



WASHINGTON STATE DEPARTMENT OF
Natural Resources
Peter Goldmark - Commissioner of Public Lands
Cullen Stephenson - Deputy Supervisor of Uplands

NEWBERRY HILL STATE FOREST TRANSFER RECONVEYANCE

PROPOSAL

The Department of Natural Resources proposes to reconvey 304 acres, more or less, of State Forest Transfer Land (formerly known as Forest Board) to Kitsap County at the request of the County.

- This reconveyance will allow for county proposed use of the property as a public park.
- The proposed use is in accordance with the state outdoor recreation plan, also known as the State Comprehensive Outdoor Recreation Planning document (SCORP).

GENERAL LOCATION

The property is located approximately 3 miles northeast of the Green Mountain State Forest, near Silverdale and is within Sections 25 & 26, Township 25 North, Range 1 West, W.M., in the South Puget Sound Region.

IMPROVEMENTS None.

PRESENT INCOME None.

JUSTIFICATION

RCW 79.22.300 states “Whenever the board of county commissioners of any county shall determine that state forest lands, that were acquired from such county by the state pursuant to RCW 79.22.040 and that are under the administration of the department, are needed by the county for public park use in accordance with the county and the state outdoor recreation plans, the board of county commissioners may file an application with the board for the transfer of such state forest lands.”

1. The Kitsap County Council submitted Resolution No. 107-2011 dated July 25, 2011, requesting Reconveyance of the property for public park use and recreation. (Att. A) The resolution states that the Kitsap County Parks and Recreation Open Space Plan (PROS) :
 - conforms to the State Comprehensive Outdoor Recreation Planning Document (SCORP);
 - established that open space should be acquired to become an interconnected system for habitat value and as a link to other facilities with a countywide trail system;
 - identifies the reconveyance of open space property currently under the auspices of DNR, as a component of the Newberry Hill Heritage Park planning efforts.

The resolution further states, “the parcel served as an integral part of the County’s adherence to SCORP for natural resource protection and preservation, while providing opportunities for satisfying major activity areas such as walking/hiking, natural activity, picnicking, bicycle riding, and equestrian activities as an integrated part of the conceptual master plan of Newberry Hill Heritage Park.”

2. The Recreation and Conservation Office prepared a memo to DNR dated August 27, 2010, (Att. B) identifying the state outdoor recreation plan referenced in DNR’s Reconveyance statute as SCORP, describing the purpose of the SCORP documents and the role of the RCO in Reconveyance proposals. The two most recent SCORP Documents (June 2008 and October 2002) state the policy of the State of Washington is “To recognize outdoor recreation sites and facilities as vital elements of the public infrastructure, essential to the health and well-being of Washington citizens, and important to visitors” and “To assist local and state agencies in providing recreation sites and facilities that benefit our citizens’ health and well-being.”
3. Because the County’s proposal is subject to SEPA and the Reconveyance would not occur but for the proposal, the Reconveyance is also subject to SEPA. Kitsap County, the lead agency for this proposal, has completed an Environmental Checklist and determined that it does not have a probable significant adverse impact on the environment. A Determination of Nonsignificance (DNS) was issued on August 17, 2011. (Att. C) By SEPA rule, the SEPA process is combined with the approval process for the Reconveyance.

COMMENTS

Conveyance of title will be by quitclaim deed. Mineral rights will be reserved by state. Pursuant to RCW 79.22.300, if the land is not, or ceases to be, used for public park purposes, the land shall be conveyed back to the department. The county is paying administrative costs to process this transaction.

Division Manager



Deputy Supervisor of Uplands



Date of Board Approval

Attachment A

RESOLUTION NO. 107 -2011

**A RESOLUTION REQUESTING THE RECONVEYANCE OF 315 ACRES OF
STATE FOREST LAND MANAGED BY THE DEPARTMENT OF NATURAL RESOURCES
FROM THE DEPARTMENT OF NATURAL RESOURCES TO KITSAP COUNTY
FOR THE PURPOSE OF ESTABLISHING CONTIGUOUS LAND FOR
THE NEWBERRY HERITAGE PARK**

WHEREAS, Park planning by the Kitsap County Parks and Recreation Department is guided by the Parks and Recreation Open Space Plan (PROS), adopted by the Board of County Commissioners on June 26, 2006; and

WHEREAS, the Kitsap County Parks and Recreation Open Space Plan conforms to the State Comprehensive Outdoor Recreation Planning Document (SCORP), and

