

4. LAND TRANSACTIONS

August 11, 2023

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Fish and Wildlife Commission Presentation Summary/Decision Sheet

Meeting date:

8/11/2023

Agenda item:

4. Land Transactions

Presenter(s):

Karen Edwards, Real Estate Services Manager

Item 1: Proposed Transfer of 167(+/-) Acres in Klickitat County
Klickitat Hatchery, Region 3

Washington Department of Fish and Wildlife (WDFW) staff request Commission approval to determine that transfer or conveyance of 167(+/-) acres in Klickitat County, being the Klickitat Hatchery property and hatchery facilities, to the Confederated Tribes and Bands of the Yakama Nation (Yakama Nation) is consistent with public interest under [RCW 77.12.220](#), and/or that legal title to the property is surplus to WDFW under [RCW 39.33.010](#), and authorize the Director to transfer or convey the property and hatchery facilities to the Yakama Nation under [RCW 77.12.220](#) and/or [RCW 39.33.010](#).

Background summary:

This proposed transfer was taken to Commission for briefing on [March 17th](#) (Item #7 [summary sheet/presentation](#)) and again on [June 23rd](#) for briefing and public comment (Item #11 [summary sheet/presentation](#)). Links to those summary sheets and presentations are provided herein.

Yakama Nation has served as the lead party responsible for managing the Yakima/Klickitat Fisheries Project under a 1994 Memorandum of Understanding (MOU) that describes co-management and shared goals of WDFW and the Yakama Nation related to the Yakima and Klickitat River basins.

In the early 2000's, the Yakama Nation requested WDFW transfer the hatchery facility and parcel to the Yakama Nation, resulting in a June 2003 transfer MOU. Owing to other Yakima/Klickitat Fisheries Project successes, WDFW was receptive to this idea, as management of the remote facility posed practical and budgetary challenges related to the need for significant upgrades and the Yakama Nation could bring additional federal funding to the facility. The transfer was not completed at that time due to Klickitat County's opposition to the transfer.

In 2005, WDFW began leasing the facility to the Yakama Nation and entered into a Memorandum of Agreement (MOA) relating to operation of the facility. Since that time, approximately \$3.2 million in important upgrades to the facility have been completed by the Yakama Nation and Yakama Nation recently secured approximately \$25 million for infrastructure improvements. Yakama Nation manages

the hatchery consistent with the Klickitat Master Plan EIS, 1994 Yakima/Klickitat Fisheries Project MOU, and *U.S. v. Oregon* Management Agreement.

WDFW held a public comment period on a [SEPA determination of non-significance](#) for this proposal from 5/12/23 to 5/26/23 with no comments received. A [5/18/23 letter](#) from the Klickitat County Board of County Commissioners expressed support for the transfer to Yakama Nation.

The transfer of the hatchery property and facility to the Yakama Nation will allow the Yakama Nation to more fully leverage its resources against federal funds to achieve the goals of the Yakima/Klickitat Fisheries Project and to produce fish for treaty and non-treaty harvest and conservation purposes. The Yakama Nation is authorized to receive federal Mitchell Act and Fish Accords funding and has already sought and received millions of dollars in supplemental federal funding to improve the Klickitat Hatchery. The Yakama Nation is authorized and capable of continuing to maintain the hatchery and further the objectives of the Yakima/Klickitat Fisheries Project while meeting *U.S. v. Oregon* production targets. Additionally, the transfer will result in fewer WDFW administrative and oversight costs associated with continued ownership of a facility that WDFW does not actively manage and operate.

Public access to Klickitat River is a secondary public use of the property. Since 2003, Yakama Nation has taken active measures to increase public access to the Klickitat River, including developing a safer raft put-in below the weir, replacing an aging foot bridge that provides better public access to the river, enlarging the visitor parking area, and enhancing the rafting launch area. Yakama Nation will continue to provide this access after transfer and will continue to steward the upland and riparian habitat values present on the hatchery property. Additionally, WDFW will reserve commercial timber rights on the property.

Because Yakama Nation will continue to operate the hatchery to produce fish for treaty and non-treaty fisheries and to provide public access to Klickitat River, the public will continue to enjoy the same benefits with reduced costs to the state. Therefore, transfer is consistent with public interest and bare legal title to the property is surplus to WDFW.

If approved by Commission, WDFW staff will obtain Director and Attorney General certification to the Governor that the agreement has been made, as required in [RCW 77.12.220](#). Upon certification to the Governor, this proposed transfer or conveyance of the property and hatchery facilities to the Yakama Nation will be via a Governor's Quitclaim Deed.

Staff Recommendation:

Staff recommend Commission approval of the following:

- Determine the property surplus to WDFW under [RCW 39.33.010](#);
- Declare transfer and conveyance of the property and hatchery facilities to the Yakama Nation as consistent with public interest under [RCW 77.12.220](#); and
- Authorize WDFW's Director to transfer and convey the property and hatchery facilities to the Yakama Nation under [RCW 77.12.220](#) and/or [RCW 39.33.010](#).

Policy issue(s) and expected outcome:

WDFW and Yakama Nation co-manage resources in the Klickitat River through the existing Yakima-Klickitat Fisheries Project agreement. This transfer will facilitate more efficient

management of the facility by tribal co-managers, including the tribe's ability to better leverage federal funding for improvements to the facility and fishery management in the Klickitat River Basin. Hatchery production will continue to meet *U.S. v. Oregon* Management Agreement targets.

