places. The Wilsomia Historic District Trust (Trust) provided the impetus to secure this listing. The Trust has generally taken a strong stand against NPS acquisition of cabins and removal of cabins.

Common to Wilsomia and Oriole Lake

Regulation of Development and Use on Private Lands

The NPS has exclusive jurisdiction over much of the area of Sequoia and Kings Canyon National Parks, including the Wilsomia and Oriole Lake areas. The extent of jurisdiction means that the Park Service has the authority to adopt and administer land use regulations for these areas including (per 36 CFR 7.8) permit approval over water supply, sewage or disposal systems, and building construction or alterations.

Since 1996, with the Trust's listing of the Wilsomia Historic District in the National Register of Historic Places, the NPS must also review Wilsomia permits in a historic preservation context (as per the regulations found at 36 CFR 800). In particular, the NPS's review constitutes an "undertaking" as defined by the regulations and, thus, the provisions of Section 106 of the National Historic Preservation Act apply.

Review of Oriole Lake permits will evaluate, on a case by case basis, the need for historic structure considerations.

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, 1986 and are updated here as outlined below.

Acceptable Uses

1. Private family dwelling.
2. Improvements, changes, reconstruction, maintenance, or alterations to existing structures on privately owned lands that will not adversely affect a property, as defined by the nationwide programmatic agreement streamline review process between the NPS (as a federal agency) and the National Council of State Historic Preservation Officers are (2008) are acceptable.
[HTTP://WWW.NPS.GOV/HISTORY/HOWTO/PAToolkit/PROCESS.HTM#STREAMLINED](http://www.nps.gov/history/howto/patoolkit/process.htm#streamlined).
3. New construction or changes in the current use, condition, or size of structures can be evaluated, on a case by case basis, with consideration given to their impacts on natural resources and cultural resources. This review process can involve multiple parties: property owner; NPS; the California State Historic Preservation Officer (SHPO); Tribes; Tulare County and take an extended period of time. (See 36 CFR 800;
[HTTP://WWW.ACHP.GOV/REGS-REV04.PDF](http://www.achp.gov/regs-rev04.pdf)). NOTE: This is a change from the 1986 LPP.

With the listing of the Wilsonia Historic District all adverse affects to the District need to be evaluated, i.e., the NPS will no longer automatically approve changing the size of a structure (regardless of percentage), removing a structure or automatically disapprove the addition of a structure.

4. 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, as long as the existing sanitary facilities will accommodate the increased use.

Unacceptable Uses

1. Construction or reconstruction of buildings that are substantially different in size, location, or purpose from those removed or destroyed.
2. Intensification of use on developed or undeveloped land such as the introduction of: establishing a commercial business; grazing; harvest of timber; mining; long term occupancy by recreation vehicles, tents, house trailers or motor homes.
3. Subdivision, lot splits, or selling-off a portion of the land. Owners having an undivided or divided interest in the land are 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.
4. Any action that results in damage, as determined by Park subject matter experts, to natural or cultural resources or wildlife or scenery. These actions might include cutting timber, leveling the land, reroute a drainage that would cause silting of a stream, remodeling or destroying a structure, etc.
5. Creation of hazards that endanger Park visitors or other members of the public.
6. Adverse effects to contributing resources within any National Register listed historic district or changes that would adversely affect the integrity of a National Register listed historic district-without appropriate consultation (NHPA).

Permit Reviews

Old Process

Prior to the 1996 listing of Wilsonia as a historic district landowner proposals for additions, modifications, reconstruction, etc., were reviewed under a long-standing cooperative arrangement with Tulare County (County). Under this system, landowners applied to the County for a building permit, which was then reviewed by the County for technical code compliance and by the NPS for compliance with guidelines as provided for in the 1986 LPP for development and use. If the guidelines were met, the Park notified the landowner that the project was acceptable and a building permit was issued by the county.

New Process

Since 1996, with the listing of the Wilsonia Historic District in the National Register of Historic Places, the NPS must review permits in a historic preservation context (per 36 CFR 800) as well as for impacts to natural resources. In particular, the NPS's review constitutes an "undertaking" as defined by the regulations and, thus, the provisions of Section 106 of the National Historic Preservation Act apply.