WHEREAS, the Kitsap County PROS established that open space should be acquired to eventually become an interconnected system, primarily for habitat value and, as a link to regional, local and other facilities with a countywide trail system, and

WHEREAS, the Kitsap County Parks and Recreation Open Space Plan identifies the reconveyance of 315 acres of open space property, currently under the auspices of Department of Natural Resource, a known component of the county's Newberry Hill Heritage Park planning efforts, and

WHEREAS, the parcel served as an integral part of the County's adherence to SCORP for natural resource protection and preservation, while providing opportunities for satisfying major activity areas such as walking/hiking, natural activity, picnicking, bicycle riding, and equestrian activities as an integrated part of the conceptual master plan of Newberry Hill Heritage Park, and

WHEREAS, the reconveyance of the 315 acres of trust land, as described in the attached Exhibit A, will complete Kitsap County's goal of acquiring approximately 1,000 acres of contiguous land to complete the Newberry Hill Heritage Park, and

WHEREAS, Kitsap County submitted an application letter on September 9, 2009 requesting the reconveyance of 315 acres of State Forest Trust Land (described as within Section 25 and 26 T25N, R1W) to Kitsap County, and

WHEREAS, the county offered a series of public meetings, informational tours, and stewardship group reviews from November 19, 2009 through April 13, 2010, in developing a draft master plan to incorporate local, state, and regional needs identified by open space and recreation master planning documents, and

WHEREAS, the Kitsap County Board of Commissioners accepted the conceptual Newberry Hill Heritage Park Master Plan on June 28, 2010, and expressed desire to continue efforts to secure the 315 acre parcel from DNR to include in the park planning, and

WHEREAS, DNR conducted a local public information meeting on October 19, 2010 outlining the reconveyance process and estimated approval process schedule, and

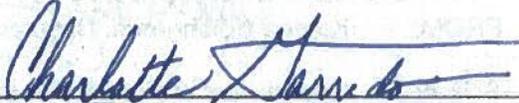
WHEREAS, as required, this resolution formalizes the County's application requesting that land as described in the attached Exhibit A be reconveyed from the Department of Natural Resources to Kitsap County for public park use, and

Attachment A (Continued)

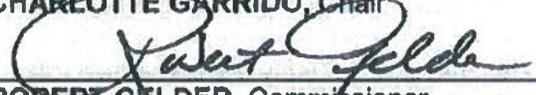
NOW THEREFORE BE IT RESOLVED; Kitsap County requests the Department of Natural Resources reconvey 315 acres of state forest land, as identified in the attached Exhibit, to Kitsap County for public park use and recreation. Per RCW 79.22.300, Kitsap County finds the proposed public park use is in accordance with both the County Parks and Recreation Open Space Plan and the State Comprehensive Outdoor Recreation Planning Document.

ADOPTED THIS 25TH DAY OF JULY 2011.

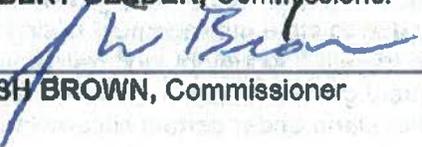
**KITSAP COUNTY
BOARD OF COUNTY COMMISSIONERS**



CHARLOTTE GARRIDO, Chair



ROBERT GELDER, Commissioner



JOSH BROWN, Commissioner

ATTEST:



Dana Daniels, Clerk of the Board



Attachment B

Natural Resources Building
1111 Washington St SE
Olympia WA 98501

PO Box 40917
Olympia WA 98504-0917



STATE OF WASHINGTON

RECREATION AND CONSERVATION OFFICE

(360) 902-3000
TTY (360) 902-1996
Fax: (360) 902-3026

E-mail: info@rcow.wa.gov
Web site: www.rcow.wa.gov

August 27, 2010

TO: Clay Sprague, Department of Natural Resources

FROM: Kaleen Cunningham, Director, Recreation and Conservation Office

SUBJECT: Department of Natural Resources "Reconveyances" and the State Comprehensive Outdoor Recreation Planning (SCORP) process

This memo is to clarify the respective roles of our agencies regarding the reconveyance of forest board land to a county government pursuant to RCW 79.22.300. These trust lands came to state management during the 1930s under a law (RCW 79.22.010) that allowed the state to accept land from counties when the land was the subject of "delinquent general taxes." Counties retained the right to ask the state to return (reconvey) land under certain circumstances.

