

PROPOSED LAND TRANSACTIONS

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GREEN SHEET

Conference Call **May 18, 2012**
Agenda Item: **PROPOSED LAND TRANSACTION**
Staff Contact: **Dan Budd**
Presenter: **Dan Budd**

Background:

The Department is recommending the Commission find that it is consistent with the public interest and approve the release of a reversionary interest in the Spaight Creek Ponds deed that was granted to the Muckleshoot Indian Tribe in 2004.

Policy issue(s) you are bringing to the Commission for consideration:

Enhanced fish production, fostering government to government relations, and responsible property management.

Public involvement process used and what you learned:

There has been no public outreach on this action.

Action requested (identify the specific Commission decisions you are seeking):
Approval of the proposed land transaction as presented.

Draft motion language:

Move (1) that the Commission find that the proposed land transaction is consistent with the public interest; and (2) to approve the proposed land transaction as presented.

Justification for Commission action:

This action will provide opportunity for enhanced fish production, foster government to government relations and address responsible property management.

**STATE OF WASHINGTON
DEPARTMENT OF FISH AND WILDLIFE
WILDLIFE PROGRAM
LANDS DIVISION
REAL ESTATE SERVICES**

May 18, 2012

TO: Philip Anderson
Director

FROM: Dan Budd
Real Estate Manager

**SUBJECT: ITEM 1: PROPOSED RELEASE OF COVENANT,
SPAIGHT CREEK REARING PONDS, KING COUNTY**

The Department of Fish and Wildlife (WDFW) has received a request from the Muckleshoot Indian Tribe to remove the reversionary clause from the deed granted to the Tribe in 2004 for the Spaight Creek rearing ponds property. This property was sold to the Tribe in 2004 following approval from the Commission to sell it for less than full value, provided that a reversionary clause was inserted in the deed to restrict use of the property to fish rearing.

The Muckleshoot Indian Tribe is now planning on doing \$12-13 million in enhancement work on the property. As part of this, the Tribe desires to transfer the property into trust with the Bureau of Indian Affairs. The property cannot be transferred into trust with the WDFW's reversionary interest still in place. The Tribe has offered to now complete the full-value payment if WDFW will remove the reversionary clause from the deed.

This 11.8-acre property was acquired by WDFW in 1976, but has long been operated by the Muckleshoot Indian Tribe as rearing ponds for its Crisp Creek fish rearing facility. In 2002, it was identified as surplus to program needs. In 2004, the property was appraised at \$125,000. The Tribe paid \$65,000 at that time and is now offering to pay the remaining \$60,000 for fee simple ownership of the parcel.

RCW 77.12.220 authorizes the Commission to convey real property to any person if, in the judgment of the commission and the attorney general, the transfer and conveyance is consistent with the public interest. Release of the reversionary clause from the 2004 deed will enable the Tribe to make significant enhancements to the Tribe's fish rearing operations at the property, which will benefit the fishery as well as the environment.

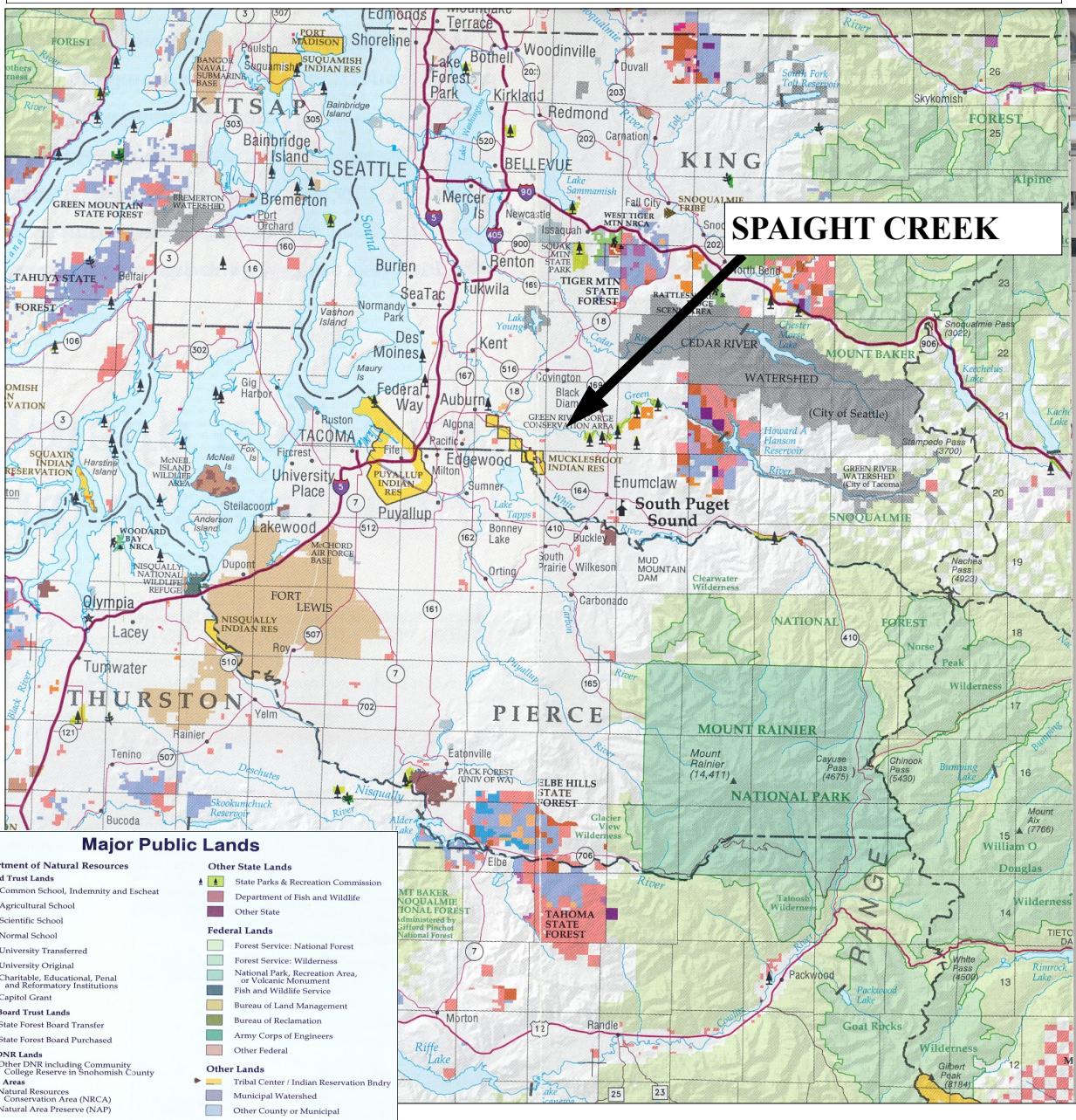
The Department recommends the Commission find that this action is consistent with the public interest and approve the release of the reversionary clause in the Spaight Creek Ponds deed and accept \$60,000 from the Muckleshoot Indian Tribe.

**TITLE: ITEM 1 — PROPOSED REMOVAL OF COVENANT
WDFW TO MUCKLESHOOT INDIAN TRIBE
SPAIGHT CREEK REARING PONDS**

COUNTY: KING

LEGAL: SECTION 21, TOWNSHIP 21 N, RANGE 6 E W. M.

ACRES: 11.81



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