

U.S. Fish & Wildlife Service

A Profile of Land Protection Actions

*By the U.S. Fish &
Wildlife Service 1999*



Land Protection Policy for the U.S. Fish & Wildlife Service

The U.S. Fish & Wildlife Service acquires lands and/or interests in lands, such as easements or leases, consistent with legislation or other Congressional guidelines and Executive Orders for the conservation of fish, wildlife, plants, and their habitats and to provide wildlife-dependent public use for educational and recreational purposes. These lands include national wildlife refuges, national fish hatcheries, research facilities and other areas.

The Service's land protection policy is to acquire land only when other means of protection (e.g., zoning or regulation to achieve program goals) are not appropriate, available, or effective.

The Service acquires the minimum interest necessary to reach land protection and management objectives. For example when the Service must acquire land, it acquires fee title (control of all property rights) only if control of lesser property interests through easements or leases will not achieve land protection objectives.

If fee title is required, the Service will give full consideration to granting extended use reservations, entering into exchanges, or using other alternatives that will lessen the impact on the owner and the community.

Funding for acquisitions comes from receipts, such as Federal Duck Stamp sales, entrance fees to certain national wildlife refuges, import taxes on arms and ammunition, and appropriations under the Land and Water Conservation Fund Act.

Condemnation Policy

The Service, like all Federal agencies, has been given the power of eminent domain, that allows the use of condemnation to acquire lands and interest in lands for the public good. The Service, however, seldom uses this power. The Service usually acquires lands from willing sellers and is rarely compelled to buy specific habitats within a short period of time.

Service policy is to acquire land through condemnation only in order to:

- determine the legal owner (clear title),
- settle a difference of opinion of value (when the owner is agreeable to court action), or
- prevent uses which would cause irreparable damage to the resources that the unit (refuge, etc.) was established to protect.

In all cases, whether or not condemnation is necessary, law requires that the Service will offer not less than fair market value as determined by an approved appraisal, using professional standards and Federal requirements, i.e., 1992 Uniform Appraisal Standards for Federal Land Acquisitions, Uniform Relocation Assistance and Real Property Acquisitions Policies Act (P.L. 91-646), and Financial Institutions Reform, Recovery and Enforcement Act of 1989 (P.L. 101-73).

Frequency of U.S. Fish & Wildlife Service Condemnation Actions

The Service has used condemnations sparingly throughout its land acquisition history. The Service recognizes the possible social and economic impacts of acquiring private property by exercising the right of eminent domain and does its utmost to avoid using this approach.

In recent years this has become increasingly true as greater emphasis has been placed on the willing seller policy. The following table shows that over the past ten years (1989-1998) the Service has not acquired any acres through court action, (the table does not include “friendly condemnation” actions used to clear title or settle values).



Acquisitions Between 1989 and 1998

Year	<i>Total Purchased</i>		<i>Condemnations</i>	
	<i>Ownerships</i>	<i>Acres</i>	<i>Ownerships</i>	<i>Acres</i>
1989	613	132,389		
1990	605	213,318		
1991	727	230,512		
1992	835	147,592		
1993	588	128,934		
1994	308	87,718		
1995	734	232,882		
1996	639	241,000		
1997	231	154,897		
1998	587	182,239		
Total	5,867	1,751,481	0	0



Units Under Service Control as of September 30, 1998

National Wildlife Refuges	516
Waterfowl Production Area Counties	199
Coordination Areas	50
Wildlife Research Areas	3
Administrative Sites	43
National Fish Hatcheries	67

Service Acreage as of September 30, 1998

Acres Purchased, Fee	4,417,743
Acres Purchased, Agreement, Easement Lease	3,431,463
Donation or Gift	652,129
Acquired by Other Fed. Agency	2,718,147
Reserved from Public Domain	82,092,801
Grand Total of Service Acreage	93,312,283



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