

Schedule

The timeline for completing the work for the conversion package continues to be extended due to work on environmental and cultural resources review requirements¹. Currently, the agreement between WDFW and DNR expires on June 30, 2009. However, the environmental and cultural resources review may take sixty to ninety days for WDFW to complete beyond that deadline.

RCO staff had hoped to be able to review the completed conversion package before the board meeting. However, the materials, including the required documentation, review elements, and public comment, are not complete, so staff cannot make a recommendation on the conversion package.

Final Parcel List

WDFW and DNR have identified most of the parcels included in the land exchange, but a few parcels still are under negotiation.

An agreement between WDFW and DNR to provide legal access to the parcels for management purposes was recently added to the exchange. RCO staff is reviewing the road access issues to determine whether any new access rights granted to DNR across other WDFW parcels add to the conversion, and whether the road access gained by WDFW needs to include provisions for public access. Table 1 shows the current list of acres to be converted, listed by grant project number.

Table 1: Property to be Converted

Project #	Project Name	Fund Source	County	Wildlife Area	Acres
#69-609A	LT Murray	LWCF	Kittitas	LT Murray	8,796.68
#74-606A	Oak Creek WRA- Wenas Cattle Co.	LWCF	Yakima	Wenas	4,295.33
#91-828A	Okanogan Sharptailed Grouse	WWRP, Critical Habitat	Okanogan	Scotch Creek	920.00
#92-633A	East Slope Inholding	WWRP, Critical Habitat	Kittitas	LT Murray	4,176.03
Total Acres					18,188.04

Required Documentation

RCO staff continues to work with WDFW staff to obtain the required documentation necessary to review the conversion request. Staff expects that this documentation will be in the Environmental Assessment, which is part of the environmental review process. RCO staff and the National Park Service staff provided a second round of comments to WDFW on the scope of the Environmental

¹ Environmental and cultural resources review, including compliance with the National Environmental Policy Act and Historic Preservation Act, are required for Land and Water Conservation Fund conversions.

Assessment. Staff will continue to work together to ensure that the federal environmental review requirements are satisfied.

WDFW Request

WDFW has requested the board consider granting authority to the RCO director to approve the land exchange conversion due to the shifting timeline that has occurred. WDFW hopes to complete the land exchange before the next board meeting in September 2009.

Analysis

Board policy requires project sponsors to seek board approval for major conversions that affect funded projects. For LWCF projects, the board's approval is considered interim, pending final approval from the National Park Service. After the National Park Service approves the conversion, project sponsors may proceed with the conversion.

In response to the request from WDFW, RCO staff offers the following options for board consideration.

Option 1. Delegate Approval Authority to the RCO Director

The RCO director has authority to approve conversions valued at \$75,000 or less. The current value of the proposed conversion is \$16.6 million with adjustments possible once the parcel list is finalized and road issues resolved.

The board could waive the limit on director's authority to approve the conversion. The director would provide interim approval prior to forwarding the conversion to the National Park Service (NPS) for final approval for the properties acquired with LWCF funds. In this option, the director would be responsible for giving final approval for the conversion of properties that were acquired with state funds through WWRP.

The advantage of this approach is that it allows the conversion package to move forward with director approval. The disadvantage is that the delegation of authority to the director for this large-scale conversion sets a precedent. Further, the board would not be involved in reviewing and approving the conversion package.

Option 2. Conduct a Special Board Meeting when the Conversion Package is Complete

Staff do not know when the conversion package will be complete. If materials are available before the next board meeting in September, the board could conduct a special meeting (in person or via conference call) to consider this action item.

The advantage to this approach is that it would retain the board's authority on this conversion. It also would provide the opportunity for the board to review the complete package, ensure WDFW has completed all federal conversion requirements, and make a formal recommendation to the National Park Service. It also would allow the conversion to move forward without waiting for the next scheduled board meeting. The disadvantage to this approach is the time commitment of the board to meet for one agenda item and the difficulties associated with ensuring adequate opportunity for public comment if the meeting were held via conference call.

Option 3. Defer Action to the September Meeting

The board could defer any action until its September 2009 meeting. WDFW still has many significant tasks to accomplish in order for RCO staff to make a recommendation on the conversion. These tasks include release of the environmental assessment for public comment, the final environmental assessment approved by the federal agencies involved, and cultural resources review. This work may take at least another sixty days to complete, which would coincide with the next scheduled board meeting in September.

