



STATE OF WASHINGTON

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October 26, 2006

TO: IAC Members and Designees

FROM: Laura E. Johnson, Director 

PREPARED BY: Leslie Ryan-Connelly, Outdoor Grants Manager

SUBJECT: Conversion Request
Department of Fish and Wildlife – Elk Heights
LT Murray Wildlife Area, IAC #66-609A
Notebook Item #2c (Consent Calendar)

Summary

Washington Department of Fish and Wildlife (WDFW) is requesting approval of a conversion at the LT Murray Wildlife Area. The proposal converts 120 acres of isolated property at the north end of the LT Murray in Kittitas County. Replacement would be comprised of two separate properties: 240 acres adjacent to the Skookumchuck Unit of the LT Murray Wildlife Area and an 80 acre in-holding in the Wenas Wildlife Area. The conversion and replacement properties are all located in Kittitas County. See the attached map for location information. Staff recommends approval of the conversion request.

Background

The WDFW is asking for IAC approval to convert a portion of the LT Murray Wildlife Area. The 120-acre property proposed for conversion is isolated from the rest of the wildlife area only connecting to other WDFW property on the southwest corner. There is no road access connecting this property with the rest of the wildlife area. The property is sparsely forested and was logged in the late 1990's prior to expiration of a timber reservation. There are approximately 1.5 miles of logging road on the property, which can only be accessed from a private road. It is located approximately 5 miles southeast of Cle Elum. Snowmobilers, illegal off-road vehicles and some hunters currently use the property. This property is considered surplus to WDFW needs. It is valued at \$100,800. Conversion of this property would have no impact on the habitat or recreational use of the adjacent LT Murray Wildlife Area.

WDFW has an opportunity to exchange this parcel for a privately held 80-acre in-holding within the Wenas Wildlife Area. The private in-holding is completely surrounded by WDFW land therefore it can only be accessed by traveling across the wildlife area. The property is about three-quarter mile from the Yakima River and SR 3. The site is described as sloping shrub steppe hillside that provides habitat for mule deer and elk. No structures, access or interior roads or fencing are located on the property. Acquisition of the in-holding will prevent development within the wildlife area and provide for more effective management of habitat across the landscape. This property is valued at \$18,400.

To complete the replacement requirement for equivalent property value, WDFW also proposes including a 240-acre property in the Skookumchuck Unit of the LT Murray Wildlife Area. This property is part of a larger acquisition effort to acquire the Skookumchuck Watershed and link the Whiskey Disk and Quilomene Units together. The 240-acre property is accessed through the wildlife area from the south. It is located approximately 3 miles west of the Columbia River. The property supports deer, elk, bighorn sheep, chukar and quail. The property is surrounded on all sides by other WDFW property.

The original grant award for this project in 1969 was for \$1,800,000 to purchase 24,965.44 acres. The grant included \$900,000 from the Land and Water Conservation Fund and \$900,000 in state bonds. The purpose of the grant was to acquire property for big game management and public access.

There have been two previously approved conversions on this project. The first was in 1980 for 5 acres. The second in 1989 converted 226.07 acres with replacement of 159.28 acres. A third conversion for six acres was approved by the IAC Board in 1988 but was never approved by the National Park Service (NPS), therefore, is an outstanding conversion that remains to be resolved. IAC staff is currently negotiating with NPS on how to resolve this outstanding conversion. The current total protected area is 24,898.65 acres.

Conversion Policy

IAC's program policies, administrative rule, and statutory language restricts the use of IAC funded land and facilities to the purposes for which funding was granted. The policy outlined in IAC Manual #7: *Funded Projects: Policies and the Project Agreement* states:

The sponsor shall not at any time convert any real property acquired or any facility developed pursuant to this Agreement to uses other than those purposes for which assistance was originally approved, without the approval of IAC's Board or Director, in compliance with applicable statutes, rules, and IAC policies as identified in this Agreement. It is the intent of IAC's conversion policy that all lands acquired and all lands developed with funding assistance from IAC remain in the public domain in perpetuity unless otherwise identified in the Agreement.

