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UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
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In Reply Refer To
2300 (350)

Instruction Memorandum No. 2002-
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To: SDs and ADs Alaska, California, Eastern States, and Oregon

From: Assistant Director, Minerals, Realty and Resource Protection

Subject: Acquisition and Disposal of Historic Light Station Properties

Program Areas: Lands and Realty, Recreation, National Landscape Conservation System, and Land Use Planning

Purpose: This Instruction Memorandum (IM) provides policy guidance regarding the Bureau of Land Management's (BLM) acquisition and disposal of historic light station properties. This IM also discusses the National Historic Lighthouse Preservation Act (NHLPA) of 2000, Public Law 106-355 (Attachment 1), and its impact on BLM's acquisition and disposal processes.

Background: Over the past few years the Department of Transportation, U.S. Coast Guard (USCG) has come to BLM requesting revocation of numerous lighthouse withdrawals. Reasons for these requests include the following:

1. The land originally withdrawn was no longer required for USCG navigation purposes.
2. The USCG no longer has an operational requirement for the land or historic structures but has a need to continue to own and operate the aid to navigation equipment (light) and requires access to the light.
3. Technology updates no longer require the type of lighthouse structure used over the past 100+ years.

As such, withdrawal relinquishment has involved either return of some lands to the public domain (PD), return to PD and subsequent withdrawal of lands and a historic structure to a Federal land manager outside the USCG, or the disposal of lands and historic structure to a non-Federal manager. BLM has been involved in a positive intermediate role in finding local lighthouse adopting groups that actually carry the cost of maintenance and stewardship of the structures as they are relinquished by the USCG. In several instances BLM has retained the property and historic structures and has successfully managed these sites. BLM has had very

positive experiences with the lighthouses that it currently manages. Managing these lighthouses has advanced and enhanced the Bureau's mission by providing a unique opportunity to strengthen its ties to local communities, develop a wide range of partnerships and further educate the public about BLM's mission and role in managing the public lands.

Lighthouse Properties Under BLM Management

Currently, the BLM manages five lighthouse sites (see attachment 2). All five sites have active lights and, with the exception of the Piedras Blancas Light, the USCG owns and maintains the lights and aids to navigation equipment.

Lighthouses and Properties are Disposed of by the USCG Under the Following Two Separate Conditions and Accompanying Authorities:

1. Lighthouses on Lands Administered by the Secretary of the Interior.

Authorities: 43 CFR Part 2300
Federal Land Policy and Management Act (FLPMA) of 1976,
(43 U.S.C. 1714)
43 CFR 2740
The Recreation and Public Purposes (R&PP) Act of 1926,
(43 U.S.C. 869 *et seq.*)

Some lighthouse properties are on withdrawn public land which is reserved for lighthouse purposes by the USCG. When the USCG determines that the lighthouse and/or some of the public lands surrounding the lighthouse no longer meet mission needs, in accordance with Federal law, the USCG notifies BLM of its intent to relinquish the withdrawn property.

The BLM is required to accept back into the PD any lands that have been withdrawn for other Federal purposes which have not been substantially changed in character. In order for these lands to be returned to the PD, the BLM must conduct suitability determinations. If the suitability requirements are met, BLM will notify the holding agency (normally USCG) that the Department of the Interior (DOI) accepts accountability and responsibility for the property (43 CFR 2372.3).

If the lands are determined suitable for return to BLM administration, BLM is authorized to either manage the lands, convey the lands to another interested Federal agency via withdrawal, and/or convey the lands to a non-Federal entity in accordance with an approved land use plan, normally via R&PP. Under an R&PP conveyance, non-governmental recipients, such as non-profit organizations, are required to pay 50% of fair market value. Conveyances for recreational or historic-monument purposes to State and local governments are at no cost.

If the lands are not suitable for return to BLM administration, BLM will request the General Services Administration (GSA) to concur with the suitability determination. Upon receipt of

the concurrence from GSA, the lands become real property and are referred to the GSA, via the land holding agency (USCG), for disposal (43 CFR 2374.1).

BLM has the responsibility of completing the Public Land Order (PLO) which revokes the withdrawal.

BLM Eastern States Office Lighthouse Transfer Program

The USCG has relinquished a total of 31 lighthouse properties to the BLM Eastern States Office. Current Eastern States policy is to find other entities (Federal, State, local or non-profit organizations) which would be interested in long-term management of the parcels and associated lighthouses. The Jackson Field Office's (JFO) Resource Management Plans (RMPs) addressed the disposal of relinquished lighthouse properties. In order to transfer the properties efficiently, the Milwaukee Field Office (MFO) developed a streamlined planning process and amended existing RMPs to authorize disposal of specific properties, including lighthouses.

