

the park to

## Land Status

When Chugach State Park was legislatively designated in 1970 the focus was to protect a vast natural area for people to enjoy and use for recreation. The final legislative boundary of the park took in large areas of land that were not in state ownership. The inholdings consisted of existing homestead sites, other types of private land, and large portions of federal land that had yet to be conveyed to the state or native corporations. With this complicated fabric of ownership, came various land disputes and new pressures on the newly created park. Over the years some of the private inholdings were purchased and some of the federal land conveyed to various entities creating new inholders and new management challenges.

Understanding the restrictions on certain properties within the park can also be a management challenge. Certain park acquisitions have come to the park with deed restrictions or conservation easements. Keeping track of all of the deed and easement restriction terms on the various properties can be difficult and does not lend itself to holistic management of area resources. Additionally, the boundary of Chugach State Park has never been fully surveyed or marked because doing so has proven to be prohibitively costly. There are areas of the park where boundary determinations will need to be made in the future to resolve ownership issues and trespass disputes. Some of the newly acquired parcels that are intended to be part of Chugach State Park are outside of the legislatively designated boundary and require agreements from other agencies to allow the park to manage them. There are a multitude of land management agreements with various stipulations and expiration dates between the park and other entities. Tracking the terms of these agreements and their expiration dates to remain in compliance has also proven to be challenging.

## Land and Water Conservation Fund

The Land and Water Conservation Fund (LWCF) is a grant program that was used in Chugach State Park to partially fund the acquisition of outdoor recreation lands and development of outdoor recreation facilities. LWCF is a 50/50 federal matching grant program established to provide a nationwide legacy of high quality outdoor recreation.

While this funding source has benefited the park since it was first used in the early 1970's, it has also placed significant restrictions on how the park can be managed that are important to understand.

The program requires that property acquired or developed with LWCF funding be retained and used solely for outdoor recreation in perpetuity. All of Chugach State Park is considered an LWCF protected area and is subject to the program provisions. Any property within an LWCF protected area may not be wholly or partly converted to anything other than public outdoor recreation uses without the prior approval of the Secretary of the U.S. Department of the Interior. If for some reason the recreational nature of the property is lost, it represents a conversion of use requiring mitigation in the form of acquisition of other recreational properties or outdoor recreational enhancement as approved by the National Park Service, the LWCF program administrators.

Actions that may represent a conversion of use include installation of cell towers or above ground utilities, development of roads for primary purposes other than recreation, creation of indoor recreation facilities or private development encroachments such as driveways. The complicated land status within the park and development pressures associated with Alaska's largest population center have made for many conversion situations within the park over the years that threaten continued federal funding and make complying with the program difficult. Additionally, the program requires a 50% match which can be difficult to get and no other federal program or funding is eligible to provide the match.

### **North Anchorage Land Agreement (NALA)**

Lands in the northern portion of the park, depicted on Figure 1, are affected by the North Anchorage Land Agreement (NALA). This agreement, whose authority is found in the Alaska National Interest Lands Conservation Act (ANILCA), provides resolution of longstanding land ownership and management issues between the State of Alaska, the Municipality of Anchorage and Eklutna Inc. by establishing future ownership of military lands if and when those lands are declared excess by the military and by setting up a system by which lands within the park owned by Eklutna Inc. are transferred to the State. Because the provisions of the NALA are ongoing and will likely only be realized in the long term, there has been frustration among the parties over the years that are unable to capitalize on their eventual land holdings. It is important to realize however, that the agreement was considered by all parties at the time to be the best and perhaps only opportunity to settle these land disputes without complicated litigation that could have resulted in a winner takes all solution for one of the parties.