Fiscal impacts of agency implementation:

WDFW will no longer have an ownership interest in the property or hatchery facility, reducing associated asset management tasks and contracting tasks.

Action requested and/or proposed next steps:

Approval of this land transaction.

Draft motion language:

Motion: I move to approve the land transactions as presented by staff.

Is there a "second"?

If so, then motion maker discusses basis for motion; other Commissioners discuss views on motion; amendments, if any, proposed and addressed.

Post decision communications plan:

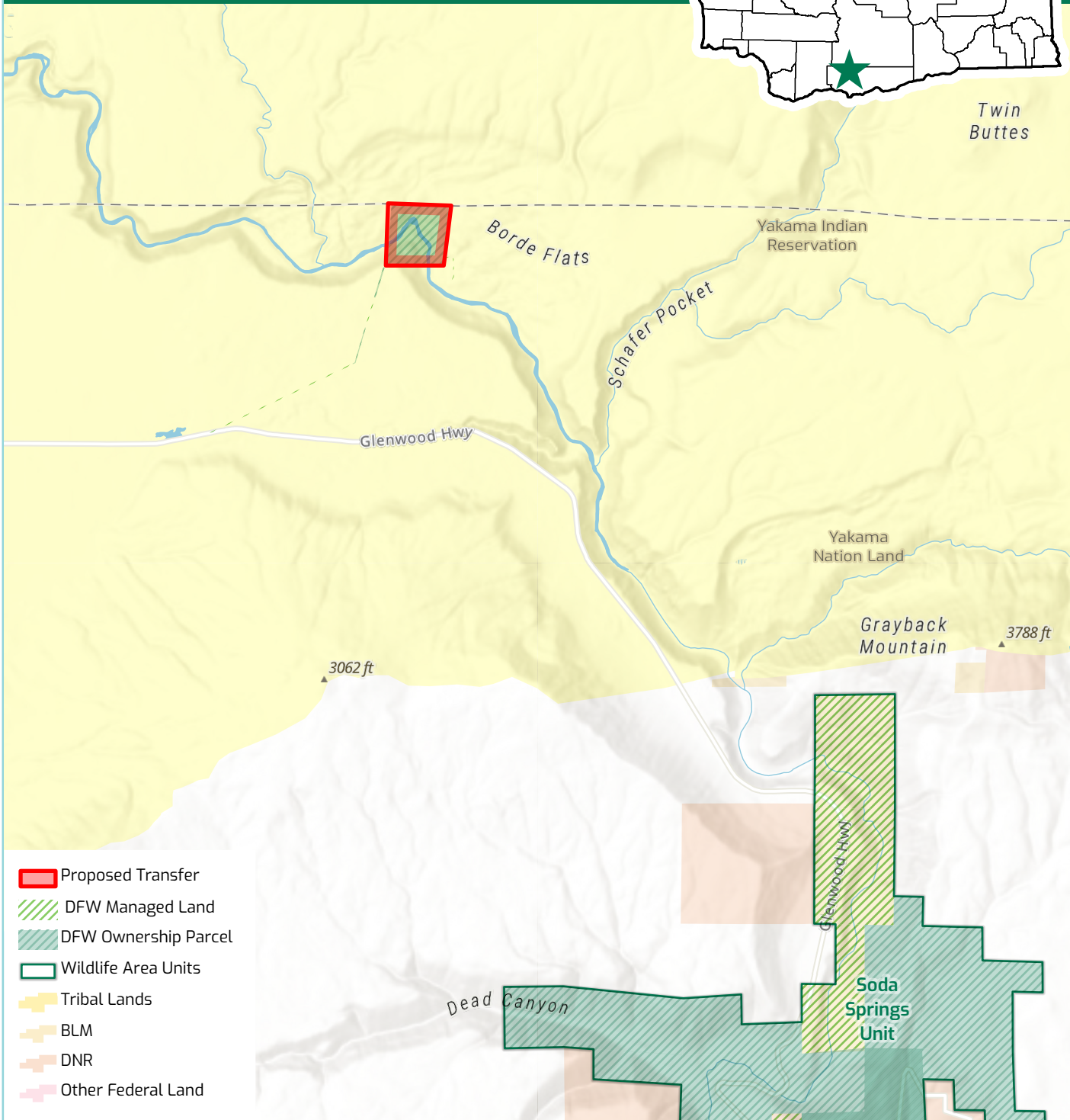
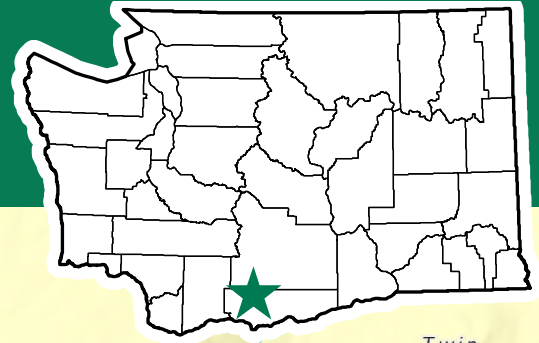
WDFW will distribute a press release informing the public of this action.