The MFO and JFO have created very successful partnerships with other entities resulting in the transfer of a number of the relinquished lighthouses to responsible stewards. In addition, the majority of the fieldwork, steward identification, planning, and coordination has been completed for the remaining lighthouse properties.

Additional information regarding the BLM Eastern States Office Lighthouse Transfer Program may be found at the following website address:
<<http://www.es.blm.gov/lighthouses/index.html>>.

2. Lighthouses on Lands Administered by the Administrator, General Services Administration

Authority: The National Historic Lighthouse Preservation Act (NHLPA) of 2000,
Public Law 106-355
Federal Property and Administrative Services Act of 1949,
(40 U.S.C. 471 *et seq.*)

NHLPA authorizes the disposal of historic lighthouses and light stations. NHLPA amends the National Historic Preservation Act of 1966 and establishes a national lighthouse preservation program. NHLPA allows lighthouse properties to be transferred at no cost to Federal agencies, State and local governments, non-profit corporations, educational agencies, or community development organizations. The eligible entity to which the historic light station is conveyed, shall make the historic light station available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions. NHLPA authorizes non-profit entities to compete equally with Federal agencies and other public bodies to obtain historic lighthouse properties.

NHLPA involves several Federal agencies that serve different roles in transferring surplus historic light stations to new owners. Federal agencies disposing of light stations are directed by the law to use NHLPA in place of existing programs under the Federal Property and Administrative Services Act.

Agency Roles in the NHLPA Process:

X USCG identifies and reports excess light stations to the GSA.

X National Park Service (NPS), acting on behalf of the Secretary of the Interior, distributes applications to interested parties; reviews and evaluates applicants; and selects the no cost grantee.

X GSA issues a Notice of Availability to interested parties; develops and executes the conveyance documents.

BLM is required to follow the NHLPA process described above to acquire historic lighthouses which are located on lands managed under the Federal Property and Administrative Services Act.

Policy/Action:

Policy for Management of Excess USCG Lighthouses on Lands Administered by the Secretary of the Interior.

1. BLM Management.

In order for historic lighthouse lands to be returned to BLM administration, the BLM must conduct suitability determinations. If the suitability requirements are met BLM will notify the holding agency (normally USCG) that DOI accepts accountability and responsibility for the property. Lands determined unsuitable for return to the PD will follow the process outlined through the NHLPA program.

BLM may actively manage historic lighthouses and lands which are determined suitable for return to the PD, provided that the management of the historic lighthouses and lands will be consistent with the goals of the NHLPA. Management of historic lighthouses must be consistent with BLM's land use plans.

2. Management by Other Interior Agencies.

BLM may convey historic lighthouses and lands to other DOI agencies via withdrawal, provided that requirements of Section 308(b)(3)(B)(i-iv) of NHLPA are met or the management of historic lighthouses and lands are consistent with the goals of the NHLPA. Section 308(b)(3)(B)(i-iv) provides the authority for the Secretary of the Interior's approval

of conveyances or sales of historic lighthouses located within the exterior boundaries of a unit of the National Park System or a refuge within the National Wildlife Refuge System.

3. Management of Lands Reserved or Dedicated for National Forest Purposes.

NHLPA applies to “excess property” as defined in the Federal Property Administrative Service Act of 1949 (FPASA). The FPASA definition of “real property” does not include lands reserved or dedicated for national forest purposes. Therefore, lands reserved or dedicated for national forest purposes may not be disposed of under NHLPA.

If the USCG notifies BLM of its intent to relinquish lands reserved for national forest purposes, BLM should immediately notify both the USCG and GSA of the reservation. To resolve such issues, the lighthouse structure may be disposed of as “personal property” under FPASA if the National Forest Service agrees to allow long-term access to the site.

4. GSA’s Role.

BLM will support the NPS NHLPA program by allowing all other historic lighthouse conveyances to be handled through the NHLPA process. The lands involved in these disposals should be determined unsuitable for return to the PD in support of the NHLPA program.

BLM will request GSA to concur with the suitability determination for lighthouses and lands determined unsuitable for return to the PD. Upon receipt of the concurrence from GSA, the historic lighthouse and lands become real property and are referred to GSA by the land holding agency (USCG), for disposal via the NHLPA process.

BLM has the responsibility of completing the PLO which revokes the withdrawal.

5. Exception.

The BLM transfer of the remaining lighthouses within the Eastern States Office can compliment DOI’s NHLPA program to transfer historic light stations. The BLM has committed several years in the development of partnerships, identifying lighthouse stewards and building community relations. These efforts have resulted in expectations that have been created with local publics and elected officials through the land-use planning process.

