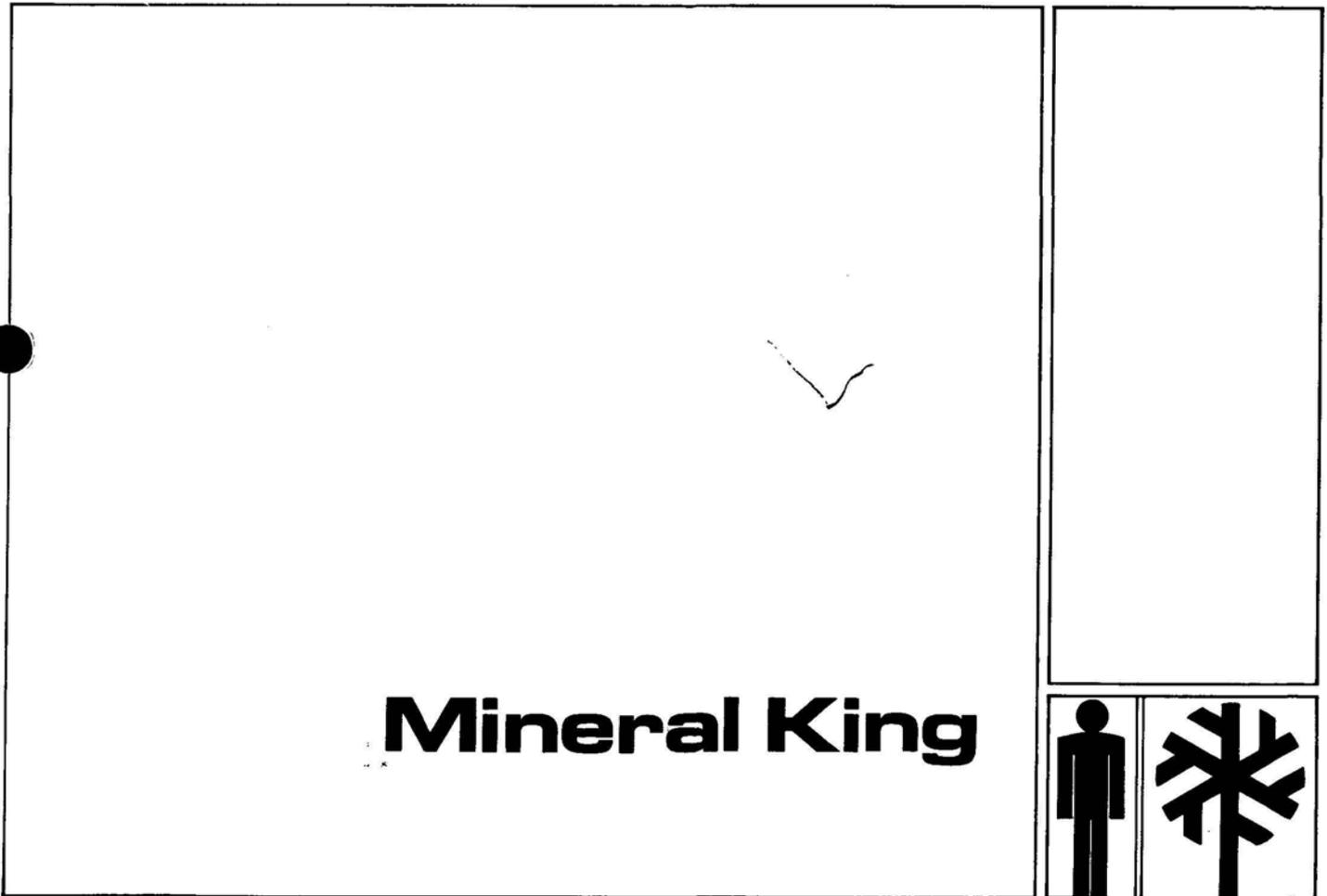
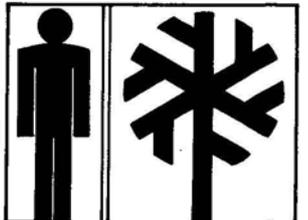


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**Land Protection Plan
February 1984**



Mineral King



Sequoia-Kings Canyon National Park/California

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NATIONAL PARK SERVICE/DEPARTMENT OF THE INTERIOR

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LAND PROTECTION PLAN

SEQUOIA NATIONAL PARK

MINERAL KING VALLEY

Recommended:	<u>Boyd Everson</u>	<u>4/12/83</u>
	Superintendent	Date
Approved:	<u>Howard H. Chapman</u>	<u>2/6/84</u>
	Regional Director	Date

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. PURPOSE OF THE UNIT AND RESOURCES TO BE PROTECTED	4
III. NON-FEDERAL OWNERSHIP AND USES	15
IV. DESCRIPTION AND ANALYSIS OF METHODS FOR LAND PROTECTION	25
V. RECOMMENDATIONS	34
APPENDIX A	SUMMARY SHEET
APPENDIX B	PUBLIC LAW 95-625
APPENDIX C	TULARE CO. ZONING ORDINANCES
APPENDIX D	WILDERNESS MAP
APPENDIX E	PHOTOGRAPHS
APPENDIX F	ENVIRONMENTAL ASSESSMENT

MINERAL KING LAND PROTECTION PLAN

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 (48 FR 6676) on February 14, 1983, a proposed interpretation of the above policy which requires the preparation of land protection plans for units of the National Park System where private land exists within the authorized boundary. The publication also contains procedures for the preparation of the plans.

B. Purpose of the Plan

This Land Protection Plan is being prepared for the Mineral King addition to Sequoia National Park, an area 16,200 acres in extent, embracing Mineral King Valley and lands adjacent to it--referred to in the remainder of this document as Mineral King. The Land Protection Plan is intended to ensure the protection of the resources within the unit consistent with the purposes for which the park was established. For private lands within Mineral King, the plan will address compatible and incompatible uses, determine any fee acquisition needs, recommend less than fee alternatives where reasonable compatible private uses may be allowed, identify priority protection actions, and recommend possible methods of acquisition or alternative means of protection. The plan is prepared as part of the park's overall general management planning process and is subject to revision on a biennial basis.

After the preparation of the Land Protection Plan for Mineral King, plans for other units of private land, Wilsonia and Oriole Lake in Sequoia and Kings Canyon National Parks, will be prepared. Separate plans are necessary due to differences in the procedures and legislative authorities for justifying acquisition expenditures in "new" park additions such as Mineral King and older park areas, in this case expenditures for Oriole Lake and Wilsonia within Sequoia and Kings Canyon National Parks.

The major issues to be addressed at Mineral King are: (1) whether to plan for fee acquisition of developed lands or to seek other means of protection based on the compatibility of continued private use, (2)

whether undeveloped lands are needed for park purposes and whether they may be protected in private ownership or through acquisition of less than fee title; (3) assess what actions would be appropriate, if any property were subjected to uses identified as incompatible in the plan.

C. The Plan as a 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 THE UNIT AND RESOURCES TO BE PROTECTED

A. Background

Mineral King was added to Sequoia National Park by Public Law 95-625 on November 10, 1978 to (1) "assure the preservation for this and future generations of the outstanding natural and scenic features of the area known as Mineral King Valley; (2) enhance the ecological values and public enjoyment of such area by adding such area to Sequoia National Park."

The Statement for Management, Sequoia/Kings Canyon National Parks contains the following objectives applicable to Mineral King:

- Restore and/or maintain the natural ecosystems so that ecological processes may be perpetuated and may operate in a relatively undisturbed manner
- Provide quality opportunities for visitor understanding and enjoyment of the area's resources
- Eliminate all incompatible uses
- Cooperate with other agencies and outside interests in the development of plans and major management programs
- Maintain a high level of visitor and employee protection through effective programs in law enforcement, safety, and public health
- Limit National Park Service and concession development to that which is necessary and appropriate for the public use and enjoyment of this area, and eliminate or relocate facilities that intrude on the primary resources.

A master plan for Sequoia and Kings Canyon National Parks was completed in 1971. Reflecting the expressed intent of the legislation that established the Parks; the master plan recognized the two great environments in the southern Sierra as being the sequoia forests and the alpine

high country. The sequoia environment is adequately featured in both parks; however, the remote highcountry has been the exclusive domain of the equestrian and backpacker. The addition of Mineral King has for the first time provided an easily accessible alpine setting and given full park protection for use by the general public.

MANAGEMENT OBJECTIVES

Preparation of a comprehensive management plan to supplement the master plan was directed by P.L. 95-625 which added Mineral King to Sequoia National Park. That plan was completed in November of 1980 and gives the following visitor use and resource management direction to development in the area:

Cabin Cove

No actions are proposed for this area. Permit cabins will remain for no longer than the lifetime of the owner of record as of November 10, 1978 as provided for in Public Law 95-625.

Silver City

Actions proposed for Silver City are directed toward maintaining the character of the area and the types of uses that occur there, including a moderate amount of accommodations and visitor services. Specific actions will include replacing NPS trailers with architecturally compatible housing, initiating a revegetation program, defining circulation routes, and maintaining visitor services and accommodations at existing levels.

Faculty Flat

Faculty Flat will be managed as a threshold to the alpine environment. Activities occurring in this area will remain. Specific actions will include replacing the ranger station in its present location and expanding the Coldspring campground. The new ranger station will be used to provide information and orientation services, and it will also allow for the collection and display of artifacts relating to the historical periods of Mineral King. It is recommended that existing campsites in the Coldspring campground be rehabilitated and that 12 new sites be added in the vicinity of Mosquito Creek. This will provide management with the option of designating individual campsites for short-term use by backpackers, and provide sufficient additional spaces to satisfy peak demand. Permit cabins will remain for no longer than the lifetime of the owner of record as of November 10, 1978 (P.L. 95-625).

The Valley

The addition of Mineral King Valley to Sequoia National Park offers for the first time an easily accessible alpine environment for visitor use. The valley will be managed as an outstanding natural feature of the Mineral King study area. Due to inherent environmental factors, including avalanche hazards, sensitive deer fawning areas, and esthetic value, it is the conclusion of the planning effort that the valley should be kept free of new development. Existing trails will be used to create an interpretive loop trail that will extend from Faculty Flat to points of interest in the valley. Use of existing parking areas will be controlled so as not to exceed the 200-car capacity. Permit cabins will

remain for no longer than the lifetime of the owner of record as of November 10, 1978 (P.L. 95-625). The pack station will remain in its present location.

B. Resources

The Mineral King Valley is characterized by bare granite and metamorphic rock at higher elevations, and colluvial deposits on the valley floor. Many alpine lakes formed in cirques and glacial moraines and debris are interspersed throughout the area.

Avalanche activity is very high in the area due to routine heavy snowfall, steep slopes, and general weather conditions.

The alpine setting receives an approximate average snowpack of 60 inches at the valley floor, 70 inches at 8,000 feet, and more than 90 inches above 10,000 feet. Water quality is generally considered excellent though elevated coliform bacterial counts have been found in the East Fork of the Kaweah during periods of low flow and high visitor use. Summer's high temperatures average in the high 60's to mid 70's with nighttime cooling off to near 40. Winter temperatures average in the mid 30's although temperatures between 0 and 10 can be expected.

Air Quality at Mineral King is generally considered to be excellent.

The vegetation of the Mineral King area is primarily mixed conifer forest interspersed with brushland in areas shaved by avalanches, scattered meadow and riparian areas and alpine areas. There are significant stands of Giant Sequoias in the Atwell Mill area and along the East Fork of the Kaweah River. The easternmost area of the valley

proper (accessible by road) is predominantly open, largely as a result of avalanches, and gives the impression of a truly alpine environment. Wildlife within Mineral King varies with the habitat. A variety of small birds and mammals are found in the area. Pikas, marmots, Clark's nutcrackers, and gray crowned rosy finches are common, and golden eagles are occasional residents. Coyotes, gray foxes, mountain lions, and bobcats are infrequently seen by residents. Black bears are often seen in populated areas searching for food. Rainbow trout were regularly stocked in Mineral King waters until recently. The Mineral King deer herd was the primary reason for establishment of the Mineral King Game Refuge in 1925. This deer herd has been the subject of intense public concern and management efforts since that time. The herd now fluctuates between 350 and 1000 animals that summer in the Mineral King area and winter near Three Rivers. The herd is to be monitored and adjustments in harvest outside of the park may be coordinated with California Department of Fish and Game, Bureau of Land Management, with local sportsman input.

Three archeological surveys have been conducted by NPS archeologists in the Mineral King area: Jennings and Kisling 1971, Moorehead 1975, and Kamp and Whittaker 1979. These surveys have indicated a light prehistoric occupation, possibly sporadic summer use for hunting and trans-Sierra travel. The surveys identify 14 prehistoric sites, including one that appears to qualify for the National Register of Historic Places. Most of the sites are small bedrock mortar sites with at most a few artifacts. They are all in the main valley near the East Fork Kaweah River, on relatively flat land with good bedrock outcrops.