The advantage to this approach is that it defers action until the conversion package is complete, including the public review period. The disadvantage of this approach is that it may delay implementation of the land exchange, depending upon when the conversion proposal is complete. An important note is that the conversions related to the LWCF grants are not final until approved by the NPS. Due to the size and complexity of this conversion, federal approval is elevated to the NPS Regional Director.

Next Steps

Staff will take appropriate steps based on board discussion and direction at the July 2009 meeting.

Attachments

Resolution #2009-18

A. Land Exchange Maps

RESOLUTION #2009-18

Giving the Recreation and Conservation Office Director Authority to Approve the Washington Department of Fish and Wildlife Land Exchange, Projects #69-609A, #74-606A, #91-828A, and #92-633A

WHEREAS, the Washington Department of Fish and Wildlife (WDFW) proposes to convert about 18,000 acres of wildlife area lands that it acquired with grants awarded by the Recreation and Conservation Funding Board (Board); and

WHEREAS, the conversion is part of a larger land exchange with the Washington Department of Natural Resources (DNR) intended to consolidate land ownership and better address specific land management goals; and

WHEREAS, the exchange will affect property acquired with funding assistance from the Land and Water Conservation Fund (#69-609A and #74-606A) and the Washington Wildlife and Recreation Program (WWRP) Critical Habitat category (#91-828A and #92-633A); and

WHEREAS, the board has adopted objectives and strategies to evaluate its policies to ensure that its investments meet the state's recreation and conservation needs, be efficient, and adapt its management to meet changing needs; and

WHEREAS, WDFW expects to complete the conversion request before the board meets in September 2009;

NOW, THEREFORE BE IT RESOLVED, that the board hereby authorizes the RCO director to give final approval of the conversion package presented by WDFW for projects funded through WWRP if staff and the director determine that it meets the board's criteria;

AND BE IT FURTHER RESOLVED, that the board hereby authorizes the RCO director to give interim approval for the properties acquired with LWCF funds and forward the conversion to the National Park Service (NPS) for final approval.

Resolution moved by: _____

Resolution seconded by: _____

Adopted/Defeated/Deferred (underline one)