As you know, the law governing a reconveyance is found in RCW 79.22.300. A request for the reconveyance originates from County Commissioners. If the County Commissioners determine that certain state forest lands are needed by the county for public park use, the commissioners may file an application with the Washington Department of Natural Resources (DNR) for the transfer of the state forest lands. The DNR is then required to determine whether the request is in accordance with a county recreation plan and "the state outdoor recreation plan." If it determines the request is in accordance, DNR shall reconvey the state forest lands to the county.

The "state outdoor recreation plan" referenced in statute is a document the Recreation and Conservation Office (RCO) develops. RCW 79A.25.020(3) authorizes RCO to "...prepare and update a strategic plan for the acquisition, renovation, and development of recreational resources..." This plan is required by federal law for the State "...to qualify for participation in or the receipt of aid from any federal program for outdoor recreation..."

RCO develops this plan to ensure state eligibility for the federal Land and Water Conservation Fund (LWCF). LWCF requires the state to file an updated outdoor recreation plan on a 5-year cycle. This plan is called the state comprehensive outdoor recreation planning (SCORP) document. The National Park Service requires that we update SCORP every five years. As we do so we view successive documents as complimentary and cumulative.

Attachment B (Continued)

Clay Sprague
August 27, 2010
Page 2

The current version of the SCORP document is called *Defining and Measuring Success: the Role of State Government in Outdoor Recreation* (RCO, 2008). As we reported to the Recreation and Conservation Funding Board in 2008, this planning document has three primary audiences: the Governor, the Office of Financial Management, and the National Park Service.

Like the prior SCORP planning documents produced by the RCO since the late 1980s, this plan is intended as a policy document and is not a land use plan or site-specific plan, and it is not intended to prescribe actions for any agency or organization except perhaps the RCO and the Recreation and Conservation Funding Board. A key reason why SCORP documents focus on policy is to avoid duplicating plans developed by others including counties and the DNR.

For example, we understand some reconveyance requests may be for potential shooting ranges and facilities. We have known for some time that unmanaged shooting is an issue on some DNR-managed lands. In response, the 1995 SCORP document recommended that DNR "[t]ake advantage of IAC grant funds to provide managed areas for shooting..." (page 19). Similarly, the 2002 SCORP recommended that DNR "... seek better ways to manage indiscriminate use of firearms..." (page 63). The 2008 SCORP makes no reference to shooting or firearms, but it does propose a level of service measure for providing public access while meeting resource protection responsibilities.

DNR has in the past asked the RCO for an opinion concerning proposed reconveyances. We do not make determinations on whether reconveyance proposals are consistent with SCORP. That, according to the statute, is DNR's determination.

Let me know if you need further information.

Attachment C



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

619 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682
(360) 337-7181 FAX (360) 337-4925 HOME PAGE - www.kitsapcounty.com/food/

LARRY KEETON, DIRECTOR

DETERMINATION OF NONSIGNIFICANCE

Description of Proposal: The Kitsap County Parks & Recreation Department, through action by the Kitsap County Board of County Commissioners (BOCC), is requesting a Land Re-conveyance of 315 acres of Washington State Department of Natural Resources (DNR) Trust Lands for the intended addition into the Newberry Hill Heritage Park, a regional recreational park located in Central Kitsap County. The proposed 315 acre addition will complete Kitsap County's stated goal of acquiring approximately 1,000 acres of contiguous land for the Newberry Hill Heritage Park.

Proponent: Kitsap County Parks and Recreation Department

Lead Agency: KITSAP COUNTY

Location of proposal, including street address, if any: The 315 acre re-conveyance of Department of Natural Resources Trust Lands is generally located within Section 25, and 26, in Township 25N, Range 1W, Willamette Meridian, Kitsap County.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by: August 31, 2011.

COMMENTS:

The proposed land re-conveyance of trust lands from the DNR is considered a programmatic action, relating to the acquisition of existing DNR managed land. There are no land use or project actions as part of this land acquisition proposed at this time. Future projects actions within this acquisition area and within the Newberry Hill Heritage park will be reviewed for SEPA thresholds pursuant to all applicable Kitsap County codes.

Responsible Official / Contact Person: Steve Heacock

Position/Title: SEPA Administrator, Dept. of Community Development Phone: (360) 337-5777

Address: 619 Division Street, Port Orchard, WA 98366

DATE: August 17, 2011

Signature: _____

You may appeal this determination to the Dept. of Community Development, at 619 Division Street, Port Orchard WA 98366, no later than August 31, 2011 in writing, with a \$500.00 appeal fee.