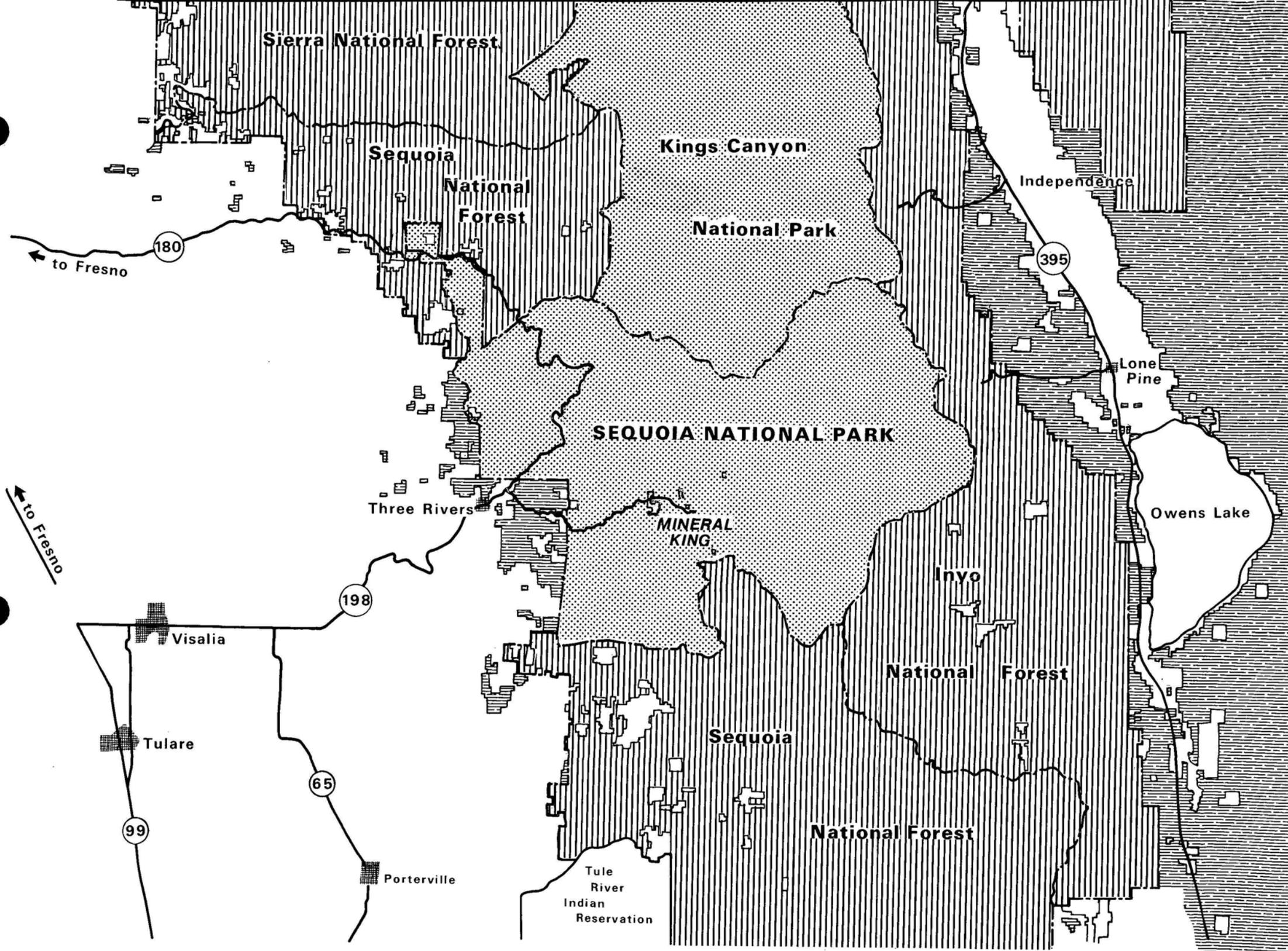
Two groups of people originally occupied the area, Monache and Tubatulabal, and two other groups, Owens Valley Paiutes and Yokuts, seasonally made use of park lands.

Visitor Experience

The unique beauty of this broad alpine valley is accessible by road, yet is intruded on by very little evidence of modern human impacts--and much of that evidence will gradually be removed. Its accessible, highly scenic qualities make Mineral King a resource worthy of particular care in its management and protection. Visitors today to the Mineral King Valley have the opportunity to see and experience this high alpine valley with open vistas of rocky slopes, interspersed with pine forests, and dotted by many hidden lakes linked by alpine brooks. Visitors hiking or horse riding the area will encounter many representatives of the animal kingdom. The remnants of mining activities may be occasionally observed, but are not obtrusive as they are left to decay through the effects of the elements. Visitors may see and enjoy many of these features from along the road, and the remainder within relatively easy walking distance. Mineral King is a major backcountry trailhead access location, as well. The assured continuation of opportunities to enjoy the area's unique qualities is a basic reason for its addition to the park.

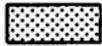
C. Legislative Authorities

The National Park Service is authorized to acquire privately owned land in Sequoia and Kings Canyon National Parks under authority of a variety of statutes. Section 314 of Public Law 95-625 states that within the



LAND OWNERSHIP & BOUNDARY MAP

National Parks



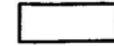
Public Domain (BLM)



National Forests



Private Land

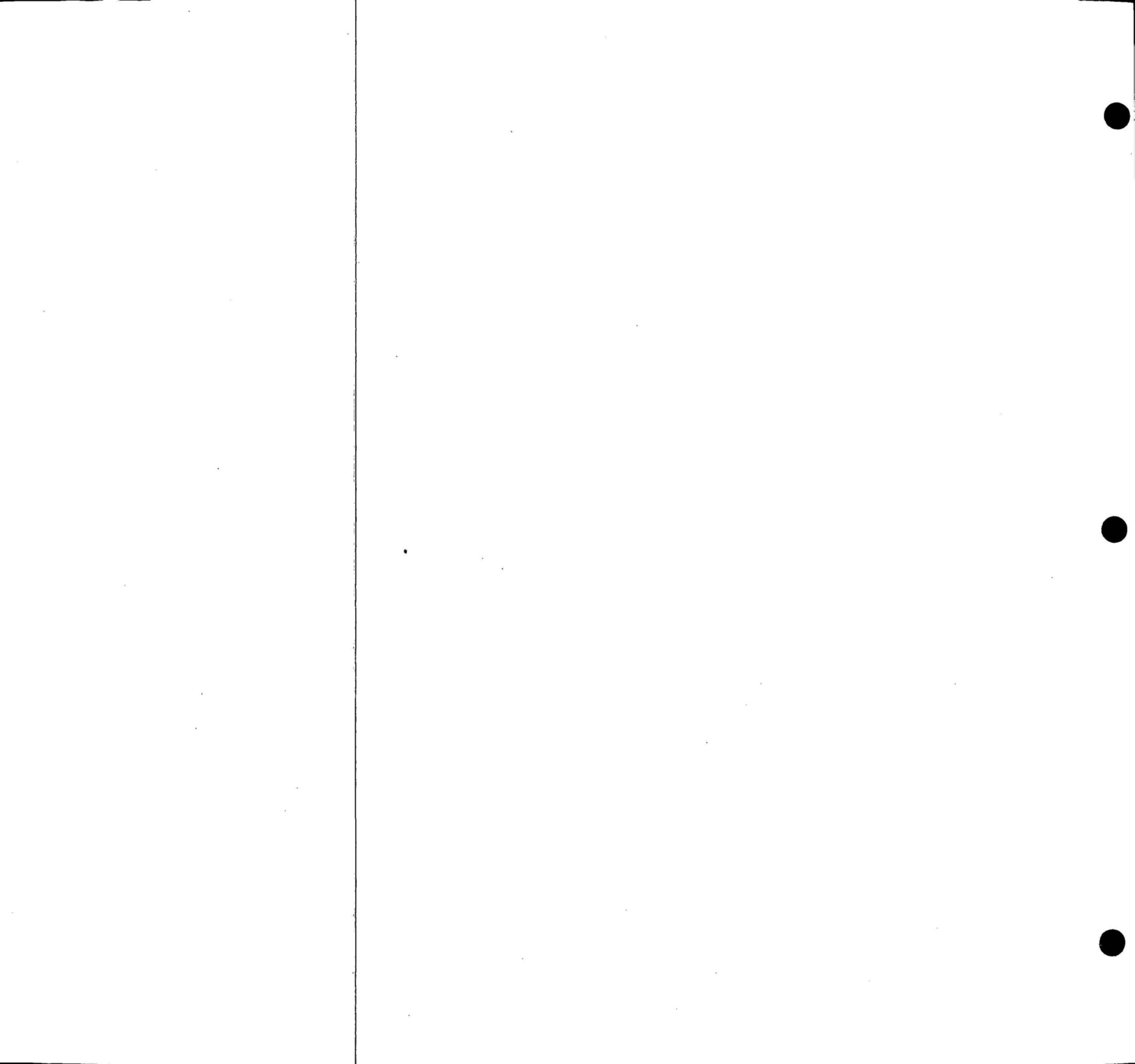


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boundaries of the area added to the park, the Secretary of the Interior may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, exchange or transfer from other Federal agencies. The law also authorizes the appropriation of such funds as may be necessary for land acquisition and allows the Secretary to permit landowners to retain the right of use and occupancy in certain circumstances in the event of acquisition. The Federal Government possesses the sovereign power of eminent domain to acquire private property for public purposes if necessary.

D. Social, Cultural and Economic Influences

Mineral King is located in Tulare County. Tulare County has a population of 246,000 (1980 census), and a per capita income of \$6040. About half of the County's population is urban and half rural. The major employment in the County is agricultural followed by government, transportation, communications, and utilities. The community of Three Rivers, located 30 miles east of Visalia, is a gateway community for Mineral King.

The history of Mineral King has had much to do with current social, cultural, and economic conditions of the area. The Mineral King area was first reported in 1864 by Harry O'Farrell, a provisioner for government crews building the Hockett Trail.

The major early use was for mining and related activities. The first mining claim, located for silver, was filed in 1873 on the White Chief Mine. Subsequently, Mineral King was organized as an official mining district. During the fall of 1873, a total of 65 claims were filed, and

mining activity increased over the next few years, resulting in a town, sawmill, smelter, and a road from the San Joaquin Valley to Mineral King. By 1880, with no suitable flux found for smelting ores, the valley's major mining company, the Empire Mine, had filed bankruptcy, an avalanche had destroyed several cabins, another of the major mine operators was in serious financial trouble, and mining operations were definitely declining. Although small mining operations continued until 1929, closure of the Empire Mine in 1882 signaled the end of the mining period in Mineral King.

After the mining era of the 1870's and early 1880's, Mineral King was primarily used for recreational purposes including hiking, stock pack trips, horse and mule rides, and summer cabin residences. The spectacular alpine scenery accessible by the mining road drew visitors to the area very early after the mining era ended. By the turn of the century it was not uncommon for families from the hot San Joaquin Valley lowlands to vacation at Mineral King during the summer. Early visits to the southern Sierra by prominent conservationists, alone and on group trips, helped to popularize the backcountry excursions that continue today in and from the Mineral King Valley.

In the early 1900's, the Mt. Whitney Power Company claimed four of the high altitude lakes--Eagle, Crystal, Monarch and Franklin--to supplement their electrical generating capacity during the dry summer months. The Mineral King Road was built during the 1870's and 80's mining boom principally by the Mineral King Wagon and Toll Company which finished it in August of 1879. The company subsequently sold its road and right-of-

way to Tulare County on January 2, 1885. Tulare County operated and maintained the Mineral King Road up through 1982. On March 8, 1983, Tulare County quitclaim deeded the portion of Mineral King Road within the park to the National Park Service. There will be an increased level of maintenance attention to such things as drainage, paving, etc., as funding for road maintenance permits; but width and alignment of the road will remain essentially unchanged.

From 1907 until it was added to Sequoia National Park, the Mineral King Valley was managed by the U.S. Forest Service as part of Sequoia National Forest. In addition, Congress established the Mineral King Game Refuge in 1925 to further safeguard the wildlife of the valley. The Forest Service emphasized management of the game preserve wildlife values, associated recreation and other appropriate multiple uses. Recreation use has increased over the years, leading to the development of a campground, summer cabins on private land and under permits originally allowed by the Forest Service. With the Mineral King Road being one of the very few penetrating deep into the high Sierra, it became a major trailhead for access into the southern high Sierra backcountry. Summer cabins permits were allowed by the Forest Service as early as 1900. The permittee owns only the cabin and any other outbuildings, and must comply with certain permit conditions, in the interest of preserving the Park's natural and cultural resources and controlling any impact on visitors to the area. The permittee does not own the land. The Mineral King legislation (P.L. 95-625) provides that the permits may be renewed or extended for additional successive five-year periods but "only to those persons who were lessees or permittees of record on the

date of enactment of this act." It further provides that the permit may be terminated if the Secretary of the Interior determines that it is incompatible with administration of the Park.

There are seven permittee cabins at Cabin Cove, 38 at Faculty Flat and 22 in the valley, for a total of 67 cabins.

The 160 acres of private land on which Silver City is now located was patented in 1890 for the sawmill site. Cabins were built at the site during the time the sawmill was operating. Since that time the existing cabins and additional cabins built at Silver city have been used primarily for summer recreational purposes. The 28 cabins and country store/restaurant and eight motel cabins form a small mountain community with a family atmosphere each summer season. The Silver City store/cabin commercial complex came into being out of a need for services and supplies for the summer residents and visitors to the valley.