Therefore, lighthouse properties which are currently in the BLM transfer process, such as those being disposed of by BLM Eastern States, may be disposed of through the R&PP process, the NHLPA process, or via withdrawal, whichever process is in the best interest of both the historic lighthouse resource and the recipient. This policy statement is based on the Solicitor’s Office memo dated April 12, 2002 (Attachment 3).

Recreational, Historical, or Cultural Program Policy for Excess Historical Lighthouse Properties

As BLM conducts suitability determinations for historic lighthouse properties, BLM has the opportunity to evaluate the properties as to their suitability for permanent retention as public lands. BLM also understands that in the case of competition for a selected property it would favor the disposition of the property to the entity or agency where the property will best achieve the goals of the NHLPA.

Principally, BLM should consider each property on a case-by-case basis for its values and suitability in relationship to its potential to enhance and advance the vision and mission of BLM. BLM's management of historic lighthouse properties should be consistent with the goals of the NHLPA. Furthermore, BLM should consider the additional historical, cultural, biological, and recreational values that the property would contribute towards overall administration of public lands.

Retention and management of lighthouse properties is an unprecedented opportunity for the BLM to provide a truly unique recreational, historical, and interpretive experience unavailable anywhere else in the BLM both on a local and national level. The successful management of these properties demonstrates that the BLM can reach out to many partners and can reach an audience far greater than it could if it did not have this resource available.

Managing a light station property can give substance and linkage to other critical BLM programs when they are physically located within the boundaries of special designated areas such as National Conservation Areas or National Monuments. This linkage can provide reinforcement and a means of providing public access to other environmentally or historically sensitive areas without compromising the site and also utilizes vast resources of other State and local park systems for restoration and interpretation of the property.

The management of carefully selected lighthouse properties is in harmony with BLM's long term recreation vision and strategy which is to improve, enhance, and expand BLM's capacity and capability to provide additional visitor and community services and to meet customer desires for environmentally responsible outdoor recreation opportunities.

It is recommended that BLM carefully consider each eligible property in the context of activities and events that occur both externally and internally to BLM before retaining these properties permanently as part of the PD. Externally, BLM must review each eligible property in the context of the political environment, economic conditions, social values and attitudes, competitors and/or partnerships available, accessibility, linkage, cultural concerns and physical condition of the property including hazardous materials issues. Internally, BLM must consider the fiscal constraints of acquisition, rehabilitation, and long term administration of the site; expertise or informational resources; liability; and human resources or staffing to manage the site. Each State Office where known lighthouse properties exist should develop a specific set of criteria through their planning process, to guide them through a retention determination process.

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Since BLM is on equal footing with other eligible entities under the NHLPA process, it may be more feasible for BLM to pursue retaining and managing lighthouses which are located on PD lands versus those located on lands managed under the Federal Property and Administrative Services Act. However, BLM may give consideration to all eligible properties.

The following website address has additional information pertaining to historic lighthouses, the NHLPA process, and has an Inventory of Historic Light Stations:
<http://www.cr.nps.gov/maritime/lt_index.htm>.

Time Frame: Effective upon issuance.

Budget Impact: The effect on the budget is not currently known. However, future budgets may be impacted based on the number of lighthouses which are returned to BLM administration and the number of lighthouses which are determined unsuitable for return to the PD and are therefore referred to GSA for disposal.

Manual/Handbook Sections Impacted: The guidance and suggestions provided herein are in addition to the guidance provided in the following BLM Manuals and Handbooks:

Manual 2101 Acquisition Management
Manual 2740, Recreation and Public Purposes
Handbook 2101-1, Acquisition Processing
Handbook 2740-1, Recreation and Public Purposes

Coordination: This IM has been coordinated through the National Landscape Conservation System Office, the Recreation Group, the Cultural Heritage Group, the Planning, Assessment and Community Support Group, the Lands and Realty Group, and affected BLM State Offices. The USCG, GSA, and the NPS were also contacted for input.

Contact: If you have questions or other concerns pertaining to this IM, please contact Celeste Mitchell, Lands and Realty Group (WO-350), at 202-452-7737 (E-Mail: celeste_mitchell@blm.gov).

Attachments (3)

- 1 - National Historic Lighthouse Preservation Act of 2002, Public Law 106-355
- 2 - Lighthouse Properties Under BLM Management
- 3 - Office of the Solicitor Memorandum dated April 12, 2001; Subject: Implications of Public Law 106-355, National Historic Lighthouse Preservation Act of 2002 on BLM Conveyances of Historic Light Stations