Klickitat Hatchery Transfer

Klickitat County

Legal Description: Township 6N, Range 13E, Section 4

Acres : 167 (+-)



Department of Fish and Wildlife

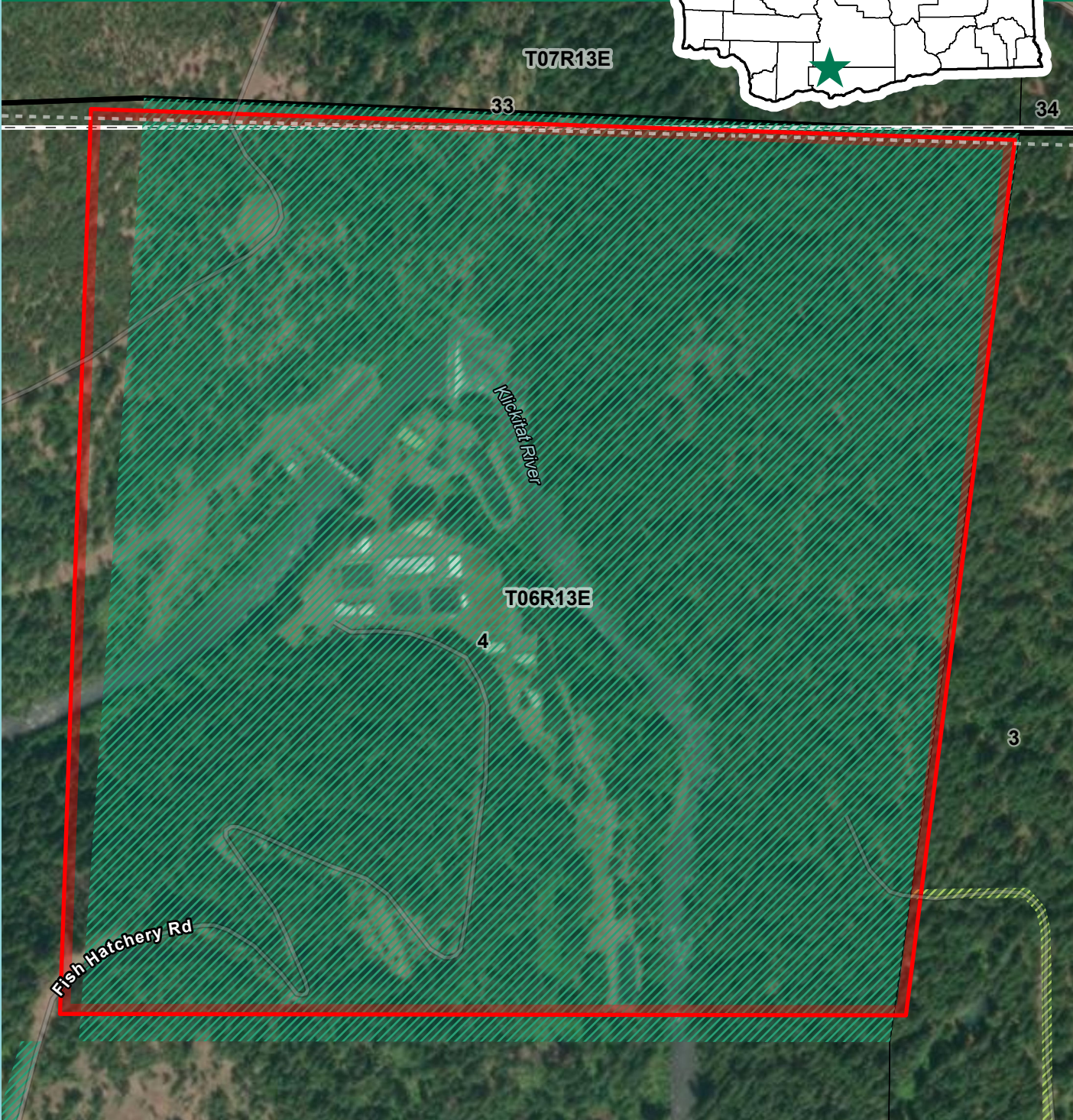
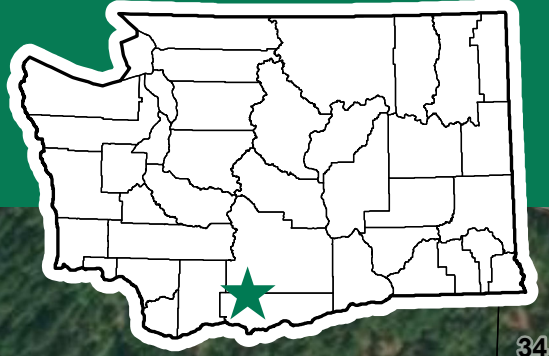
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Klickitat Hatchery Transfer

County: Klickitat County

Legal Description: Township 6N, Range 13E, Section 4

Acres : 167 (+-)



Department of Fish and Wildlife



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Fish and Wildlife Commission Presentation Summary/Decision Sheet

Meeting date:

8/11/2023

Agenda item:

4. Land Transactions

Presenter(s):

Karen Edwards, Real Estate Services Manager

Item 2: Proposed Easement Exchange in Clallam County
Dungeness Hatchery, Region 6

Washington Department of Fish and Wildlife (WDFW) staff request Commission approval of an easement exchange at the Dungeness Hatchery pursuant to [RCW 77.12.037 Acquisition, use, and management of property—Condemnation—When authorized](#) and [Department property—Management, sale](#).