The U.S. Forest Service had contemplated intensive recreational development of Mineral King since the late 1940's. In 1969, the Forest Service approved in concept a master plan for a ski resort development in Mineral King by Walt Disney Productions. The plan envisioned a 35 million dollar complex of ski lifts, campgrounds, hiking trails, overnight accommodations for 6,000 people, food services, and medical, recreational, informational, and utility facilities "to meet public needs." The Disney concept proposed to provide access to the valley with a new road to be constructed to Oak Grove above the town of Three Rivers where a multi-story parking facility would be built. From that

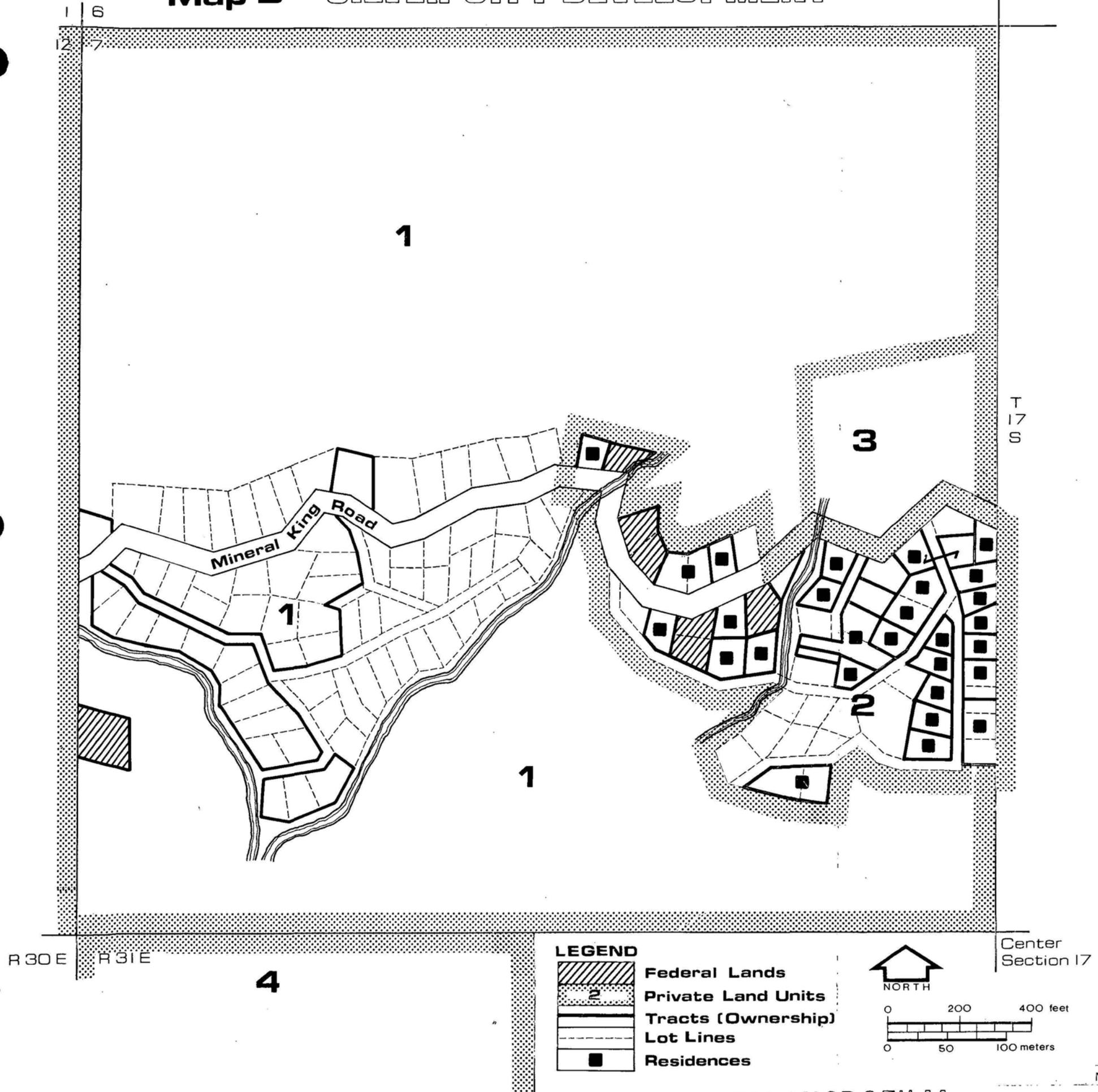
site, access would have been provided by a cog railway and/or a bus transportation system.

In June 1969, the Sierra Club filed suit against the Secretaries of Agriculture and Interior to block issuance of the permits required for construction of the project and for access through National Park lands. After years of litigation, the suit was finally resolved by the legislation adding Mineral King to Sequoia National Park with a specific section stating that "...the development of permanent facilities for downhill skiing in the area would be inconsistent with the preservation and enhancement of its ecological values."

Many of the current landmarks in the Mineral King area are reminders of early explorers and developers of the Mineral King Valley. Much of the privately owned property has retained its association with a particular family for more than one generation, and there are long-standing close personal ties among many of the residents. Similar continuity is evident among cabin permittees. The central focus of social and cultural activity currently is the Silver City Store/Restaurant.

Map B

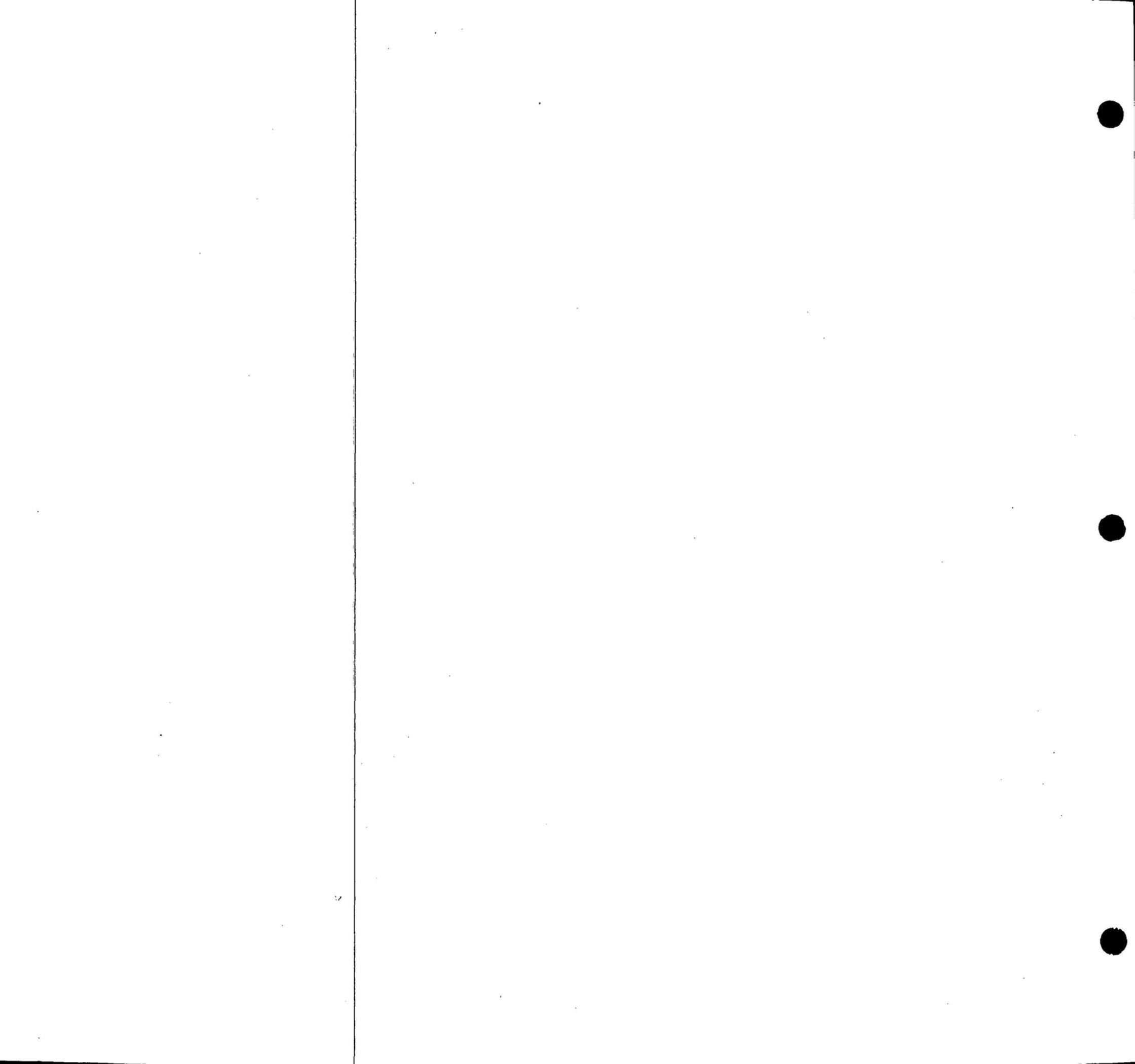
SILVER CITY DEVELOPMENT



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III. NON-FEDERAL OWNERSHIP AND USES

A. Non-Federal Ownership

For purposes of this plan the non-Federal land within Mineral King Valley has been broken into several categories according to land character (terrain, vegetation, water), current uses (development level, roads, trails, etc.), and past use (logging, mining, etc.). In addition, each private unit of land within the land categories has been given a number for purposes of identification and assessment in the plan. Thus the 3 widely scattered private land units of Trail Accessible Natural Environment are labeled #5, 6, and 9 on the maps, tables and text of the Land Protection Plan. Land units are shown on Maps A and B following page 14 in the plan.

Category I - Natural Environment (land units 1, 5, 6, 7 & 9)

A. Road Accessible - The lands in this category are characterized by moderate to steep slopes that are highly visible to the Park visitor from the entrance road. The steep terrain of Mineral King contributes to numerous snow avalanches which create the open alpine appearance. Although lands in this category are highly accessible for development, avalanche hazards on land unit 7 pose serious drawbacks to any potential development. The undeveloped private lands at Silver City are included in this category as shown on Map B as land unit 1. The Mineral King Road divides land unit 1 approximately through the middle. Part of the area was selectively logged over in 1976, but no permanent structures were erected on it, and the area is being allowed to return to natural conditions. There are several mature sequoia trees in the northwest

portion of the land unit. One small tract has recently been acquired (see Map B). Three small creeks course through the unit, from which drinking water for the Silver City residences and commercial facilities has been obtained. A few wells have been drilled recently to augment the culinary water supply.

A 23.75 acre tract of land near Faculty Flat (land unit 7) is included in this category. There is little evidence remaining of past mining or lumbering activity in the area.

B. Trail Accessible - This includes the non-Federal land generally on the south side of the East Fork of the Kaweah River in sections 7 and 18, T. 11 S., R. 31 E., (land unit 5) and the following tracts - 16.63 acres near Timber Gap (land unit 6) and 20.66 acres near White Chief Lake (land unit 9). These units are in near-pristine natural condition, having no development other than the near century old mines and/or remnants of historical mining activities and the intake for the Kaweah Han's hydro power plant. No significant visual impacts remain on these land units. Together, this category contains the largest amount of private land in Mineral King, almost 470 acres.

This category is characterized by remote wilderness quality natural environment mostly at higher elevation. The two higher elevation land units are pristine High Sierra backcountry. Any use of these lands for other than park purposes would have a high impact on Mineral King's resource integrity and esthetic qualities.

Category II - Silver City Development (land units 2 & 3)

A. Residential - This category, (land unit 2), includes the land located in the Silver City developed area. There are 28 existing cabins in the development on lots accessible by dirt road from the Mineral King Road. Approximately 16 subdivided lots remain in this land category with no cabins on them. The existing cabins are single family residences.

The Silver City community is composed of a group of people, many of whom have strong historical ties to the Mineral King area. Many of the cabins have been in the same family through two to three generations. Several of these cabins' owners trace back to early explorers and developers of Mineral King. A small creek cuts through the development, providing a source of water for the residences.

B. Commercial - The gathering place for private land owners at Silver City is the store/restaurant/rental cabins, within land unit 3. It is convenient to the majority of the private cabins and is easily accessible by foot from most of them. Generally called the "Silver City Store," it has the appearance of a country general store complete with a hand pump gasoline service in front. Home cooking and family oriented service now characterize the restaurant. Associated with the restaurant is a small market which also serves as the registration office for the eight simply designed rustic rental cabins. The store hosts weekly social events each season which draw private and permit cabin owners along with Park employees and some visitors. The store adds measurably to the rural/country feeling of the area. Modernization or significant expansion of the complex could unacceptably alter the rustic character

of the facility and would be contrary to the comprehensive plan for Mineral King. The seasonal period of operation is based on weather conditions and runs approximately from June 1 to November 1. The facility provides convenient visitor support services.

Category III - Special Use (land unit 4)

This area of non-Federal land of approximately 60 acres is north of the East Fork of the Kaweah River on Section 7, T. 17S., R. 31E. land unit 4 is mostly forested and in a natural state. Access on the property is across a steep, heavily wooded slope with a narrow, winding road leading from the Mineral King Road at Silver City to the Kaweah Han Lodge near the East Fork which forms the southern limits of the land unit. The lodge complex includes a caretaker's house and features a classic handcrafted private residence in a highly scenic natural environment. The structures are of a unique design, with many special features beautifully crafted into them. They are now over 50 years old and still in very good condition. The lodge and the caretaker's residence may be eligible for nomination to the National Register of Historic Places. The present residential use of Kaweah Han is compatible with park values and the buildings merit continuing protection from major modification or destruction.

Category IV - Public Use (land unit 8)

The 5 acre unit on non-Federal land at the end of the Mineral King Road in the valley is located near several key trailheads that lead to portions of Mineral King Valley and extensive backcountry areas. Land unit 8 is a key to needed access to these backcountry areas and to

management of visitor use within the valley. It is located next to the East Fork, on fairly flat terrain with low streambank vegetation and some trees. A cabin exists on the northeast corner of the land unit under long term lease from the present landowner. Lands in this category are critical to public access to, and enjoyment of the Park and other public lands. They are also highly visible from much of the surrounding wildlands.

B. Private Landowner/Public Involvement

Recent public involvement concerning private property in Mineral King began with meetings between the Park staff and cabin owners in the fall 1982, to explain the land protection planning effort. Discussion at these meetings identified the following initial interests and concerns on the part of many private landowners: preference to maintain the existing character of the developed area, any new development should be limited to summer cabins similar to those at present, a few more (but unspecified number) cabins of like size and design would be acceptable, maintaining existing commercial services on private land would be desirable but no significant change in the kind of commercial facilities, no consumptive uses on private land (logging, etc.) and no significant upgrading of the Mineral King Road.

On February 16, 1983, the Park distributed a letter and news release which explained the land protection planning effort, and a questionnaire solicited comment on the various forms of control, extent of interest to be acquired, and method of payment for acquiring interest. Comments were received from 8 land/cabin owners, 16 cabin permittees, 16 generally

interested persons, 2 conservation organizations, and 2 Government agencies. Most agreed that some form of land use control is needed, and most property owners felt it could be best exercised by Tulare County. Most were in favor of preserving the present character or "present surroundings." Most agreed that NPS acquisition or control of private holdings should be minimal, based on a specific demonstrated need and should be paid for in cash at fair market value. Conservation groups recommended acquisition of full fee title in most cases, although partial interest was viewed as appropriate in a few situations. The Forest Service made no comment and the California Fish and Game Department recommended full fee title to private land be acquired.

