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WARR
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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-199379

AUGUST 27, 1980

The Honorable John F. Seiberling
House of Representatives



113244

Dear Mr. Seiberling:

Subject: [Allegations that Congressman Seiberling
Received Preferential Treatment Regarding
Land Transactions in the Cuyahoga Valley
National Recreation Area] (CED-80-135)

File
Your February 29, 1980, letter requested that we investigate allegations that you received preferential treatment from the National Park Service, Department of the Interior, regarding land you now own and previously owned in the Cuyahoga Valley National Recreation Area. Specifically, it was alleged that you were allowed to keep your home in the recreation area subject to certain restrictions--a scenic easement--while others were required to sell their homes to the Park Service.

We reviewed the legislation authorizing the Cuyahoga Valley National Recreation Area, segment maps showing the location of each property in the area, and the land acquisition plan showing the interest to be acquired in properties. We also reviewed land acquisition records and interviewed National Park Service officials to obtain their reasons for allowing some landowners to keep their homes while others were required to sell.

Our review showed that you and your wife donated a scenic easement on property containing your residence to the Akron Metropolitan Park District in February 1972, which was 33 months before the Cuyahoga Valley National Recreation Area was established in December 1974. The Park Service plans to acquire this easement, which is in an area where the Service is acquiring easements from adjacent property owners rather than full title. On the basis of our review, it does not appear to us that the Park Service has given or plans to give you preferential treatment.

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BACKGROUND

For land acquisition purposes, the Park Service has divided the Cuyahoga Valley National Recreation Area into 27 segments--segments 101 through 127. (See enc. I.) Your home and the property you formerly owned are in segment 116. (See enc. II.) This segment, as of April 30, 1980, consisted of 48 tracts--21 improved properties 1/ and 27 unimproved properties (21 privately owned and 6 publicly owned). With respect to improved properties, Public Law 93-555, which authorized the area to be established, states:

"* * * the Secretary may acquire scenic easements or such other interest as, in his judgment, are necessary for the purposes of the recreation area. Fee title to such improved properties should not be acquired unless the Secretary finds that such lands are being used, or are threatened with uses, which are detrimental to the purposes of the recreation area, or unless such acquisition is necessary to fulfill the purposes of the Act."

The Park Service, in carrying out the law, determined that it was necessary to acquire some properties in full title (fee), to acquire some properties in a combination of fee and scenic easement, and to just acquire a scenic easement on other properties. Because of rising property costs, Park Service acquisition directives prepared in 1976 and 1977 stated that properties which are to be acquired in fee were to be given the highest priority and easement acquisitions were to be delayed until 1978 and 1979.

1/According to Public Law 93-555 an improved property is "a detached single family dwelling, the construction of which was begun before January 1, 1975, (hereafter referred to as 'dwelling'), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures necessary to the dwelling which are situated on the land so designated or (ii) property developed for agricultural uses, together with any structures accessory thereto which were so used on or before January 1, 1975."

These directives were followed by the Park Service's land acquisition office in Cuyahoga Valley. The first easements were acquired in 1978 when 15 were acquired; 38 others were acquired in 1979. The Park Service intends to acquire a total of about 250 easements, 100 partial easements, and 1,000 properties in fee. For segment 116, the Park Service planned to acquire all of the 27 unimproved properties in fee. Of the 21 improved properties, the Park Service plans to acquire easements on 3 and easements and full title on 3 others.

ACQUISITION OF CONGRESSMAN SEIBERLING'S
PROPERTY OR INTEREST THEREIN

In segment 116, as of April 30, 1980, the Park Service had purchased full title to 14 of 21 improved properties. The Service plans to acquire full title to one additional property, to acquire easements on three properties, and on the other three, acquire part of the property in fee and a scenic easement on the remaining part.

One of the three properties the Park Service plans to acquire partly in fee and partly by easement is tract 116-24. This property was originally owned by you and your wife. You donated a scenic easement on it to the Akron Metropolitan Park District on January 14, 1972. This tract, which contains 10.56 acres, has been subdivided into two tracts--tract 116-24A, containing 5.2351 acres, is improved with one single family dwelling (your residence) and tract 116-24B, containing 5.3174 acres, is an unimproved building site. Tract 116-24A is still owned by you, but tract 116-24B has been purchased by the Trust for Public Lands.

The Park Service plans to purchase tract 116-24B from the Trust and plans to obtain the easement from the Akron Metropolitan Park District on tract 116-24A, according to the Park Service's April 1980 Land Acquisition Plan. According to the Park Service's land acquisition office, these transactions will not take place for about 2 years because they are not high priorities.

In segment 116 the Park Service intends to acquire easements on the six properties because they are located on the southwest boundary and will not affect public use. Improved properties in other segments that are scheduled for easements are also on the edge of the park or in areas not intended for public use.

According to the Park Service the following reasons were given for acquiring in segment 116 the 15 improved properties in fee:

- Two property owners requested that their properties be purchased because continued ownership would cause them undue hardship. Public Law 93-555 requires that prompt and careful consideration be given to such requests.
- Five properties are located in the southernmost section of the area adjacent to an archeological site and Indian burial grounds that the Park Service believes will be a high public use area.
- Four properties are located near a public access area or near a railroad stop. An unloading platform has been proposed at the railroad stop because it is believed this will be a major means of transportation into the area in the future.
- Four properties are located near the Ohio Canal which is envisioned as a high public use area.

In segment 116, as of April 30, 1980, the Park Service had acquired 15 of the 27 unimproved properties in fee. One of these tracts identified by the Park Service as 116-52 was once owned by you and your wife.

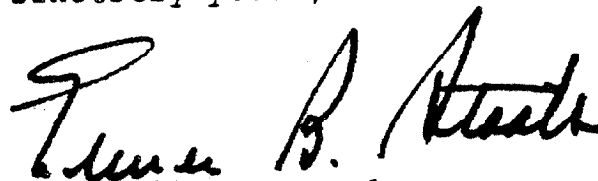
You and your wife donated a scenic easement on this property to the Akron Metropolitan Park District on December 29, 1971, well before December 27, 1974, the date the park was established. Full title to this tract was purchased later from you by the Trust for Public Land. In a letter to the Cuyahoga Valley National Recreation Area land acquisition office, dated July 12, 1977, the Trust offered to sell the land to the Park Service. The Park Service acquired full title to this tract from the Trust on May 9, 1979. The scenic easement donated to the Akron Metropolitan Park District was also transferred to the Park Service.

We reviewed the Park Service's plans for several other segments of the Recreation Area and noted that the Service was acquiring easements rather than full title to improved properties in areas not intended for public use. Therefore, it does not appear that the Park Service has given or plans to give you preferential treatment.

B-199379

As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 10 days from the date of the report. At that time we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Thomas B. Staebli". The signature is written in a cursive style with a large initial 'T' and 'S'.

Comptroller General
of the United States