Section 106 review will follow one of two paths:

- 1) A permit request proposes work that will not adversely affect a property within the National Register district, and/or, that falls within an already existing streamlined review process that can be used by the NPS to expedite preservation maintenance and repairs. This streamlined process is part of a nationwide programmatic agreement that was negotiated between the NPS as a federal agency and the National Council of State Historic Preservation Officers. *Programmatic Agreement Among the National Park Service (U.S. Department of the Interior), the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers for Compliance with Section 106 of the National Historic Preservation Act* (Programmatic Agreement) (2008)

NOTE: If the Permit proposes work that will not adversely affect a property, and/or, that falls within the streamlined review process then, the NPS's review of a permit can be accomplished relatively quickly.

See website for details:

[HTTP://WWW.NPS.GOV/HISTORY/HOWTO/PAToolKIT/PROCESS.HTM#STREAMLIN
ED.](http://www.nps.gov/history/howto/patoolkit/process.htm#streamlined)

- 2) A permit request is proposing work that will adversely affect a property or the character of the historic district, then, the full Section 106 consultation process for the undertaking must be followed (See 36 CFR 800: <http://www.achp.gov/regs-rev04.pdf>). NOTE: This process involves active consultation with the State Historic Preservation Office (SHPO) and can take a substantial amount of time.

After the proposed permit is reviewed by the NPS under these criteria the NPS will provide conceptual approval of the project via written authorization; the property owner will then submit their plans to Tulare County for review and approval for all code and other regulation compliance. If the plans are approved by the County without any changes, the permit can be issued and work can begin.

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 be in compliance with the mandate to preserve park resources and provide for their enjoyment by the people.

Land Use Regulations

The long-term objective for Wilsonia is to maintain a mosaic of privately held residential tracts of land (with culturally-sensitive structures) and "natural or wild" tracts (without structures) held and administered by the NPS.

The long-term objective for Oriole Lake is the elimination of the residential uses of the area, restoration of the area to natural conditions, and administrative conversion to designated wilderness.

The levels of residential use will be managed to minimize the effects on the natural environment including: soil disturbance; removal of vegetation (including hazard trees); waste water disposal; introduction of invasive plants; diversion of surface water flows; and displacement and/or unnatural concentrations of wildlife.

The levels of residential use will also be managed to minimize the effects on the cultural environment including: construction of buildings; color of paint choices; architectural features; etc.

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 will be used, with the noted caveat that, land use regulation is not a permanent solution but is appropriate as a 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.

Less than Fee Acquisition

Less-than-fee acquisition involves 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 NPS 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, less-than-fee instruments are not appropriate and do not meet the long term goals of the NPS.

Fee Acquisition

Fee simple acquisition is the acquisition of the full "bundle of ownership rights" in private tracts as they are offered for sale. This approach will permit the realization of the long-term parks objectives over an extended period of time, and represents a realistic view of budget possibilities.

Land Exchange

The exchanges considered under this LPP would involve improved federal properties for privately owned vacant lands within the Wilsonia subdivision. The estates to be exchanged would be the fee simple. The federal properties would be conveyed by quitclaim deed subject to certain use restrictions outlined below and valid third-party rights of record (if any). The private lands would be conveyed by warranty deed to the United States subject only to valid third-party rights of record and encumbrances acceptable to the Dept. of Justice. (See 16 U.S.C. 4601-22(b) for other specific exchange requirements.)

A restrictive covenant would be developed for each federal property to be exchanged in order to ensure the preservation of historic structures on the property. The restrictive covenant would require the private grantee to maintain the historic structure, at grantee's expense, in a manner consistent with its listing on the

National Register of Historic Places. The private grantee would be responsible for preparing Historic Structure Reports (HSRs) and treatment plans consistent with the *Secretary of the Interior's Standards for Treatment of Historic Properties*. The federal grantor (NPS) would retain the right to review and approve all proposed construction, alteration, repair, maintenance or reconstruction for the building(s) or grounds, including construction, alteration, repair, maintenance or reconstruction due to casualty damage of the building or premises. This review would be coordinated with SHPO and the Advisory Council for Historic Preservation. Failure to adequately adhere to the terms of the restrictive covenant could result in reversion of the property to the United States.

Social, Cultural and Economic Impacts

The policy of acquiring fee interests from willing sellers could result in changes to the composition of Wilsonia over an extended period of time. Because the long-term objective for Wilsonia is to maintain a mosaic of privately held residential tracts of land (with culturally sensitive structures) and "natural or wild" tracts (without structures) held and administered by the NPS, the overall impacts to Wilsonia will be minimal.

The impacts occurring to the Oriole Lake area would be relatively minor given the limited number of dwelling units and the limited amount of use that must receive.

Recommendations

Fee acquisition is recommended as the preferred land protection method for all tracts in Wilsonia and Oriole Lake. However, it is recommended that acquisition be limited to willing sellers.