C. Potential Compatible and Incompatible Uses

1. Compatible Uses - Uses and activities on private lands within the Mineral King area of Sequoia National Park that are compatible with preserving park values are as follows:

- a. Recreational activities related to enjoyment of the outstanding natural scenic features of the area. This includes hiking, backpacking, horse riding, camping, or enjoying the superb alpine environment from the Mineral King Road.
- b. Continued occupancy of existing residences on private lands and operation of existing commercial facilities within the established character of the area.
- c. Maintaining existing roads and trails on substantially the same alignment and at current standards to preserve the area's character.

2. Incompatible Uses - The following examples of uses and activities on private lands within the Mineral King area have the potential for unacceptable impact on natural or cultural resources, or may impair visitor enjoyment of the area, and are thus categorized as incompatible:

- a. New residential and/or commercial buildings on undeveloped land
- b. Increasing intensity of developed land uses
- c. Activity or development that blocks access to Park lands
- d. Subdivision of vacant land
- e. New roads or trails
- f. Any consumptive use such as logging, mining, grazing, etc.

TABLE I

CATEGORY OF LAND	PRIVATE LAND UNIT	COMPATIBLE USES	INCOMPATIBLE USES
<u>I. Natural Environment</u>			
A - Road Accessible	1,7	<ul style="list-style-type: none"> • Preservation of Natural Environmental/open space • Dispersed recreation 	<ul style="list-style-type: none"> • Development for residential/commercial or recreation use • Subdivision of land
B - Trail Accessible	5,6,9	<ul style="list-style-type: none"> • Same as IA, Road Accessible except no roads 	<ul style="list-style-type: none"> • Same as IA Road Accessible
<u>II. Silver City</u>			
A - Residential	2	<ul style="list-style-type: none"> • Upgrading residences and additions in conformance with code & zoning ordinances established as recommended in the Plan (P.23-25) • New cabins on vacant lots within designated residential area 	<ul style="list-style-type: none"> • New commercial development • Residential use not in conformance with codes & ordinances established as recommended in the Plan (P.23-25) • New roads or paved roads
B. - Commercial	3	<ul style="list-style-type: none"> • Maintain/upgrade existing commercial facilities 	<ul style="list-style-type: none"> • Significant expansion of commercial facilities
<u>III. Special Use</u>			
	4	<ul style="list-style-type: none"> • Existing Kaweah Han resort/residential use • Same as IA 	<ul style="list-style-type: none"> • Change of existing use • New development
<u>IV. Public Use</u>			
	8	<ul style="list-style-type: none"> • Recreation activities as prescribed by comprehensive management plan 	<ul style="list-style-type: none"> • Commercial/residential use or development

D. External Conditions

The non-Federal lands within the Mineral King area are completely surrounded and buffered on all sides by Park land. External conditions and activities have little effect on the non-Federal land in Mineral King.

External influences on Park lands are being monitored, and are dealt with in other plans (Natural Resource Management Plan, 1982, Acid Precipitation Study Documents, 1982).

E. Influence of County, State and Federal Controls - Development on non-Federal land within the Mineral King area is regulated by Tulare County zoning ordinances and California health standards. State health standards are administered by the county. County zoning sets parameters on the type of use (e.g., residential, agricultural, commercial), building heights, lot size, set backs, and signing.

The California Water Quality Control Board has adopted strict standards that are applied through Tulare County building permit approvals for treatment of waste water from the commercial and residential buildings in the Mineral King area.

Tulare County has zoned Category I, III & IV Private Lands, Rural, Residential, and Category II lands have been zoned Single Family Residential. More detailed information on county zoning ordinances and state health standards is provided in Appendix C.

The draft Land Protection Plan proposed that the character of development on Category II lands be regulated in accordance with a memorandum of understanding between the county, the landowners and the NPS. The Tulare

County Board of Supervisors advised the NPS that they do not wish to enter into any such agreement. They feel that doing so would amount to an improper yielding of county authority.

F. Previous Acquisition

Since 1978, when Mineral King was added to Sequoia National Park, 41.94 acres have been acquired by purchase in six tracts. No interests have been retained by the sellers. There are presently 712.97 acres of private land within the Mineral King Planning Unit. There is no ceiling on acquisition expenditures at Mineral King. Acquisition expenditures to date total \$100,750 and there is an unobligated balance of \$534,000 appropriated. There have been no condemnations or declarations of taking to date.

IV. DESCRIPTION AND ANALYSIS OF METHODS FOR LAND PROTECTION

A number of alternative land protection measures were considered in arriving at the most effective and cost efficient means of insuring the long term integrity of Mineral King's resources. The alternatives for land protection in Mineral King must assure preservation and restoration of the natural environment, and enhance ecological values and public enjoyment of the area.

The land protection measures considered were also selected based on their compatibility with desirable uses of the various categories of private lands and their ability to prevent any incompatible use of the lands, as defined in the plan.

A. Non-Acquisition

Zoning with Memorandum of Understanding - Within the designated existing residential/commercial zone of Silver City, the acquisition of private rights or additional real property by the National Park Service may not be necessary to further the purposes of the Park. The 1980 Comprehensive Management Plan for Mineral King states that actions proposed for Silver City will be directed toward maintaining the existing character of the area and the types of uses that occur there including a moderate amount of accommodations and visitor services. Continued administration of land use regulations by Tulare County can accomplish these goals in this area. The National Park Service recognizes that the existing cabin residential development and visitor support commercial services located at Silver City are a traditional and viable use of Mineral King and may continue. However, non-acquisition would be contingent on the continued

implementation of county land use regulations to insure that the traditional character of the Silver City development is maintained and that surrounding park resources are not adversely affected. The National Park Service will provide input to Tulare County on any proposed modifications of land use regulations that might affect private land in Mineral King, and the NPS will cooperate with Tulare County in their administration of land use regulations.

The county regulations will allow construction on existing vacant lots within the designated developed area, and allow for modest expansion of compatible visitor support commercial services. This is consistent with the Land Protection Plan. The regulations would also give guidance to the kinds of residential and commercial structures allowable, where they can be located and would assure basic health and safety standards for future private use of the designated area.

The land area where private ownership for residential cabin development and current level of commercial visitor services would continue is shown on map B as land units 2 & 3 and classified as the Silver City Land Category. It encompasses all of the presently developed area of Silver City north and south of the entrance road and includes the vacant subdivided private lots within the cabin complex, all existing lots with buildings and the commercial complex north of the road. Six NPS owned vacant lots are also included within this category.

Land use regulations administered in the Silver City community in lieu of acquisition of private property rights are proposed as the most effective method of maintaining the necessary visitor support services for Mineral

King. They would also provide for the continued traditional private summer cabin use characteristic to the area, and would prevent uses developing that would be unacceptable to most residents and incompatible with park values.

B. Acquisition

1. Less than Fee - Land protection tools in the form of mutually agreed-upon easements and purchase of development rights would be appropriate for application on the Special Use Land Category (land unit 4) of private lands in Mineral King.

The easements place development and use restrictions on the land to assure that private use will remain compatible with the preservation and public use of that portion of the Park. This system has the advantage of being usable for maintaining certain desirable land use functions, while keeping land on the tax rolls, relieving the public of responsibility for maintenance and permitting continued occupancy and use of the property by its owners.

The continued private use of the existing historic Kaweah Han building complex south of Silver City is consistent with National Park Service policies and plans. Its present level and types of use are compatible with the purposes of the Park and Mineral King's needs for resource protection. However, permanent assurances would be obtained that the present use of the facility will not be substantially altered or intensified, and that the lodge and caretaker's residence will retain their historic character.

A determination of eligibility for nomination of the Kaweah Han complex to the National Registry of Historic Places will be accomplished prior to initiating less-than-fee protection measures. If the property is formally determined to be eligible, permission to nominate it will be sought from the owner as part of the easement agreements.

Existing county zoning alone is not considered adequate to protect the land from new cabin development which is considered incompatible with Park values.

The purchase of easements of the Kaweah Han property (Special Use Land Category) as safeguards for park purposes would provide land protection while recognizing the inherent rights of the private owners. The easements to acquire development rights to approximately 50 acres surrounding the lodge complex north of the Kaweah River, would be purchased to ensure maintenance of the existing natural setting and ensure that this area of Mineral King is not further developed for residential use.

2. Fee Acquisition - Public Law 95-625 which added Mineral King to Sequoia National Park gave authority to the Secretary of the Interior to "acquire lands and interests in land by donation, purchase with donated or appropriated funds, exchange or transfer from other departments or agencies."

A fee simple interest in private land will be acquired where natural and cultural resources require permanent protection, where land is needed for visitor use and where existing or potential private land use would adversely affect Mineral King's resource values. In effect, fee simple

Addendum to the Land Protection Plan
Sequoia Kings Canyon National Park/Mineral King Addition

The following language was developed after printing, but prior to distribution and has been added to page 28 for purposes of clarification.

The plan proposes to control adverse development of the Kaweah Han Forest Reserve by the purchase of development rights from the owners. In the process of negotiating the purchase of those development rights, the issues of how much property may be retained in private ownership (beyond the 50 acre tract including the Kaweah Han Lodge and caretaker's residence) and the amount of additional development, if any, to be permitted, will be resolved. The plan recognizes that retention of a degree of private ownership and use has merit. However, the precise amount of use and development that can be accommodated without adversely impacting park resources can only be determined when specific plans are evaluated.

The property referred to as the Western portion of the Silver City Subdivision has been managed by its owners in such a way as to make it qualify for Category I status. However, it should be noted that the property is a recorded subdivision of Tulare County within the State of California.



title will be acquired where it has been determined that no reasonable private use of the property would be compatible with park management and maintenance of the natural/scenic/cultural resources or public use of this portion of the Park. It may also be appropriate if the value of easements closely approaches the value of fee title.

In order for the land protection plan to be consistent with the Congressionally mandated Comprehensive Management Plan for Mineral King, full fee acquisition of private lands will be necessary within the Natural Environment and Public Use Land Categories.

The management plan proposes that all lands above 8,000 feet elevation qualify for inclusion in the National Wilderness Preservation System and that these lands will be managed to ensure the preservation of their inherent wilderness values. Absent official designation as wilderness, the dominant values of those lands still are those that characterize wilderness. Two private land parcels (land units 6 & 9) in the trail accessible Natural Environment Land Category totaling 37.29 acres, are above this elevation. One parcel is visible from several locations in the valley and no reasonable private development of this property could be allowed without adversely affecting its wilderness values. The other parcel is within a pristine natural setting and any development would be incompatible with wilderness values. Therefore, full fee interest title will be acquired in both tracts.

An additional parcel (land unit 5) of trail-accessible Natural Environment category land totaling 430 acres is proposed for full fee acquisition in order to protect its pristine natural resource state.

This land south of the Kaweah River and Kaweah Han is the largest block of private land in Mineral King and contains significant stands of giant sequoia trees. Fee acquisition of this parcel will facilitate protection and management of resources in this portion of the Park, and public access to the sequoia groves.

Lands within the Natural Environment category termed "road accessible" (land units 1 & 7) are vulnerable to development which would be highly visible. The intent of the Comprehensive Management Plan is: "to maintain the current pattern, density and level of public use--and to retain the traditional character of Mineral King." Private use or development of these vulnerable properties would adversely affect the traditional character and quality of the visitor experience and resource integrity of Mineral King. Therefore, full fee title to these parcels, totaling almost 148 acres, will be acquired.

The management plan also calls for managing Mineral King Valley as an outstanding natural feature--an easily accessible alpine environment for visitor use. Trailhead facilities and limited parking would remain to serve the valley, and the valley would be kept free of other development. The private lands in the Public Use category, (land unit 8) totaling 5.2 acres are within the area at the head of the valley and are critically needed to serve as a parking and ranger contact location. These lands will be acquired in fee for visitor use and minor facility development. The existing cabin on the property will be allowed to remain throughout the term of its present lease.

C. Social, Cultural and Economic Impacts

The social, cultural and economic impacts of the Land Protection measures on private landowners and community life are assessed here. Environmental impacts are outlined in the environmental assessment, an appendix to this document.

For the most part, acquiring Natural Environment Category lands in fee would not significantly affect the current social or cultural structure of the Mineral King area. Most of the land units in this category have no development on them at present and therefore, no social or cultural dependency, therefore, only minor economic impact. However, it is clear that future development of these tracts would be foreclosed by fee acquisition and therefore have some impact to the present land owners. Owners of the subdivided lots in West Silver city (Land Unit 1) would not be able to sell the lots for cabin development, however, suitability of the land for development will affect the appraised value of the land for acquisition by the NPS. In compliance with the intent of the Comprehensive Management Plan for Mineral King, this plan would "maintain the traditional character of Mineral King."