Date: _____

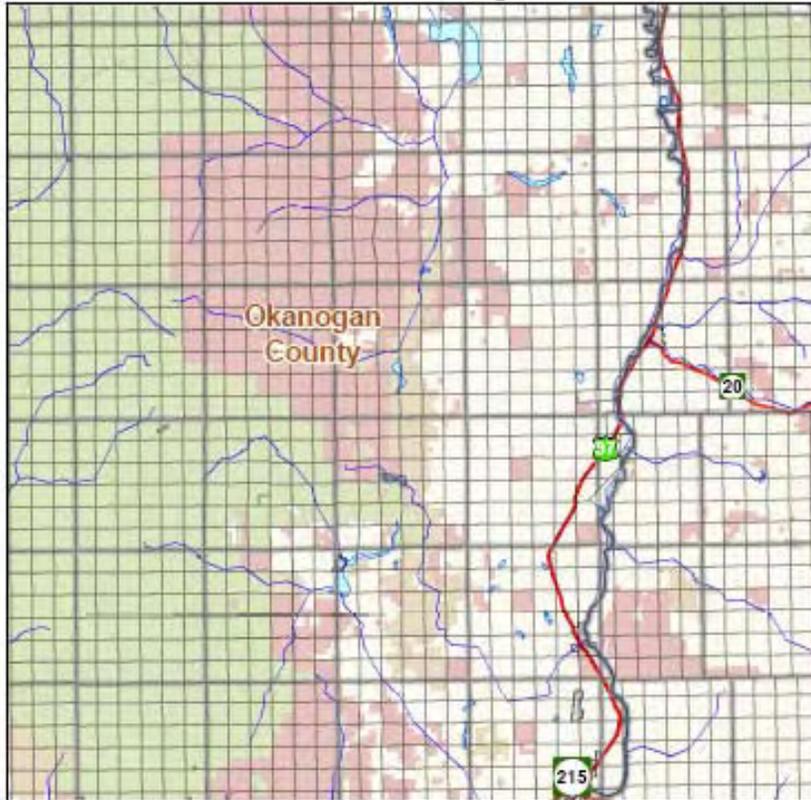
ATTACHMENT: LAND EXCHANGE MAPS, APRIL 2009

**WDFW Proposed Land Exchange
Pre and Post Land Exchange Ownership**

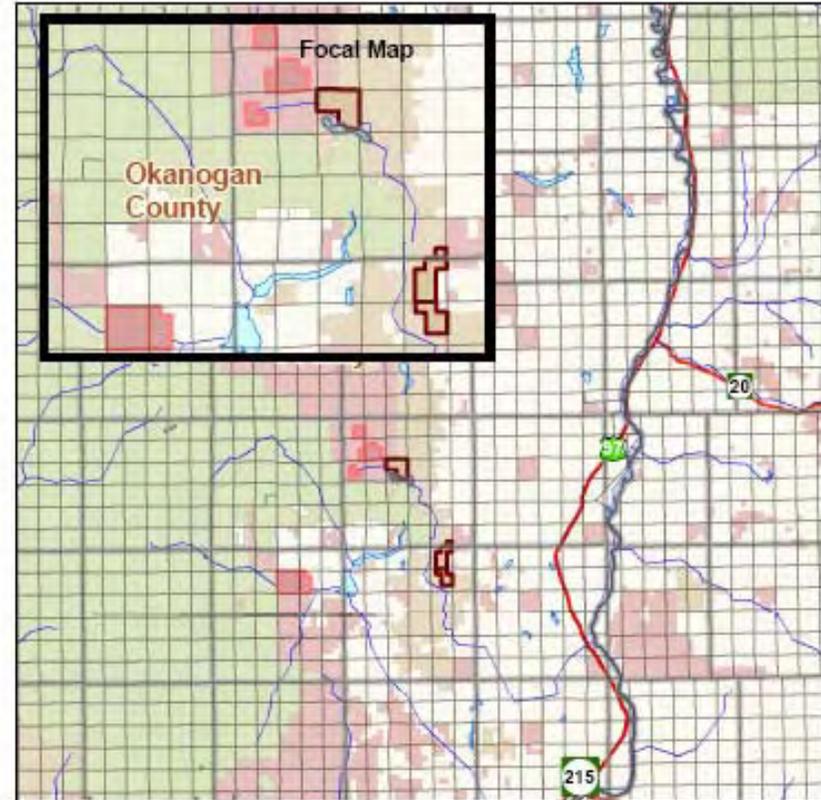
Map 3 Draft Map - Subject to Change



Pre-Exchange



Post Exchange



Ownership

- WDFW Owned and Managed Lands
- WA Dept of Natural Resources
- US Forest Service