By IAC policy and state and federal law, a conversion may occur under any of the following circumstances:

Conveyance. Property interests are conveyed or non-public outdoor recreation or habitat conservation uses;

Use. Non-outdoor recreation or habitat conservation uses (public or private) are made of the project area or a portion thereof;

Development. Non-eligible indoor facilities are developed within the project area without prior approval of IAC-SRFB or the Director; or

Termination of Use/Conformance

- ▶ *Outdoor Recreation Projects* – Public use of the property acquired or developed with IAC assistance is terminated.
- ▶ *Habitat Conservation and Salmon Recovery Projects* – The property acquired no longer meets or conforms to the intent of the category in which it was funded.

Administrative rule and federal law further clarifies that the Board may only approve a conversion under conditions, which assures the substitution of land of at least equal fair market value at the time of conversion and of nearly as feasible equivalent usefulness and location.

Analysis

In this instance, WDFW plans to sell property, which would no longer be available for public use. Because both state and federal funds were used to acquire this property, WDFW must satisfy conditions established by IAC and NPS, who oversees Washington's administration of the Land and Water Conservation Fund.

WDFW wishes to convert 120 acres of the LT Murray Wildlife Area. In exchange, WDFW will acquire equivalent replacement property in two locations: 80 acres in the Wenas Wildlife Area and 240 acres in the LT Murray Wildlife Area. Staff reviewed the proposal based upon adopted criteria set forth in IAC Manual #7.

- **All practical alternatives to the conversion have been evaluated and rejected on a sound basis.**

The alternative considered is to not exchange the property for the in-holding in the Wenas Wildlife Area. This alternative was considered and rejected for three main reasons. First, improving the connectivity of the existing 120-acre property with the rest of the LT Murray Wildlife Area would require purchasing adjacent lands, which are currently not for sale. Second, the proposed replacement properties will provide superior recreational and habitat opportunities because of the additional acreage and the connectivity to other WDFW lands. Third, development of the in-holding property in the Wenas Wildlife Area would require

WDFW to provide legal access to the private property, which would impact the integrity of the wildlife area.

- **The fair market value of the property to be converted has been established and the land proposed for substitution is of at least equal current fair market value.**

The fair market value of the 120-acre proposed conversion property is \$100,800.

The 80-acre in-holding on the Wenas Wildlife Area is valued at \$18,400. The 240-acre property in the Skookumchuck Unit of the LT Murray is valued at \$84,000. The combined appraised values of the two proposed replacement properties total \$102,400, which satisfies the equivalent fair market value requirement.

- **The land for replacement is of reasonably equivalent recreation or habitat utility and location to that being converted.**

With the information available to IAC staff at this time, it appears the replacement lands provides similar habitat and recreation opportunities. The replacement properties are completely surrounded by other WDFW land. The replacement lands will provide superior habitat for deer, elk and other species. WDFW will also be better able to manage the replacement lands as they are within existing wildlife areas and have limited road access making it less likely to have illegal off-road vehicles and dumping activities.

- **The land proposed for substitution meets the eligibility requirement for acquisition projects.**

The two proposed replacement properties meet the eligibility requirements for acquisition projects. The replacement properties are being purchased from a willing seller. The acquisition process has followed federal guidelines. The 240-acres at the Skookumchuck Unit of the LT Murray Wildlife Area have already been purchased by WDFW with a conditional Waiver of Retroactivity by the NPS, allowing the acquisition to be eligible as a potential replacement property

Recommendation

After reviewing the proposal submitted by WDFW, IAC staff recommends Board approval of the LT Murray Elk Heights conversion. Consent Resolution #2006-38 is provided for Board consideration.

Attachment

- Location Map

Attachment 1