Except in land unit 4, land owners' interests where development exists would be unaffected by the plan. Full fee acquisition of Mineral King's private land is restricted in the plan to undeveloped properties of significant natural resource or public use value. Acquisition of undeveloped subdivided lands adjacent to the Silver City developed area would limit future development of this area and preclude significant expansion of the present residential area, thereby maintaining the

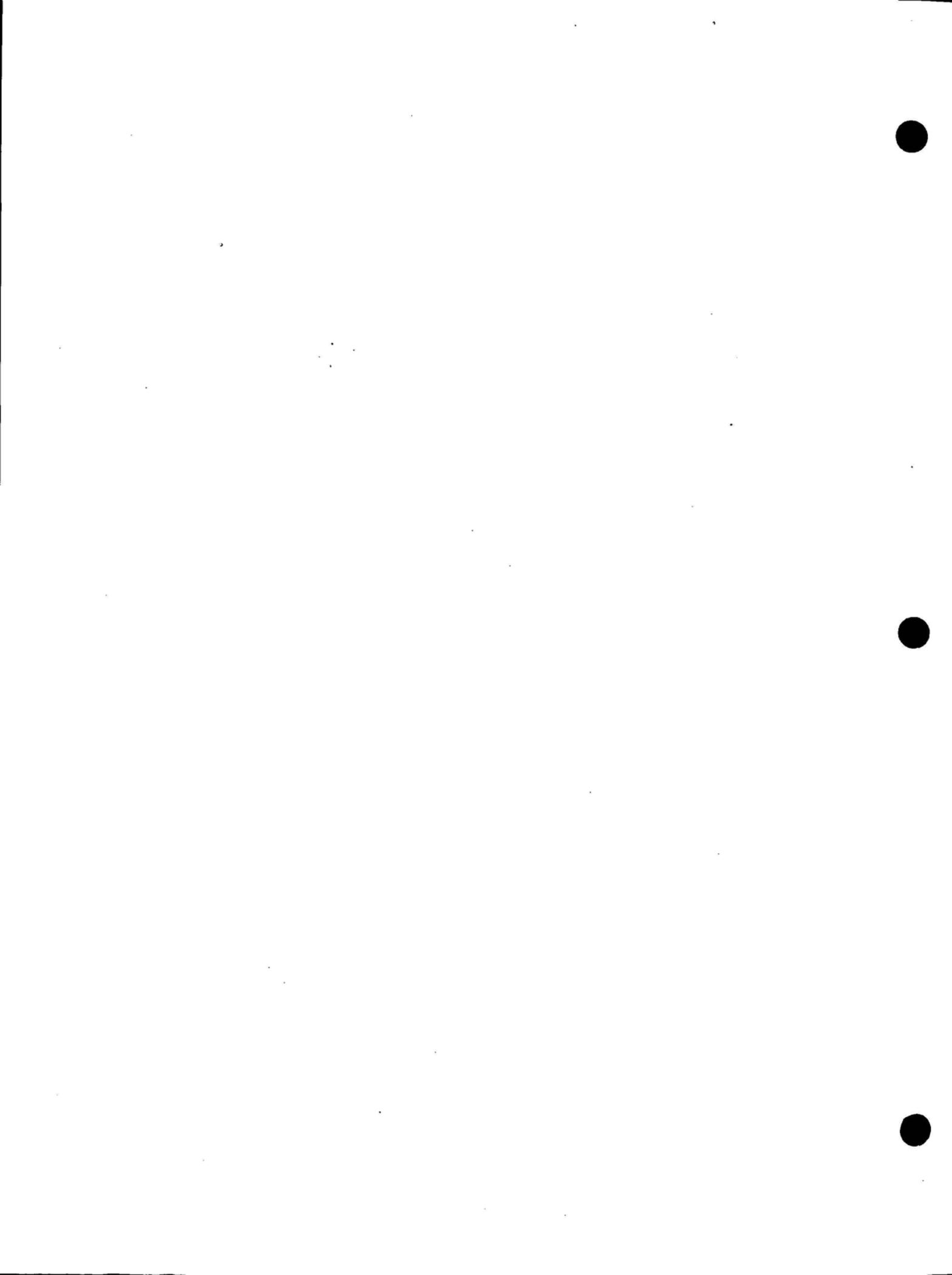
existing character of the area. However, cabin owners and owners of the commercial visitor support services would continue to own their properties as in the past. The zoning ordinances for Silver City are administered by Tulare County. The administration of these and other regulations would be monitored, and guidelines established to safeguard the area's rustic summer cabin and country store atmosphere.

Less-than-fee easement obtained on the Special Use category (land unit 4) lands would be tailored to perpetuate the natural and cultural resources of the land unit. However, the owners of the Special Use lands may wish to sell their entire rights to this property instead of maintaining an easement encumbered ownership. In that case, fee title would be acquired.

Acquiring Natural Environment Category lands in fee would not create significant social or cultural impacts for the lands would remain as they are. Economic impacts would also be small and mainly focused on the removal of these lands from the property tax rolls. For land with less-than-fee rights acquired, property taxes would be reduced to a lesser extent. Maintaining the Silver City development through an extension of the present land use regulatory mechanisms would eventually increase property tax revenue through possible additional cabin construction and renovation of existing commercial facilities. The county is spared substantial costs of road maintenance, fire protection, and law enforcement through services provided by the National Park Service.

Although it is not proposed, if the NPS were to acquire fee title to all private lands in Mineral King, it would create the most social, cultural

and economic impacts. All of the 40 property owners in Mineral King would be affected rather than the seven affected by the proposals in the Land Protection Plan. Acquisition costs of implementation would be significantly greater and county property tax losses proportionally greater. The existing seasonal community life of Silver City would be permanently altered through the acquisition and subsequent removal of privately owned cabins. Although some form of visitor support services would be desirable and probably would be offered by concession, the traditional atmosphere and family style service characteristic of Silver City would be altered.



V. RECOMMENDATIONS

A. Criteria for Land Protection

The designated land categories form a basis for establishing land protection priorities at Mineral King. Basic criteria were applied to the specific private land units within these categories to reach consensus on the most urgent or desirable need for implementation of land protection plan.

In actuality, implementation of the Land Protection Plan will require concurrent actions on several or even all of the various private land units depending on opportunities and resource threats as they present themselves.

Basic Criteria - The criteria used in determining priorities by Private Land Unit are:

- i) need for public use
- ii) need to protect natural/cultural resource values
- iii) vulnerability to incompatible uses

Thus the priority listing in this plan reflects the need for the land for park purposes and the long-term consequences of no action.

B. Priorities and Rationale for Land Protection

The following table summarizes the rationale and lists priorities for the land at Mineral King.

PRIORITIES FOR LAND PROTECTION

<u>PRIORITY</u>	<u>CATEGORY OF LAND</u>	<u>PRIVATE LAND UNIT #</u>	<u>MEANS OF PROTECTION</u>	<u>RATIONALE FOR PROTECTION</u>
FIRST	PUBLIC USE	8	FEE	VISITOR USE FACILITIES SITE
SECOND	NATURAL ENVIRONMENT ROAD ACCESSIBLE	1,7	FEE	PROTECT ESTHETICS, TRADITIONAL CHARACTER, QUALITY OF EXPERIENCE
THIRD	SPECIAL USE	4	EASEMENT	MAINTAIN CHARACTER AND LEVEL OF EXISTING USE
FOURTH	NATURAL ENVIRONMENT TRAIL ACCESSIBLE	5,6,9	FEE	PRESERVE WILDERNESS VALUES, ESTHETICS AND GIANT SEQUOIAS
CONTINUOUS	SILVER CITY DEVELOPMENT	2,3	ZONING/ GUIDELINES	MAINTAIN TRADITIONAL CHARACTER OF DEVELOPMENT

Within the jurisdiction covered by the Land Protection Plan it is as important to pursue the regulation of land use in areas designated for no acquisition as it is to apply the various degrees of acquisition to those lands needing that level of acquisition. Thus, this list of priorities assumes that land protection measures in the Silver City development are of equal importance for implementation as the first priority and that zoning/land use regulations are a continuous process once initiated.

C. Implementation Criteria

Additional factors are considered on a continuing basis. These are dynamic factors than cannot be anticipated in the basic priority determination. These criteria are applied case-by-case in making annual budget requests and in implementing acquisitions. They may or may not escalate the ranking of lower priority tracts, depending on the merits of the case. Implementation criteria include:

- i) offer of donation, exchange, bargain sale or other less than fee purchase
- ii) threat of incompatible use, subdivision or partial sale
- iii) availability of funds.

D. Methods of Acquisition

The preferred methods of acquisition are by donation, bargain sales, or exchange. Purchase is least desirable and may not be required in most cases. These methods are subject to modification from year to year as implementation criteria are employed. Condemnation is not contemplated except where necessary to prevent incompatible uses or establish value. In the case of land unit 4, less than fee acquisition alternatives are preferred, however, acquisition may be necessary based on owner desires or other criteria.

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 as the most direct and least expensive form of land acquisition. Donation provides the maximum income tax advantage, from the land owner's standpoint. Opportunities for obtaining donated rights to lands in Mineral King exist and will be explored as the most desirable mutually beneficial method of acquiring rights.

The National Park Service may acquire lands or interest in land 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. Some of the Federally owned lots within the Silver City developed area may be designated for exchange purposes in the future. This would allow a private landowner opportunities for recreation cabin development in the Mineral King area while maintaining the objectives of resource protection outlined in the Land Protection Plan.

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 land owner. A tax deductible donation results from the difference between the fair market value of the property and the actual sale price. This acquisition method may have application possibilities in Mineral King when donation of fee rights is not feasible and the land is high in priority for protection measures.

APPENDIX A

SUMMARY SHEET

LAND RESOURCES PROTECTION PLAN
MINERAL KING
SEQUOIA NATIONAL PARK

<u>Owner</u>	<u>Acres</u>
Public (NPS)	14,952.06
Private	712.97
<u>Method of Protection</u>	<u>Acres</u>
Fee Acquisition	648±
Easement	50±
Zoning	15±
<u>No. of Private Tracts</u>	42
<u>No. of Private Ownerships</u>	40
<u>No. of Private Ownerships Identified for Acquisitions</u>	7
Funding Appropriated to Date Disregarding Reprogrammed Funds	\$634,750
Unobligated Balance	\$534,000

MINERAL KING

Proposed Land Protection Plan -

Means of Protection and Acquisition Priorities

CATEGORY	PRIVATE LAND UNIT	NPS TRACT NO.	MEANS OF PROTECTION	ACQUISITION PRIORITY
IA	1	07-101 (Portion)	Full fee acquisition	2
		07-104	Full fee acquisition	2
		07-105	Full fee acquisition	2
	7	06-105	Full fee acquisition	4
IB	5	06-102 (Portion)	Full fee acquisition	5
		06-104	Full fee acquisition	5
		06-107	Full fee acquisition	5
IIA	2	32 Tracts*	No acquisition. Zoning/ memo. of understanding	--
IIB	3	07-101 (Portion)	No acquisition. Zoning/ memo. of understanding	--
III	4	06-102 (Portion)	Less than fee-easements	3
IV	8	06-106	Full fee acquisition	1
		06-109	Acquisition of leasehold interest in portion of Tract 06-106**	1

* 07-101 (Portion)	07-116	07-122	07-128	07-134	07-140
07-107	07-117	07-123	07-129	07-135	07-141
07-110	07-118	07-124	07-130	07-136	
07-111	07-119	07-125	07-131	07-137	
07-112	07-120	07-126	07-132	07-138	
07-114	07-121	07-127	07-133	07-139	

** Lease would be continued for its present term.

APPENDIX B

PUBLIC LAW 95-625—NOV. 10, 1978

ADDITION OF MINERAL KING VALLEY TO SEQUOIA NATIONAL PARK

16 USC 45f.

SEC. 314. (a) It is the purpose of this section to—

(1) assure the preservation for this and future generations of the outstanding natural and scenic features of the area commonly known as the Mineral King Valley and previously designated as the Sequoia National Game Refuge; and

(2) enhance the ecological values and public enjoyment of such area by adding such area to the Sequoia National Park.

(b) (1) In order to add to the Sequoia National Park (hereinafter in this section referred to as the "park") a certain area known as Mineral King Valley possessing unique natural and scenic values, there is hereby established as part of such park all lands, waters, and interests therein, constituting approximately sixteen thousand two hundred acres designated before the date of the enactment of this Act as the Sequoia National Game Refuge and as depicted on the drawing entitled "Boundary Map, Sequoia-Kings Canyon National Park", numbered 102-90,000 and dated April 1975. A copy of such drawing shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior. After advising the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate in writing, the Secretary is authorized to make minor revisions of the boundaries of the park when necessary by publication of a revised drawing or other boundary description in the Federal Register.

(2) The Sequoia National Game Refuge is hereby abolished and the Secretary of Agriculture shall transfer, without consideration, to the administrative jurisdiction of the Secretary, the area constituting such refuge, and any unexpended funds available for purposes of management of the refuge shall be available for purposes of management of the park.

(c) (1) Within the boundaries of the area added to the park pursuant to this section, the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, exchange, or transfer from other Federal departments or agencies.

(2) Where the private use of any property acquired pursuant to this subsection would, in the judgment of the Secretary, be compatible with the purposes of this section, the Secretary may, as a condition of such acquisition, permit the owner or owners of such property to retain for themselves and their successors or assigns rights of use and occupancy. Such rights of use and occupancy shall be for not more than twenty-five years or for a term ending at the death of the owner or his or her spouse, whichever is later. The owner shall reserve such rights and elect the term to be reserved on the date of acquisition of the property. Except for so much of the property as is donated, the Secretary shall pay to the owner the fair market value of the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner.

(3) A right of use and occupancy retained pursuant to paragraph (2) may be terminated by the Secretary upon his determination that the property or any portion thereof is being used in a manner which is incompatible with the purposes of this section. Such right shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired as of the date of such tender. In the case of any property which was used for noncommercial purposes during the ten calendar years immediately preceding the enactment of this Act, the commercial use of such property subsequent to the enactment of this Act shall be treated as incompatible with the purposes of this section. In the case of any property which was used for commercial purposes at any time during the ten calendar years immediately preceding the enactment of this Act, any substantial change or expansion of such commercial use subsequent to the enactment of this Act without the express approval of the Secretary shall be treated as incompatible with such purposes.

Drawing copy, availability.

Boundary revisions, publication in Federal Register and advisement to congressional committees.

Sequoia National Game Refuge, abolition.

Lands and interests, acquisitions.

Use and occupancy rights, retention.

Fair market value.

Termination, notification.

(4) In exercising his authority to acquire property under this section, the Secretary shall give prompt and careful consideration to any offer made by an individual owning property within the park to sell such property if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship. Nothing in this section, or in any other provision of law, shall prevent the Secretary from exercising his authority to acquire property referred to in this subsection at any time after the date of the enactment of this Act.

(5) If any individual tract or parcel of land acquired is partly inside and partly outside the boundaries of the park the Secretary may, in order to minimize the payment of severance damages, acquire the whole of the tract or parcel.