Because acquisition and restoration of the many developed properties is many years away, it is recommended that federal land use regulations continue to be promulgated and administered as an interim land protection approach. Land use regulations will provide both for maintenance of the historic 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 and memorialized in a formal agreement.

First priority for acquisition or exchange 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, removal of structures, or other actions to 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 (P.L. 91-646), which requires them to offer to purchase land at not less than its appraised fair market value.

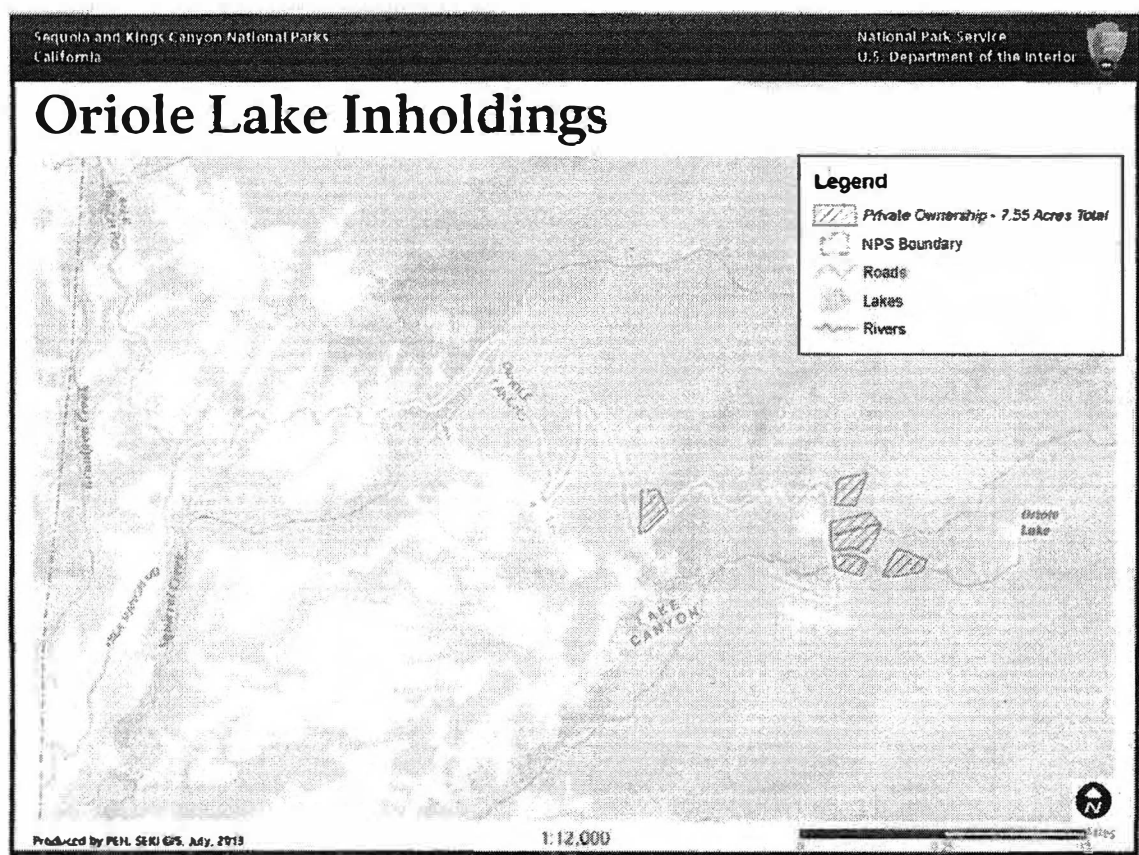
At the same time, however, the Government may receive donations of the full or partial value of the land. Donation may provide the landowner with tax benefits. A qualified tax advisor should be consulted for details. The bargain sale of land to the NPS at less than its fair market value results in part 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.

The NPS 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 minimizing the need for the use of appropriated funds. The exchanges considered under this alternative would involve improved federal properties for private vacant lands within the Wilsonia subdivision. The estates to be exchanged would be the fee simple. The federal properties would be conveyed by quitclaim deed subject to certain use restrictions protecting cultural and natural resources, and valid third-party rights of record (if any). The private lands would be conveyed by warranty deed to the United States subject only to valid third-party rights of record and encumbrances acceptable to the Department of Justice.

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

Appendix A: Map of Oriole Lake



Appendix B: Map of Wilsonia



Appendix C: Map of Sequoia and Kings Canyon National Parks