Proposed Exchange Parcels

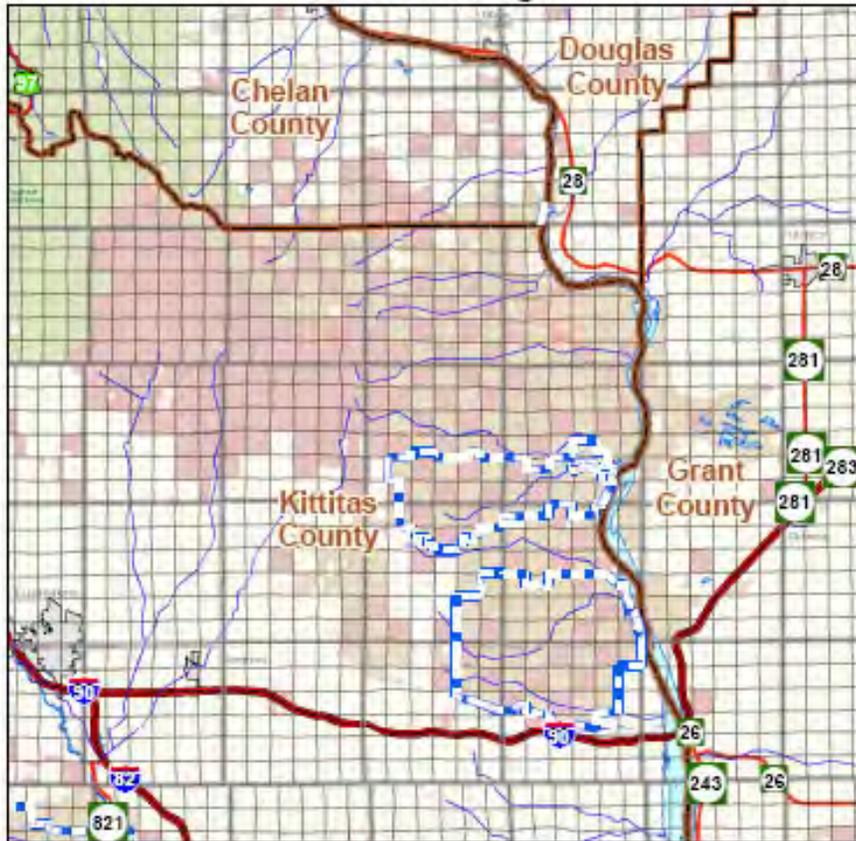
- DFW to DNR
- DNR to DFW

WDFW Proposed Land Exchange Pre and Post Land Exchange Ownership

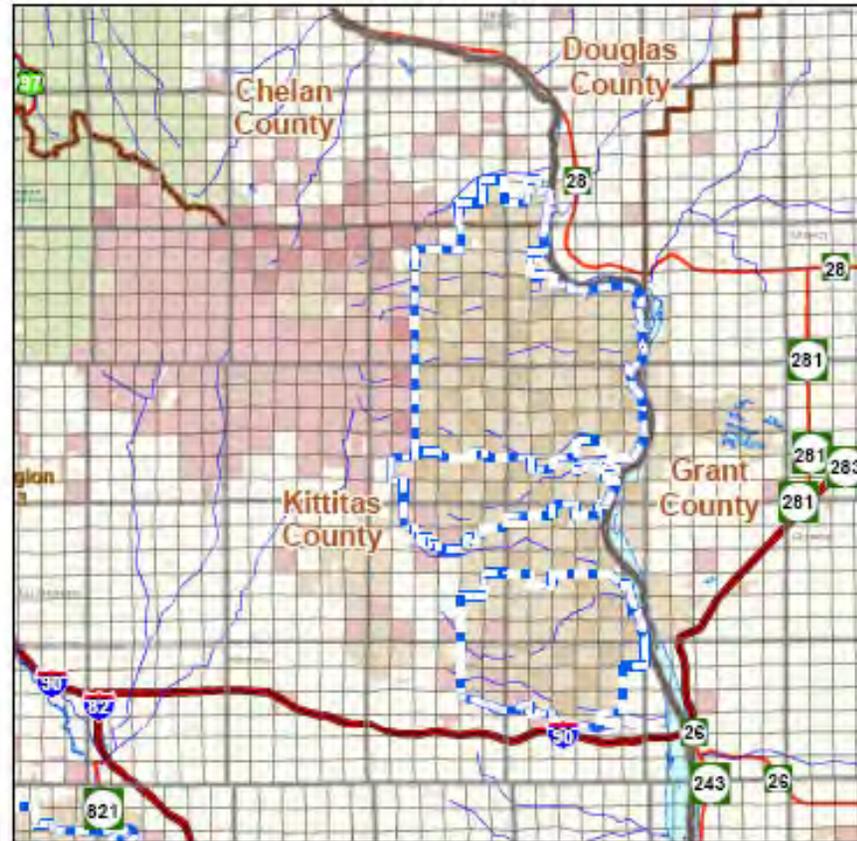
Map 7 Draft Map - Subject to Change



Pre-Exchange



Post Exchange



Ownership

- NPS 6F Boundary
- WDFW Owned and Managed Lands
- WA Dept of Natural Resources
- US Forest Service