(6) If the management plan prepared under subsection (c) provides for improved access to the area added to the park under this section, the Secretary is authorized to acquire, by donation, purchase with donated or appropriated funds, exchange or transfer from other Federal departments or agencies, the area comprising the road from State Route 198 to, and within, the Mineral King Valley together with a right-of-way for such road of a width sufficient to include improvements to the road and all bridges, ditches, cuts, and fills appurtenant thereto, but not exceeding a maximum average width of two hundred feet. Property acquired from the State or any political subdivision thereof may be acquired by donation only. With regard to routes of access to and within the Mineral King Valley, the Secretary shall take such measures as are necessary to protect against the effects of siltation on the ecosystem of the park.

(7) The Secretary shall report to the committees of the Congress named in subsection (b)(1) the action taken by him pursuant to this subsection. Such report shall contain information sufficient to inform such committees of—

(A) the acquisitions made by him pursuant to this subsection during the period covered by such report;

(B) his reasons why all of such property authorized to be acquired and not so acquired as of the date of such report, if any, have not been acquired; and

(C) his schedule of a timetable for the acquisition of such property referred to in subparagraph (B).

Such report shall be submitted before the expiration of the second fiscal year beginning after the date on which the comprehensive management plan is submitted to the committees of Congress pursuant to subsection (e).

(d)(1) The area added to the park by this section shall be administered in accordance with this section and the provisions of law generally applicable to units of the National Park System including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. and following) and the Act of September 25, 1890 (26 Stat. 478; 16 U.S.C. 41 and following). Any other statutory authority available to the Secretary for the conservation and management of wildlife, wildlife habitat, and natural resources may be utilized to the extent he finds such authority will further the purposes of this section.

(2)(A) Except in the case of a lease or permit which the Secretary determines to be incompatible with the administration of the park pursuant to this section, any lease or permit on Federal land within the area added to the park under this section which is in effect immediately before the enactment of this Act shall continue in effect pursuant to its terms and conditions following the expansion of the park under this section.

(B) In the case of a lease or permit which is continued under subparagraph (A), upon notice to the Secretary by the lessee or permittee of his intention to seek renewal or extension of such lease or permit, the lease or permit shall be reviewed by the Secretary, and may be renewed or extended for an additional period of five years. Any such lease or permit shall be reviewed at the end of such renewal or extension period and may also be renewed or extended in the same manner for additional five-year periods thereafter. Any renewals or extensions of leases or permits shall be granted only to those persons who were

Area acquisition.

Report to congressional committees.

Administration.

Leases or permits, renewals or extensions, review.

PUBLIC LAW 95-625—NOV. 10, 1978

lessees or permittees of record on the date of enactment of this Act, and any such lease or permit shall provide that the lease or permit may be terminated by the Secretary at any time if the Secretary determines that such lease or permit is incompatible with the administration of the park pursuant to this section or that the land is needed for park purposes.

(3) The Act of December 14, 1974 (88 Stat. 1660) is amended by inserting the following new section after section 4:

16 USC 45a-1
note.

"SEC. 5. Notwithstanding any other provision of law, any federally owned lands incorporated within the boundaries of Sequoia National Park subsequent to the date of enactment of this Act, which entail project works, developments, lands, or facilities which are components of Federal Power Commission Project Numbered 298, shall be subject to all provisions of this Act."

Comprehensive
management,
plan, submittal to
congressional
committees.
16 USC 45f.

(e) (1) Within two years from the date of enactment of this Act, the Secretary, in cooperation with the State of California, shall develop and submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive management plan for the area added to the park under this section. In the preparation of such plan, the Secretary shall give appropriate consideration to the need for the development of additional recreational opportunities and other public uses which are consistent with sound environmental management of the area and the policies of the National Park Service.

Public
participation.

(2) (A) In preparing the comprehensive management plan required by this subsection and in preparing any subsequent revision of such plan, the Secretary shall provide for full public participation and shall consider the comments and views of all interested agencies, organizations, and individuals.

Advance notice,
publication in
Federal Register
and newspapers.

(B) For purposes of insuring such full public participation, the Secretary shall provide reasonable advance notice to State and local governments, interested Federal agencies, private organizations, and the general public of hearings, workshops, meetings, and other opportunities available for such participation. Such notice shall be published in newspapers of general circulation in the localities affected by the development and management of the park, published in the Federal Register, and communicated by other appropriate means. The Western Regional Advisory Committee of the National Park Service (or a subcommittee thereof) shall also be utilized for purposes of facilitating public involvement.

Cooperation.

(C) The Secretaries or Directors of all Federal departments, agencies, and commissions having a relevant expertise are hereby authorized and directed to cooperate with the Secretary in his development of such plan and to make such studies as the Secretary may request on a cost reimbursable basis.

Consultation.

(D) In preparing the comprehensive management plan required by this subsection, the Secretary shall consider technical information and other pertinent data assembled or produced by field studies or investigations conducted separately or jointly by the technical and administrative personnel of the Federal and State agencies involved in order to insure the permanent conservation of wildlife within the area added to the park by this section. Except in emergencies, rules and regulations pertaining to the management of wildlife within the area added to the park by this section shall be put into effect only after consultation with the State of California.

PUBLIC LAW 95-625—NOV. 10, 1978

(f) There are hereby authorized to be appropriated such sums as may be necessary for the acquisition of land and interests therein described in this section.

Appropriation
authorization.

(g) Effective upon the transfer referred to in subsection (b) (2), Public Law 85-648 (72 Stat. 604; 16 U.S.C. 45a-3) and section 6 of the Act of July 3, 1926 (44 Stat. 821; 16 U.S.C. 688) are hereby repealed. The repeal of such section 6 shall not be construed to prohibit or prevent the Secretary from exercising any authority applicable to the national parks respecting the protection of birds, game, or other wild animals.

Repeals.
16 USC 688 note.

(h) The Congress recognizes that the Mineral King Valley area has outstanding potential for certain year-round recreational opportunities, but the development of permanent facilities for downhill skiing within the area would be inconsistent with the preservation and enhancement of its ecological values.

Skiing.
16 USC 45f.

APPENDIX C

Tulare County Zoning Ordinances

1. Tulare County has zoned most of the Mineral King area as rural residential. This zoning affects development on all of the Category I, III, and IV lands in the area. The zoning restrictions include:

- a. only single family dwellings are allowed,
- b. only small unlighted signs are allowed,
- c. building height is limited to a maximum of 35 feet with a few exceptions;
- d. yard size-limits are set for front, rear, and side;
- e. minimum lot size is 6,000 square feet per family;
- f. minimum distances between buildings is 40 feet;
- g. other restrictions relative to agricultural use.

2. Tulare County has zoned the Category II land as a single family zone with following restrictions:

- a. only single-family dwellings are allowed,
- b. agricultural uses are restricted to noncommercial,
- c. only small unlighted signs are allowed,
- d. storage of petroleum products for use on the premises is allowed,
- e. building height is limited to 35 feet, with a few exceptions,
- f. front, side, and rear yard minimum distances and areas set,
- g. lot size minimum is 6,000 square feet per family.

California Water Quality Control Board Standards (Administered by county with review by the State)

1. Minimum distances from the various types of treatment facilities to water wells, streams, cut or fill banks, reservoirs and property lines. (In some instances the individual lot size minimums in the above Tulare Zoning Ordinances are inadequate to meet certain distances required by the water quality control board for sewer treatment facilities.)

2. percolation rates

3. soil depth minimums

4. depth to groundwater

5. ground slope minimum

6. disposal area size minimum

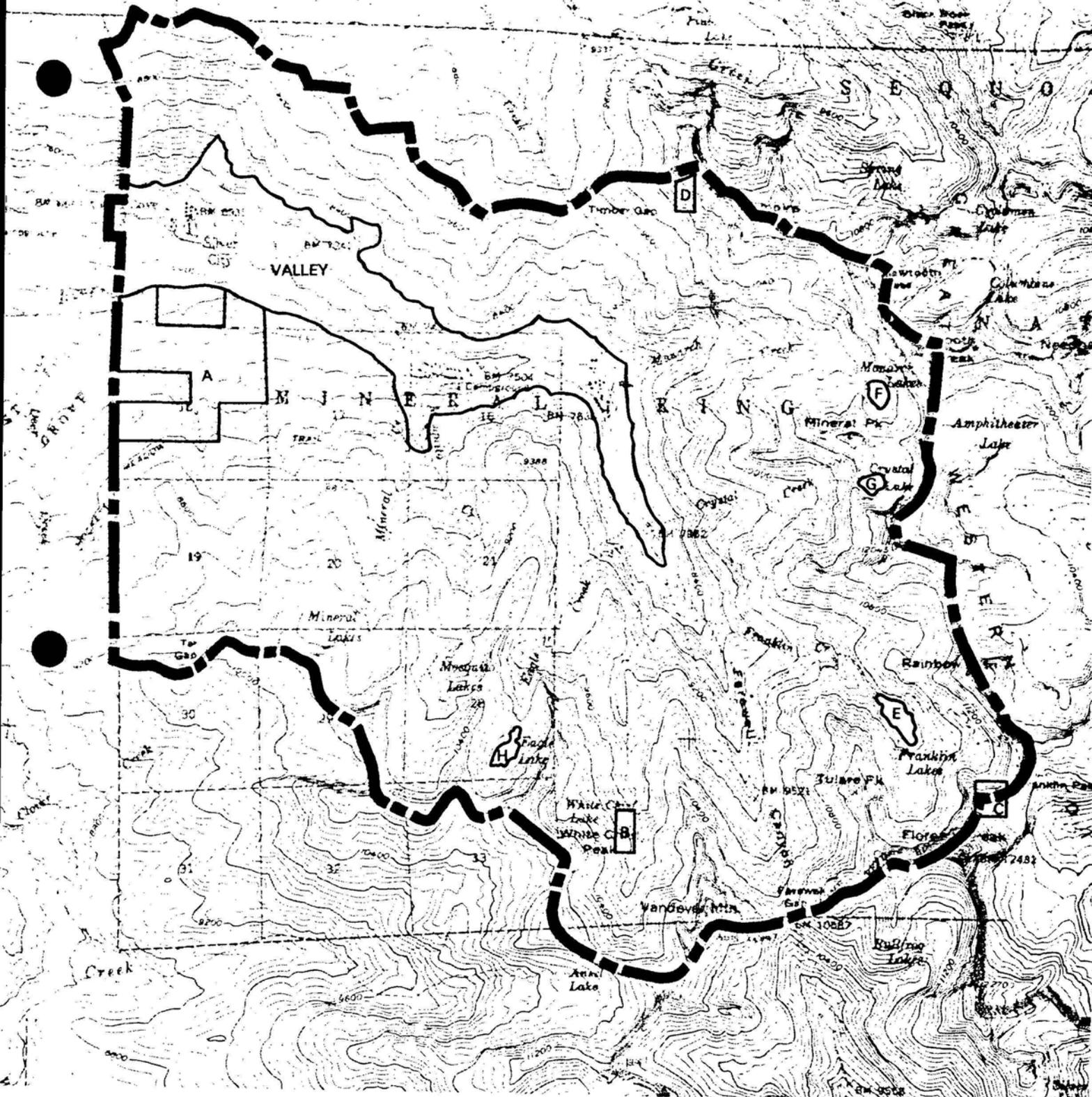
7. types of developed areas that may not be used for sewer treatment facilities

8. protection of sewer facility from storm water runoff and erosion

9. type and design of treatment facility

10. septic tank sludge disposal plans

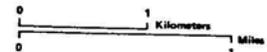
APPENDIX D



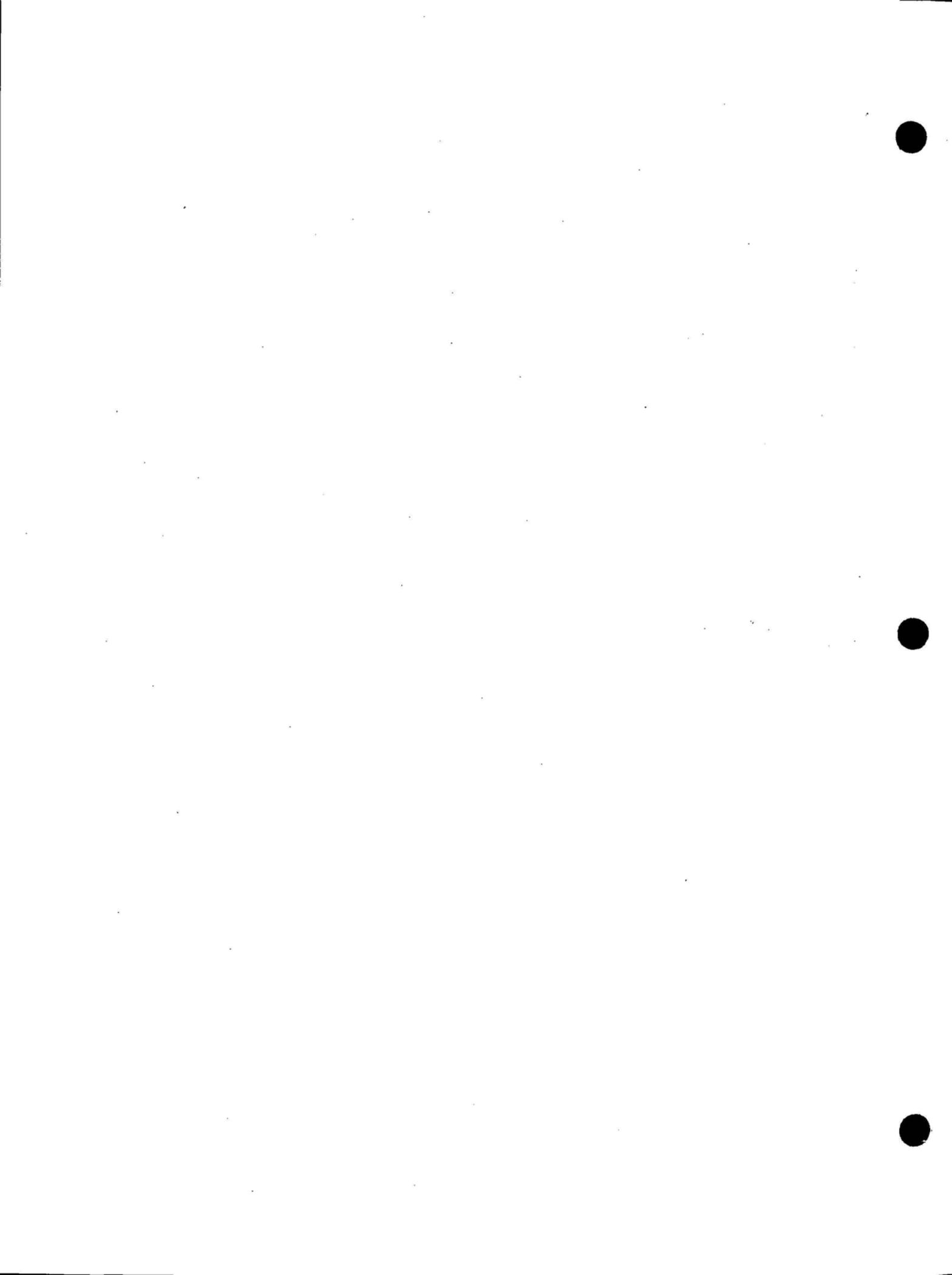
WILDERNESS	PWA	EXCLUSION	
A	420	E	36
B	21	F	21
C	40	G	15
D	17	H	28
		VALLEY	1,565
TOTAL 14,078		498	1,665