Background summary:

The Dungeness Hatchery was originally built on Canyon Creek in 1902 and was relocated to its present 90(+/-)-acre site when WDFW acquired the property in 1945, located in eastern Clallam County about 5 miles south of Sequim. The hatchery rears ESA listed Spring Chinook salmon, Coho salmon, Winter steelhead, and odd-year Pink salmon eggs. Hatchery production supports sustainable recreational fisheries, fulfills Treaty Tribal fishing right entitlements for coho and early-winter steelhead, and plays a major role in restoration and integrated recovery of Dungeness Spring Chinook and odd-year Pink salmon.

In 1963 an easement was granted to WDFW by an adjacent private landowner for the construction, operation, and maintenance of a water intake, necessary for the hatchery facility. In 2009 a design and construction revamp of the water intake system was completed, resulting in the new intake being constructed slightly outside of the 1963 easement legal description. WDFW and the owner of the land subject to this easement are working together to revise the easement legal description to the location of the current water intake infrastructure.

In exchange, WDFW desires to grant a perpetual easement to the same adjacent private landowner for underground utilities as well as formalize a driveway access easement that has served as continuous access to the private property for decades.

This project would correct the easement granted to WDFW from the adjacent private landowner to allow operation and maintenance to continue without interruption or

unnecessary relocation of the water intake in exchange for an easement to the private landowner over the hatchery property for a driveway and underground utilities. The value of these easements would be off setting, benefiting both parties and being good neighbors.

Staff Recommendation:

Staff recommend Commission approval of this easement exchange pursuant to [RCW 77.12.037](#) and [RCW 77.12.210](#).

Policy issue(s) and expected outcome:

This project would allow continued uninterrupted operation and maintenance of the water intake without the unnecessary need to relocate.

Fiscal impacts of agency implementation:

This project would allow the water intake, at the current location, to be authorized under an easement without unnecessary relocation.

Action requested and/or proposed next steps:

Approval of this land transaction.

Draft motion language:

Motion: I move to approve the land transactions as presented by staff.

Is there a "second"?

If so, then motion maker discusses basis for motion; other Commissioners discuss views on motion; amendments, if any, proposed and addressed.

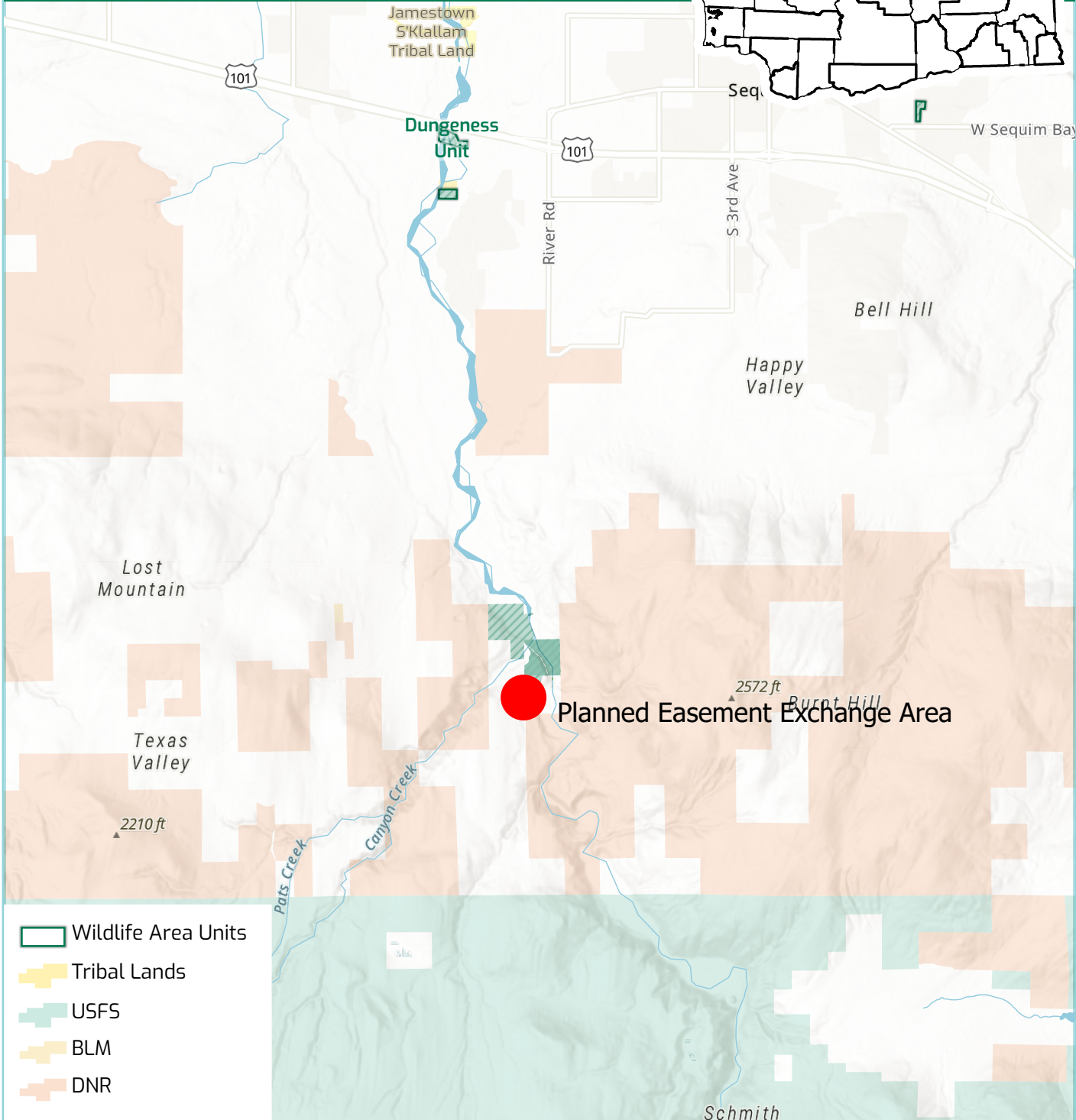
Post decision communications plan:






WDFW will distribute a press release informing the public of this action.

Dungeness Easement Exchange

Clallam County

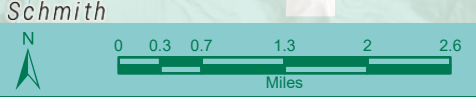
Legal Description: Township 29 N,
Range 4 W, WM, Section 12



-  Wildlife Area Units
-  Tribal Lands
-  USFS
-  BLM
-  DNR



Department of Fish and Wildlife

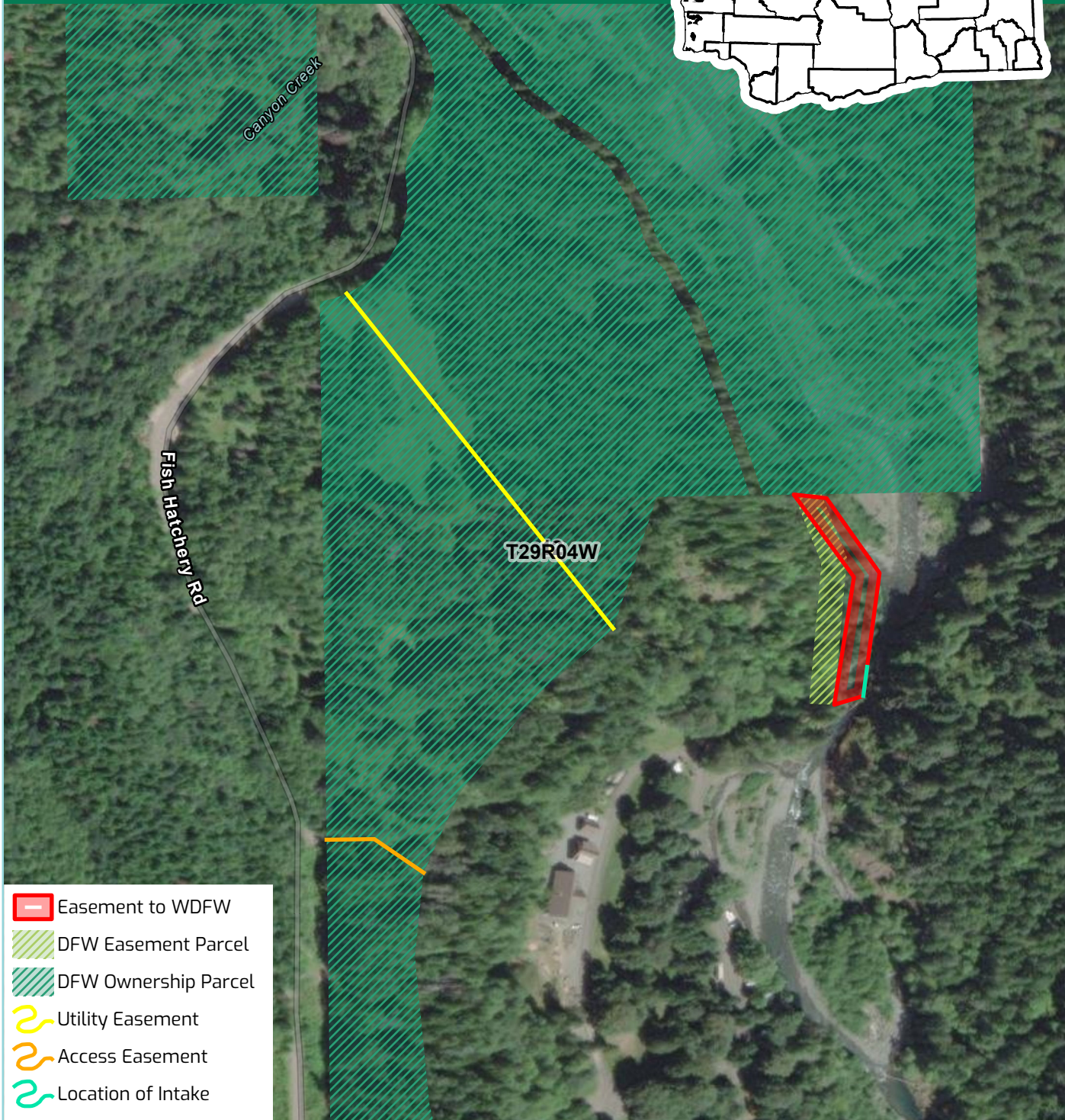
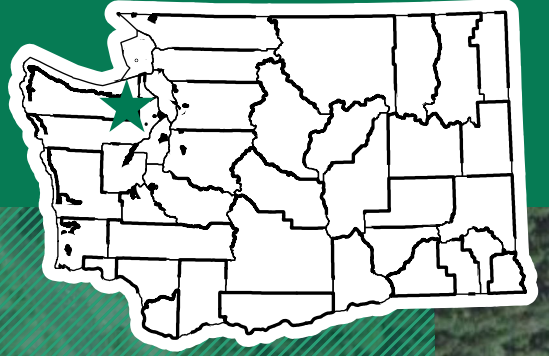