You should be prepared to make specific factual objections. Contact Steve Heacock to read or ask about the procedures for SEPA appeals.

**STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
BOARD OF NATURAL RESOURCES**

RESOLUTION NO. _____

A **RESOLUTION** relating to the reconveyance of real property to Kitsap County pursuant to RCW 79.22.300 through 79.22.320, for public park use by the county, under Department of Natural Resources Transaction File No. 02-085108.

**BE IT RESOLVED BY THE BOARD OF NATURAL RESOURCES,
DEPARTMENT OF NATURAL RESOURCES, STATE OF WASHINGTON, THAT:**

Section 1. WHEREAS, the State of Washington, acting by and through the Department of Natural Resources, has title to and holds in trust under the provisions of RCW 79.22.040, the State Forest Land (formerly Forest Board Land) situated in Kitsap County, Washington, and described in the attached EXHIBIT A.

Section 2. WHEREAS, Kitsap County desires that the real property described in Section 1 be reconveyed to the County for the purpose of developing a public park, and has filed a resolution with the Board of Natural Resources for the transfer of the State Forest Land.

Section 3. WHEREAS, The Department of Natural Resources has determined that the proposed Kitsap County public park use is in accordance with the state outdoor recreation plan (also known as the State Comprehensive Outdoor Recreation Planning Document).

Section 4. WHEREAS, should the reconveyance be authorized and by this resolution be consummated, the State of Washington, Department of Natural Resources, shall issue a quitclaim deed which

- (a) reserves from the reconveyance all oils, gases, coals, ores, minerals, and fossils as provided under RCW 79.11.210;
- (b) requires that the land be developed, maintained, and used as a public park;
- (c) if the land is not, or ceases to be, used for public park purposes, the county shall convey the land back to the Department of Natural Resources upon request of the Department; and,
- (d) if the land is conveyed back to the Department of Natural Resources, the county, at its sole cost and expense, shall restore the land in a manner suitable to the Department prior to vacating the land.

NOW THEREFORE, the Board of Natural Resources finds the proposed use for the real property described in Sections 1 and 2 above is in accordance with the state outdoor recreation plan, further finds the reconveyance request meets the requirements of RCW 79.22.300 and authorizes, with the advice and approval of the Attorney General, the execution of the deed referenced in Section 4 above. The Commissioner of Public Lands is authorized to certify to the Governor that such conveyance is necessary or proper to complete the transfer of the above described real property to Kitsap County.

APPROVED AND ADOPTED by the Board of Natural Resources, Department of Natural Resources, State of Washington, this _____ day of _____, 20__.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Commissioner of Public Lands.

PETER GOLDMARK
Commissioner of Public Lands

Approved as to form this 14

day of November, 2011.

Michael Rollney
Assistant Attorney General

EXHIBIT A

LEGAL DESCRIPTION

**NEWBERRY HILL RECONVEYANCE
02-085108**

**Portion of Section 25, T25N, R1W
Kitsap County, Washington**

Land Description

**The S1/2 of the N1/2 of the SW1/4,
the S1/2 of the SW1/4,
the N1/2 of the SE1/4,
the W1/2 of the SW1/4 of the SE1/4,
the W1/2 of the E1/2 of the SW1/4 of the SE1/4,
the N1/2 of the E1/2 of the SW1/4 of the SE1/4,
and the SE1/4 of the SE1/4
of Section 25, Township 25 North, Range 1 West, Willamette Meridian, Kitsap County,
according to U.S. Government subdivision procedures.**



**Dennis J. Gelvin, PLS 21674
Land Description & R/W Specialist
State Land Survey Unit
PO Box 47030
Olympia, WA 98504-7030**

Dated 10-1-10

FILENAME:L2269 S25 T25 R1W Reconveyance

EXHIBIT A

LEGAL DESCRIPTION (Continued)

NEWBERRY HILL RECONVEYANCE

02-085108

**Portion of Section 26, T25N, R1W
Kitsap County, Washington**

Land Description

**The E1/2 of the W1/2 of the SE1/4 of the SE1/4 and the E1/2 of the SE1/4 of the SE1/4
of Section 26, Township 25 North, Range 1 West, Willamette Meridian, Kitsap County,
according to U.S. Government subdivision procedures.**



**Dennis J. Gelvin, PLS 21674
Land Description & R/W Specialist
State Land Survey Unit
PO Box 47030
Olympia, WA 98504-7030**

Dated 12-1-10

FILENAME:L2269 S26 T25 R1W Reconveyance