PROPOSED WILDERNESS

MINERAL KING
 SEQUOIA / KINGS CANYON NATIONAL PARKS / CALIFORNIA
 UNITED STATES DEPARTMENT OF THE INTERIOR / NATIONAL PARK SERVICE
 102 / 20023
 DSC / APR 80



ON MICROFILM



APPENDIX E



MINERAL KING VALLEY AND FAREWELL GAP FROM TIMBER GAP TRAIL (LOOKING SOUTH)



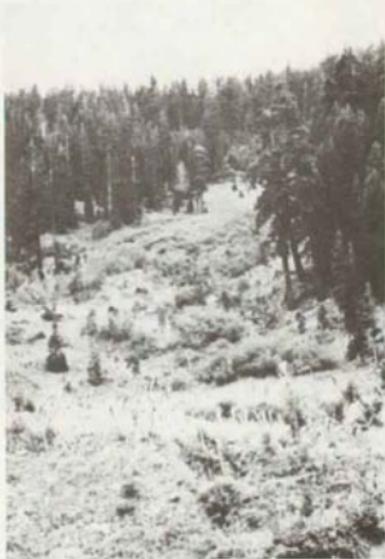
MINERAL KING VALLEY AND TIMBER GAP FROM FAREWELL GAP (LOOKING NORTH)



KAWEAH HAN LODGE



GIANT SEQUOIAS, EAST FORK KAWEAH RIVER, LAND UNIT 5



AVALANCHE DESTRUCTION MINERAL KING VALLEY



SAWTOOTH PEAK FROM MINERAL KING ROAD (LOOKING EAST)



PARKING AREA, PUBLIC USE LANDS, LAND UNIT 8



SILVER CITY STORE, LAND UNIT 3



SILVER CITY RENTAL CABINS, LAND UNIT 3

APPENDIX F

ENVIRONMENTAL ASSESSMENT OF LAND PROTECTION PLAN MINERAL KING SEQUOIA NATIONAL PARK

Purpose and Need

On May 7, 1983, the Department of Interior published a new final policy statement on use of the Federal Portion of the Land and Water Conservation Fund (47FR 19784). In response to this policy the National Park Service by Notice in the Federal Register on January 3, 1983, withdrew its 1979 land acquisition policy and guideline (44 F 24290) and is preparing land protection plans for each unit of the National Park System containing non-Federal land or interest in land within its authorized boundary.

Within the Mineral King portion of Sequoia National Park there are approximately 713 acres of private land for which a land protection plan has been prepared. The purpose of the plan is to insure that the resources of the park and the quality of visitor experience are protected and private land use is consistent with the purposes for which the park was established, to protect private property and to:

1. Identify specific problems arising from incompatible uses or threats of incompatible uses of private lands.
2. Identify what level of existing and future development of private land is compatible with the management objectives of Sequoia National Park and the management plan for Mineral King.

3. Identify protection measures that are available and acceptable to achieve those objectives as they relate to private lands.
4. Assess the environmental impacts of implementation of each land protection alternative.
5. Establish priorities for acquisition or alternatives.

Alternative Course of Action

A. No Action - The no action alternative would provide for no change in the present ownership pattern at Mineral King. No resource protection measures would be applied to private lands other than those realized from the present land use regulatory and zoning authority exercised by Tulare County. The threat of use of private land which is incompatible with the purposes of the Park would remain.

B. Land Protection Plan - The alternative on which the plan is based would provide for a variety of land protection measures to be applied to private lands. It is based on existing or potential compatible and incompatible land uses and the vulnerability of natural/cultural resources to degradation from use on private lands.

The means of protection are full fee acquisition, less than fee acquisition in the form of easements and land use regulation through zoning and development guidelines.

Of a total of 713 private acres of land in the Mineral King planning area approximately 648 acres are proposed for full fee simple acquisition, approximately 50 acres are proposed for less than fee acquisition in the form of

easements and approximately 15 acres are proposed for guidelines and zoning land use regulation.

The combination of land protection measures was arrived at by dividing private land in Mineral King into four broad categories - Natural Environment, Special Use, Public Use and the Silver City Developed Area. These categories were formulated based on topography, vegetation, location, accessibility and present and past use. The categories provided a base for defining incompatible and compatible uses on private lands which led to establishment of the proper land protection measures necessary to insure against adverse use of the properties.

C. Full Acquisition - Acquisition of all of the private land within the Mineral King area is permitted by Section (c) of the Act that added Mineral King to the Park "The Secretary may acquire lands and interests on lands by donation, purchase with donated or appropriated funds, exchange, or transfer..."; and by the comprehensive management plan which states in part on page 8 "...private property will be acquired as funds become available..."

Impacts on Natural/Cultural Environments

Vegetation

The heavy avalanche activity in the valley results in many open areas which would otherwise be forested at this elevation in the Sierra Nevada. The valley floor and lower elevation slopes on private lands are characterized as primarily mixed conifer with riparian areas.

A. No Action - There will be a possible loss of vegetation on Natural Environment lands through any additional timber harvesting in private lands in

this category. Vegetation loss would be compounded through the attendant construction of access roads for timber removal. Possible major subdivision of land and residential cabin construction would result in land clearing and significant loss of vegetation.

B. Land Protection Plan - No significant loss of vegetation is expected. There is a possibility that natural reforestation and regeneration of previously logged areas of natural environment would be allowed if acquired. Additional cabin construction in Silver City on vacant lots will result in localized land clearing and some loss of vegetation.

C. Full Acquisition - The long term effect would be less impact on soils, vegetation and wildlife as all tracts are acquired and existing development removed. There would be some short term vegetation and soil impacts from the removal of structures.

Wildlife

A. No Action - As in impacts on vegetation, any resumption of logging practices would result in habitat changes which would directly affect wildlife populations. Construction activities on private land would also result in habitat loss. Bears foraging for food would continue resulting in abnormal bear population.

B. Land Protection Plan - Possible revegetation of previously logged areas would restore wildlife habitat to natural conditions. As in impacts to vegetation, additional cabin construction in the Silver City residential area would result in a minor loss of wildlife habitat in areas already interspersed with residences.

As stated in the plan, the Mineral King deer herd is of special concern, and its condition is closely monitored. Since NPS policy prohibits public hunting as a management tool, in 1979 the National Park Service began intensifying the monitoring program, as suggested by the California Department of Fish and Game, to allow better observation of habitat and herd trends. Monitoring and consultation with the California Department of Fish and Game will continue, and if the herd or habitat begins to deteriorate, several alternative management strategies will be considered and coordinated with CDF&G and BLM. Bears would be affected as in A. (No Action).

C. Full Acquisition - In the long term, impacts to wildlife from development would be reduced because as tracts are acquired and development removed, habitat would increase. There would be short term impacts from removal activities. The long term health of the Mineral King deer herd as described in B above would be enhanced since the developments within deer habitat would be removed and the area allowed to return to natural conditions.

Endangered/Threatened Species

Endangered Species

A survey contracted by the National Park Service conducted in the summer of 1979 identified seven plant taxa in the Mineral King area that are recognized by the California Native Plant Society (1974, 1976, 1979) as rare or endangered.

None of the seven species is on the U.S. Fish and Wildlife "Final List of Endangered and Threatened Plant Species" (Federal Register, January 17, 1979).

No known threatened or endangered fauna listed on the U.S. Fish and Wildlife Service "Final List of Endangered and Threatened Wildlife" (Federal Register, January 17, 1979) permanently inhabit or breed in the Mineral King area. There are occasional flyovers of the bald eagle, California condor, and peregrine falcon, but no known nesting sites are in the project area (USFS 1976a).

The spotted owl (unique, USFS 1976a) is known to inhabit the area above Silver City but it will not be affected by any of the alternatives. In 1975, a previously undescribed species of spider (Taracus sp.) was found to inhabit and be restricted to certain high elevation limestone caves in Mineral King. None of the alternatives will directly affect its population.

Soils

A. No Action - The lack of clay size binding particles in the Mineral King soils combined with steep slopes result in wide spread areas highly susceptible to sheet and gully erosion. Any development, construction or logging activity on private lands would tend to increase this erosion hazard.

B. Land Protection Plan - Maintenance of the natural environment and restrictions on development will minimize soil erosion potential in Mineral King. The plan proposals would then have a positive effect on the maintenance of topsoils.

C. Full Acquisition - There would be soil disturbance when developments are removed after acquisition of the land. This short term impact could have long term effects unless site restoration measures are employed.

Water Resources

Little research is available documenting groundwater resources at Mineral King. Infiltration rates tend to be higher due to soil composites. Eight perennial streams drain into the East Fork Kaweah River. The river itself passes along the edge of private land unit #5 which is the largest single private ownership of natural environment land in Mineral King, and along the southern edge of land unit #4, the Kaweah Han site.

A. No Action - Same impacts as those for vegetation and wildlife. Logging and construction activity would degrade the quality of the Mineral King drainage system through erosion, siltation and effluent pollution.

B. Land Protection Plan - Same impacts as those for vegetation and wildlife. Maintenance of the natural environment will help to insure the excellent water quality that exists in the watershed.

C. Full Acquisition - No significant effects are expected to ground water and long term impacts would be less than with continued development, assuming that restoration measures are taken after removal of structures.

Floodplain/Wetlands

To comply with Executive Order 11988, Floodplain Management, a study was undertaken to map the 100 and 500 year floodplains on the East Fork of the Kaweah River within Mineral King Valley. This study also evaluated the hazards associated with the velocity and volumes of flow projected for 100 and 500 year floods.

Flood hazards to visitors as a result of the flows from 100 year and 500 year floods are small due to two factors. First, the river experiences low flows during the peak visitor season. Second, the probability of a large flash flood is remote due to the size and nature of the drainage basin. Flows for a 100 year flood in the valley would be approximately 1,000 cfs and 6 feet above the existing river bottom.

Noise Level/Air Quality

Neither alternative is expected to significantly affect noise levels or air quality in Mineral King except for the development or removal activities under alternative C which would affect both noise and air quality for short periods.

Air quality in Mineral King may be detrimentally affected by outside sources. Impact study plans are now under preparation.

Sequoia and Kings Canyon National Parks were automatically designated as class I areas under the 1977 Clean Air Amendments. However, Mineral King, which did not become a part of Sequoia National Park until November 10, 1978, was designated as a class II floor area, as defined by section 64(a) of the act, and it may only be redesignated as a class I area if the state initiates and approves the action. Compared to class I designation, class II designation allows for a greater increment in sulphur dioxide and particulate levels over baseline concentrations. The surrounding class I areas may have some buffering effect on air quality in Mineral King.

Cultural Resources

Pursuant to Executive Order 11593, Protection and Enhancement of the Cultural Environment, Mineral King was surveyed for archeological, architectural and historic resources. Those properties that are on private land determined to merit nomination to the National Registry of Historic Places are listed in Table 1.

TABLE 1
Status of Cultural Resources

	Requires Preparation of National Register Forms	Nominated to the National Register	Level of Significance	Area of Significance	Period
Kaweah Han	X		L	AR	1900
Empire	X		L	I	1800-1899
White Chief Mine	X		L	I	1800-1899
New England Tunnel and Smelter Site	X		L	I	1800-1899

Legend: L = Local
I = Industry
AR = Architecture/Art

A. No Action - The only impacts foreseeable through no action would be to the Kaweah Han historic property. The lodge could be put to some use that would be incompatible with maintaining its historic integrity, or it could be altered or destroyed.

B. Land Protection Plan - There would be no adverse impacts to historic properties.

C. Full Acquisition - Other than Kaweah Han, none of the developments that would be acquired is identified as historic structures and therefore no impact is expected to historic values. Acquisition of Kaweah Han property would require that measures be taken by the National Park Service to preserve it in its present state. There are no known archeological sites on the private land areas that would be affected by development removal activities.

Visitor Use and Esthetics

A. No Action - Visitor use would continue as at present. The summer cabins on private land would continue but would have no significant effect on visitor use activity. The cabins and other existing developments would detract from the natural environment but would be acceptable to many as part of the existing character of the area. Additional development and changes in the character of the area could not be prevented and would degrade the esthetic appeal of the area for many users.

B. Land Protection Plan - The key visitor use tract needed for trailhead access would be acquired and made available for use. Esthetics and the existing character of the valley would be protected by the acquisition or partial acquisition of tracts that have planned or potential development of incompatible uses.

C. Full Acquisition - As in B, all tracts that have potential for development of incompatible uses would be acquired providing for full visitor use as outlined in the comprehensive plan and esthetics would be protected concurrently. In addition, the existing cabins on private lands eventually would be acquired and removed, returning the area to natural conditions. This would alter the existing character of the area.