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Dungeness Easement Exchange

Clallam County

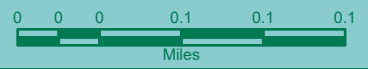
Legal Description: Township 29 N,
Range 4 W, WM, Section 12



- Easement to WDFW
- DFW Easement Parcel
- DFW Ownership Parcel
- Utility Easement
- Access Easement
- Location of Intake



Department of Fish and Wildlife



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Fish and Wildlife Commission Presentation Summary/Decision Sheet

Meeting date:

8/11/2023

Agenda item:

4. Land Transactions

Presenter(s):

Karen Edwards, Real Estate Services Manager

Background summary:

Item 3: Proposed Acquisition of 40(+/-) Acres in Grays Harbor County
Chehalis Unit, Chehalis Wildlife Area, Region 6

Washington Department of Fish and Wildlife staff request Commission approval of the proposed acquisition of 40(+/-) acres at the Chehalis Wildlife Area, Chehalis Unit, Grays Harbor County, Region 6, pursuant to [RCW 77.12.037 Acquisition, use, and management of property—Condemnation—When authorized.](#)

Background summary:

The Washington Department of Fish and Wildlife (WDFW) proposes to acquire an additional 40(+/-) acres in the Chehalis Unit (Unit) of the Chehalis Wildlife Area (WLA). The Unit was formed in partnership with Ducks Unlimited and acquired with a combination of Duck Stamp funding and land donations. It is currently 811(+/-) acres located in the Pacific Northwest Coast in the Lower Chehalis River watershed about 2.5 miles southwest of the City of Elma in eastern Grays Harbor County. It is bordered by Newman Creek to the west and the Chehalis River to the south, with agricultural land surrounding much of the rest of the Unit. It includes an ADA parking lot, restroom facilities, boat launch, and an ADA access trail and blind.

The Unit consists of open wetlands, riparian shrub, and meadows/fields for waterfowl habitat. The habitats in this Unit are interspersed and thus allow for an abundance of species, such as osprey, wood duck, trumpeter swans, shorebirds, waterfowl, and the Olympic mudminnow. The neighboring agricultural fields provide forage and escape and resting habitat for trumpeter swans, blue herons, and bald eagles.

This Unit is popular for waterfowl hunting yet includes a variety of other game species for hunting, such as deer and snipe This Unit includes hiking trails and ADA trail access to a viewing blind that offers opportunities for waterfowl hunting and nature watching and photography.

This 40(+)-acre property was approved through Lands 20/20 in 2020 and will be acquired for the appraised value of \$150,000 using funding from the WDFW's Migratory Bird Stamp & Art Print Program (Duck Stamp), which is revenue from the sale of migratory bird permits, stamps, and artwork.

Once acquired, the property will become part of the [Olympic-Willapa Hills Wildlife Area Management Plan](#) which guides forest management, range management, wildlife and habitat management, recreation management, hydrology, cultural resources, infrastructure and maintenance, as well as public access, to name a few.

Ongoing operation and maintenance costs for this proposed 40(+)-acre acquisition property is \$64 per acre, being a total of \$2,576 annually. This amount will be included in WDFW's 9v decision package for ongoing operation and maintenance for newly acquired land.

A dilapidated shell of a former residence and two small outbuildings, along with a septic system and well, are on the property. Funding will be needed for demolition, removal, and cleanup of the dilapidated structures, and decommissioning of the septic, well, etc. This is expected to be in the form of a future capital budget request for like needs on several properties within the Chehalis Valley, which would include this site.

Agricultural use for hay production is an existing use within the Unit. Short-term plans for this property, once acquired, is to incorporate it into an existing agriculture lease.

The proposed acquisition property is within the Washington Department of Natural Resources Forest Fire Protection Assessment boundary and will be calculated per RCW 76.04.610 at \$17.50 for the first 50 acres and .27¢ on each acre exceeding 50 acres, for a total expected annual fee of \$17.50. This proposed acquisition property is also within the [East Grays Harbor Fire and Rescue](#) coverage area (Grays Harbor County Fire Protection District 05).

Per [RCW 77.12.201](#), Grays Harbor County does opt into PILT (Payment in Lieu of Taxes) as provided for in [RCW 77.12.203](#), and this additional payment will occur through the Washington State Treasurer's Office.

Staff Recommendation:

Staff recommend Commission approval to acquire the 40(+)-acre property in the Chehalis Unit of the Chehalis Wildlife Area pursuant to [RCW 77.12.037](#).

Policy issue(s) and expected outcome:

Protecting habitat and providing public recreational opportunities.