Consultation and Coordination

This land protection plan was prepared by the staff of the Western Regional Office of the National Park Service and Sequoia/Kings Canyon National Park.

The following Government agencies, organizations and individuals will receive copies of the Land Protection Plan and Environmental Assessment. Those marked with an asterisk were contacted or consulted with during preparation of the plan and/assessment.

Federal Agencies

- *Advisory Council on Historic Preservation
- *U.S. Fish and Wildlife Service
- *National Park Service Washington Office

State Agencies

- State Lands Commission
- *State Historic Preservation Officer
- California Department of Parks and Recreation
- California Department of Transportation
- California State Clearinghouse

Regional/County Agencies

- County of Tulare
- Board of Supervisors
- Planning Department Commission

Organizations

- *Mineral King Homeowners Association
- Sierra Club
- National Parks and Conservation Association

Public Input

All private landowners within the parks' boundaries were contacted with a notification of this planning effort and a request for an early expression of their needs and desires. Public notification of the study and request for comments from the general public were accomplished early in the study through a press release. Comments from these two efforts were considered and incorporated where feasible in the draft plan. In addition, the draft Land Protection Plan was released to the public for a 30 day public review period prior to completion of the final plan.

Summary of Public Comments

The Mineral King Land Protection Plan was made available for public review on August 29, 1983. The draft plan was sent to all the cabin permittees, cabin owners, and private landowners in the Mineral King area, as well as private landowners at Oriole Lake and Wilsonia. It was also sent to a list of interested citizens, conservation groups, County, State and Federal government agencies. Approximately 400 plans were sent out to the above groups and individuals.

A total of 36 written responses to the Land Protection Plan were received. Of those, seven were from permit cabin owners, 14 responses were from persons who own cabins on private land, nine were from private citizens, six were from conservation groups and none from any government agency.

The following table shows input provided on the various alternatives identified in the plan.

Table 1

INPUT TO ALTERNATIVES

	<u>PREFERRED ALTERNATIVE:</u>		
	ALTERNATIVE A NO ACTION	ALTERNATIVE B LPP	ALTERNATIVE C FULL AQ.
1. Permit Cabin Owner (or relative)	2	2	
2. Cabin Owner-- private land	1	1 1	
3. Private Citizen	2	2	1 1**
4. Conservation Organization		2	2 2**
	<u>5</u>	<u>8</u>	<u>6</u>

** Prefer eventual full acquisition of all private land.

A variety of comments was received and analyzed. Key points raised in the comment letters are summarized below by land category along with notes to correct apparent misunderstandings.

Where feasible and/or appropriate the plan was modified in consideration of various comments received.

The primary concerns addressed by the 36 letters received were reviewed, analyzed and response comments prepared by the National Park Service. This analysis and comment report prepared by the National Park Service was sent out to each person who sent a letter to the National Park Service.

Land Unit 1

Nine owners of cabins on private land and one permit cabin owner supported the need to have West Silver City subdivision developed with new cabins to broaden the economic base for the Silver City store, restaurant, and cabin operation.

Six owners of cabins on private land commented that the subdivided properties at Silver City need to be developed to allow permit cabin owners to build cabins to replace cabins that are to be phased out at the end of the lifetime of the owner of record.

One private landowner was opposed to the NPS acquiring private land that is subdivided.

Land Unit 2

Seven private land cabin owners believe that existing county zoning ordinances are adequate to protect Park values. They do not believe that the NPS should be involved in modifying or controlling development on private land.

Eight owners of cabins on private land, one permit cabin owner, and one private citizen were opposed to NPS having any involvement, influence, or authority over existing zoning laws. Most were of the opinion that existing County laws and those being developed by the owners of the Silver City subdivision are entirely adequate to keep development within the historical character of the area.

Note: It is not intended that NPS have direct authority to enforce zoning/development regulations. However, in order to protect resources and provide for visitor enjoyment the NPS as a landowner/manager does wish to have input to the establishing and any modifications to county zoning regulations that may apply to private lands in the Mineral King area.

One private landowner, two private citizens, and two conservation organizations propose that Silver City cabins should be allowed to continue. Of those, one private citizen and one conservation organization qualified that

position to the extent--"at least for now." The implication being that sometime later they could be phased out.

One private citizen and one conservation organization recommend that the NPS retain the lots they now own, having recently acquired them at Silver City in land category 2.

One permit cabin owner and two private land cabin owners believe that the existing private holdings should be retained in private ownership in order to keep them on the tax rolls.

One private landowner proposes that the boundaries of future development at Silver City be expanded to allow for development of additional cabins in that area.

One private citizen and one conservation organization recommend that the NPS acquire existing vacant lots in Silver City land category 2 to preclude additional development in that area.

One conservation organization believes that a Memorandum of Understanding with the County for identifying zoning limitations is not adequate to protect and preserve that character of the area. They believe that private land should be acquired to protect the reserve, the resources, and the character of the Mineral King area.

Land Unit 3

Three private land cabin owners believe that the Silver City store should be allowed to expand their operation.

Land Unit 4

Eleven owners of cabins on private land, one permit cabin owner, and one private citizen were opposed to allowing road access through Silver City to Kaweah Han.

One private landowner was opposed to public access through Kaweah Han property for hunting and fishing purposes. They also stated that foot access is difficult in the area because of the terrain and that no particular public need is evident for that access.

Note: It was not the intent in the draft plan to provide for vehicle access to Kaweah Han. Rather the intent was to allow for the occasional hiker, fisherman, photographer, etc., to cross the land area without restriction. Upon reevaluation of that need and concern for protection of the Kaweah Han, the easement for foot access has been dropped from the plan.

Two private landowners were in favor of the NPS acquiring all of Kaweah Han. Two additional private landowners, one private citizen, and one conservation group were in favor of the NPS acquiring Kaweah Han plus the Coves.

One private landowner was opposed to NPS acquiring development rights at Kaweah Han. The private landowner believes some modest amount of development in connection with Kaweah Han would be appropriate and would not detract from the character of that area.

One private cabin owner was opposed to acquisition of the 50 acres Kaweah Han sits on.

One private landowner notes that Public Law 95-625 authorizes purchase of private lands within the Mineral King addition particularly where hardship is involved and the legislation does not directly authorize cost effective alternatives to outright purchase. Inference is apparently that less than full title acquisition violates Public Law 95-625.

One private landowner is opposed to nomination of Kaweah Han to the National Register of Historic Places.

Miscellaneous

One permit cabin owner and one private land cabin owner proposed that the NPS proceed to improve the Mineral King road.

One permit cabin owner proposes that the NPS improve and increase the number of campsites available in the Mineral King area to replace access to the area for overnight stays lost by reduction in the number of cabins as permit cabins are phased out.

Two permit cabin owners, one private cabin owner and two private citizens proposed that cabin permits be extended rather than phased out.

One permit cabin owner notes that some of the permit cabins are historical, having some materials in them from the old sawmill that operated at Atwell Mill and therefore deserve to be left intact rather than phased out.

Two permit cabin owners believe that it is not fair to allow Silver City to continue and at the same time not allow Mineral King cabins to continue.

Note: The legislation that added Mineral King to Sequoia National Park, Public Law 95-625, requires that the permits for cabins be allowed only for the lifetime of the owners of record (as of November 10, 1978), subject to permit compliance and to renewal at 5 year intervals with approval of the Secretary of Interior.

One private landowner believes that a minor amount of consumptive use such as utilizing wood products from trees in the area for upgrading development and construction of the cabins is appropriate. They believe the previous use of timber in the area has not been detrimental to the resources.

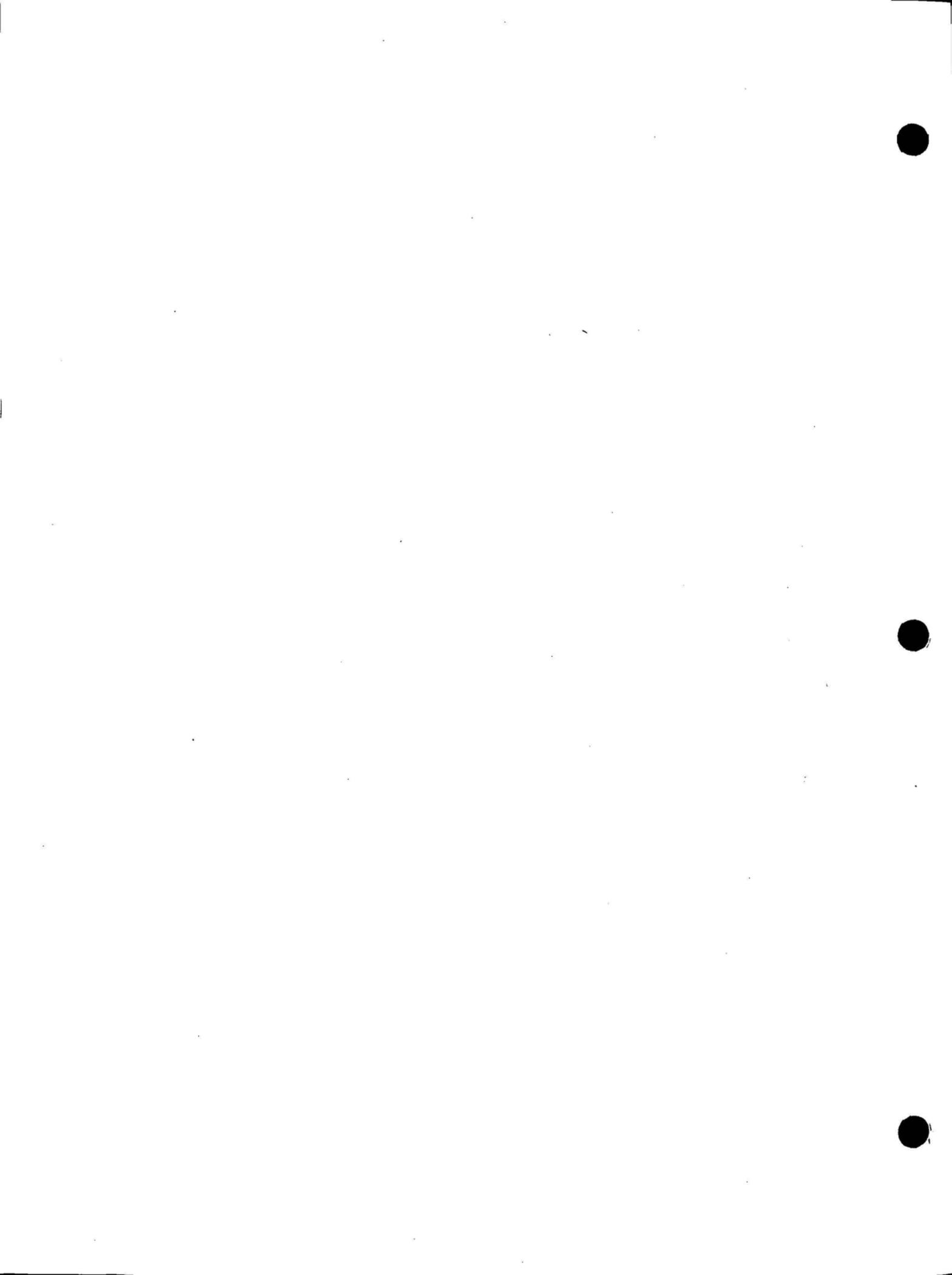
Land Unit 5

Two private cabin owners were opposed to acquisition of the 120 acres immediately south of the Kaweah River.

One private landowner was in favor of the NPS acquiring only 280 acres on the south side of the East Fork.

Land Unit 8

Two private citizens commented that the cabin under lease on land unit 8 should not be acquired. The plan has been revised to allow for the cabin lease to continue through its present expiration date.



SEQUOIA NATIONAL PARK
MINERAL KING LAND PROTECTION PLAN

Finding of No Significant Impact

February 1984

In accordance with the provisions of the National Environmental Policy Act of 1969 and the regulations of the Council on Environmental Quality (40 CFR 1508.9), an Environmental Assessment was prepared for the Mineral King Land Protection Plan. The assessment analyzed the potential impacts of three strategies including no action, the proposed Land Protection Plan and full acquisition.

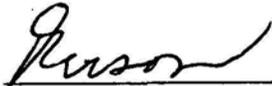
The no action alternative would follow a course of allowing the non-federal tracts to remain in private ownership in perpetuity. The Land Protection Plan includes a series of intensities of acquisition ranging from full fee acquisition (NPS would acquire all of the privately owned land in Mineral King as funding and willing sellers become available) to land use regulation through zoning and development guidelines, to protect park values affected by private land and its uses.

The combination draft plan and assessment were made available for public review on August 29, 1983. The primary concerns identified in the 36 letters of comment received were: 1) the west Silver City lots should be developed so that there will be enough cabin residents to give financial support to the Silver City store, and provide opportunity for cabins to be built to replace cabins removed as permit cabins are phased out, 2) existing county ordinances are adequate to protect park values without acquisition and NPS should not have direct control over county zoning. Other comments resulted in clarifications and/or minor modifications to the final Land Protection Plan, and (conversely) 3) that the NPS would be failing to meet its responsibility if they do not proceed toward acquiring full fee title to all inholdings. Compared to the present situation the proposed Land Protection Plan will result in reduction of potential adverse impacts to resources and visitor experiences in the Mineral King area. The principal impacts of the plan are that private landowners would be deprived of the opportunity to add new developments to their property and the existing concentration of private development would remain, adjacent to the only roadway into the prime resource of the Mineral King addition to the Park.

Based on the analysis in the environmental assessment, the impacts identified are not sufficient to warrant the preparation of an environmental impact statement.

The Environmental Assessment for the project is on file and may be obtained at the following offices; Superintendent, Sequoia and Kings Canyon National Parks, Three Rivers, California; and Western Regional Office, National Park Service, San Francisco, California.

Recommended:



Boyd Evison, Superintendent



Date

Approved:



Howard Chapman, Regional Director



Date