Fiscal impacts of agency implementation:

Operation and maintenance, demolition, removal and cleanup of dilapidated structures, decommissioning of septic, well, etc. costs.

Action requested and/or proposed next steps:

Approval of this land transaction.

Draft motion language:

Motion: I move to approve the land transactions as presented by staff.

Is there a "second"?

If so, then motion maker discusses basis for motion; other Commissioners discuss views on motion; amendments, if any, proposed and addressed.

Post decision communications plan:

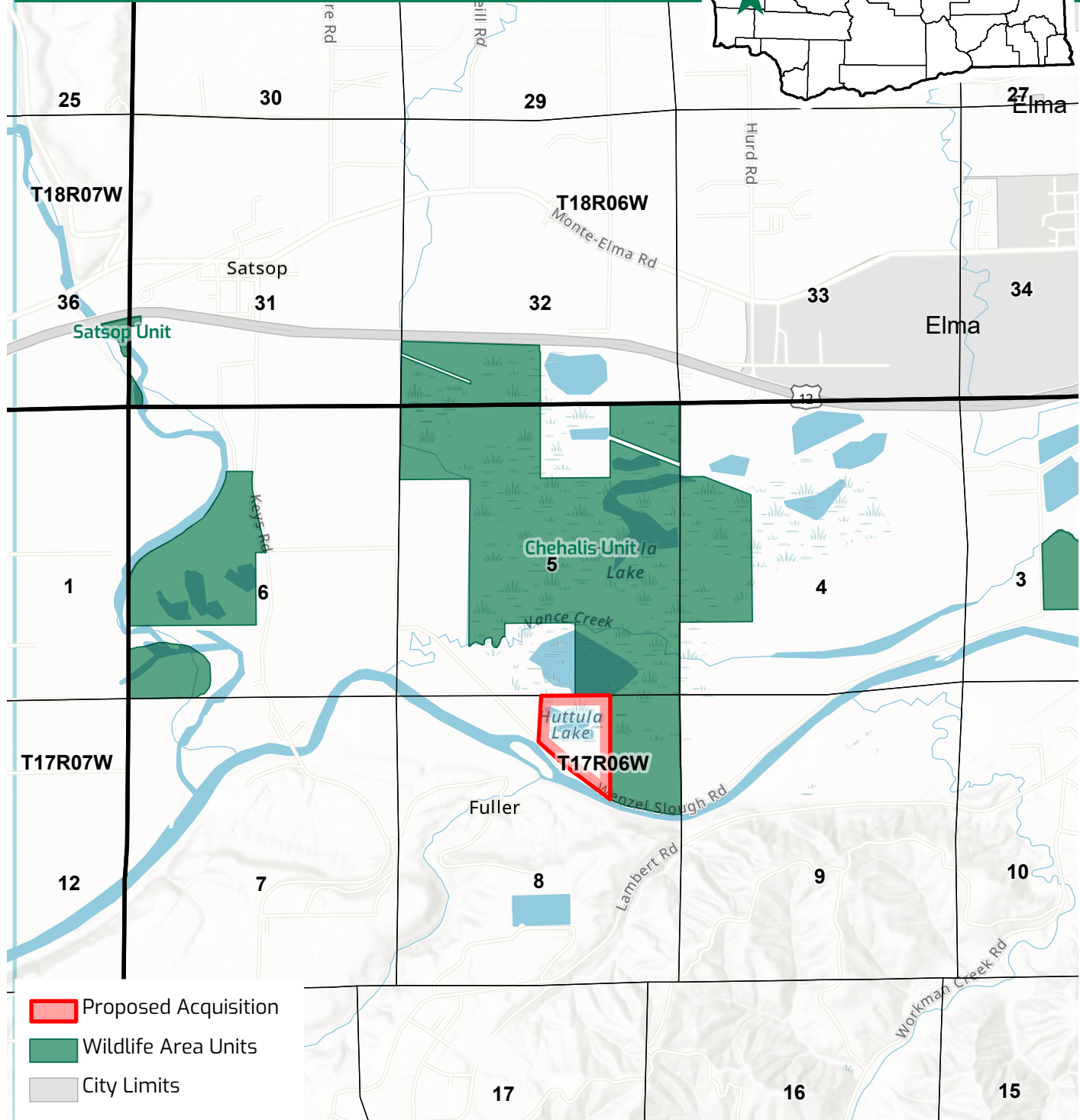
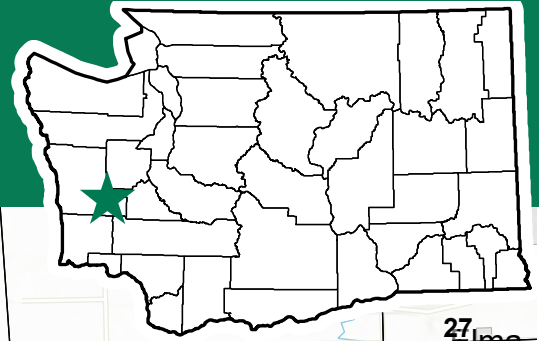
WDFW will distribute a press release informing the public of this action.




Chehalis WLA Expansion

Grays Harbor County

Legal Description: Portion of Section 8,
Township 17N, Range 6W W., WM

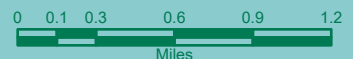
Acres: 40 (+/-)



-  Proposed Acquisition
-  Wildlife Area Units
-  City Limits



Department of Fish and Wildlife



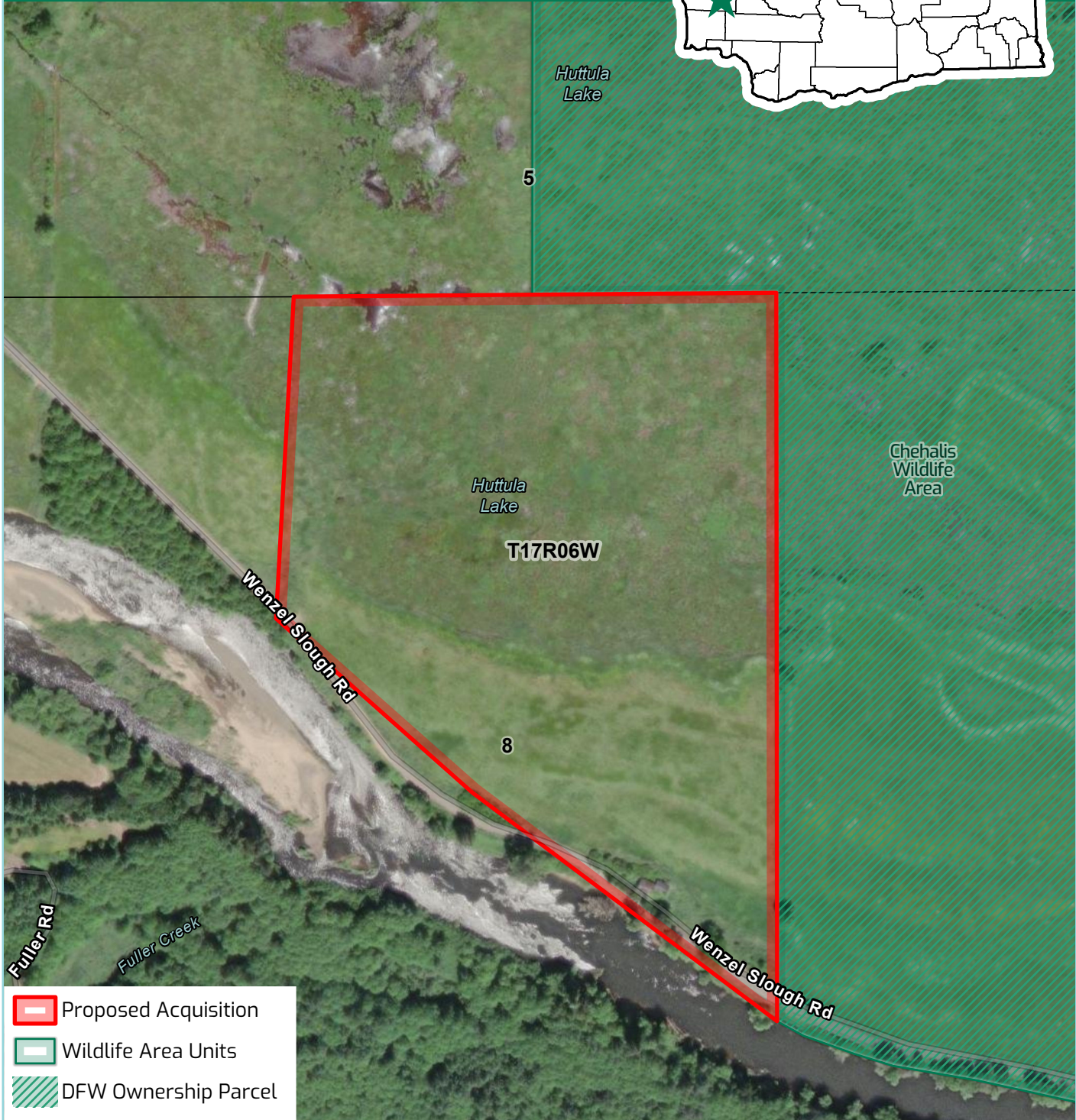
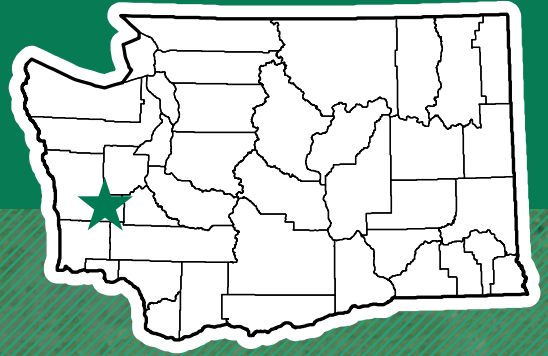
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Chehalis WLA Expansion

Grays Harbor County

Legal Description: Portion of Section 8,
Township 17N, Range 6W., WM

Acres: 40 (+/-)



Huttula Lake

5

Huttula Lake

T17R06W

8




Chehalis Wildlife Area

Wenzel Slough Rd

Fuller Rd

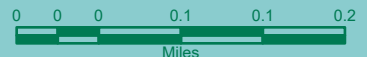
Fuller Creek

Wenzel Slough Rd

-  Proposed Acquisition
-  Wildlife Area Units
-  DFW Ownership Parcel



Department of Fish and Wildlife



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