Proposed Exchange Parcels

- DFW to DNR
- DNR to DFW

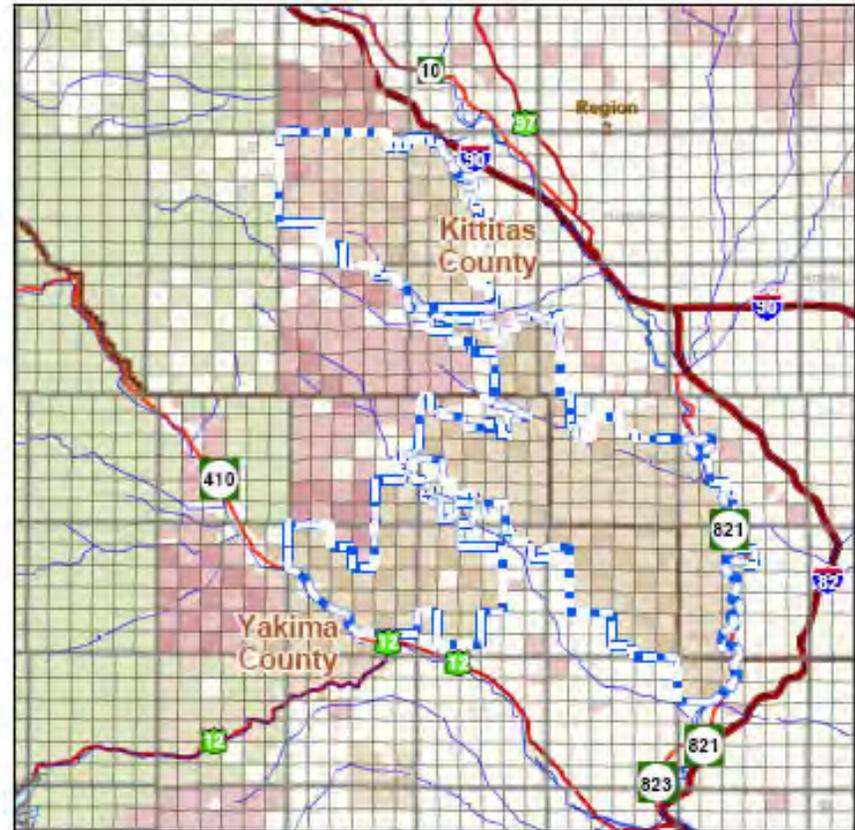
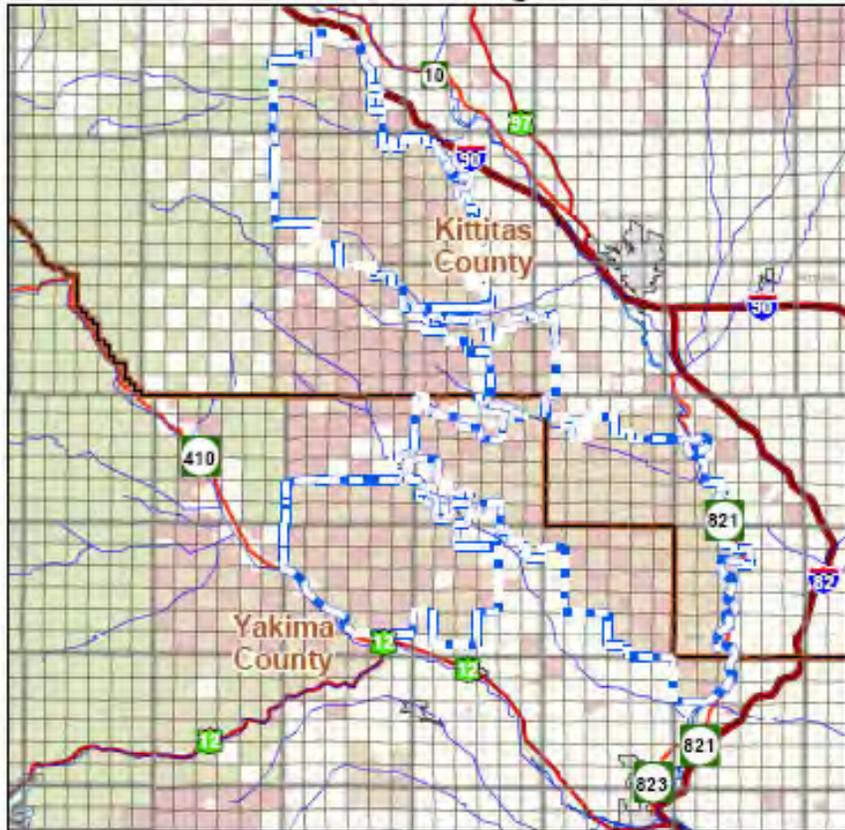
WDFW Proposed Land Exchange Pre and Post Land Exchange Ownership

Map 8 Draft Map - Subject to Change



Pre-Exchange

Post Exchange



Ownership

- NPS 6F Boundary
- WDFW Owned and Managed Lands
- WA Dept of Natural Resources
- US Forest Service

Proposed Exchange Parcels

- DNR to DFW
- DFW to DNR



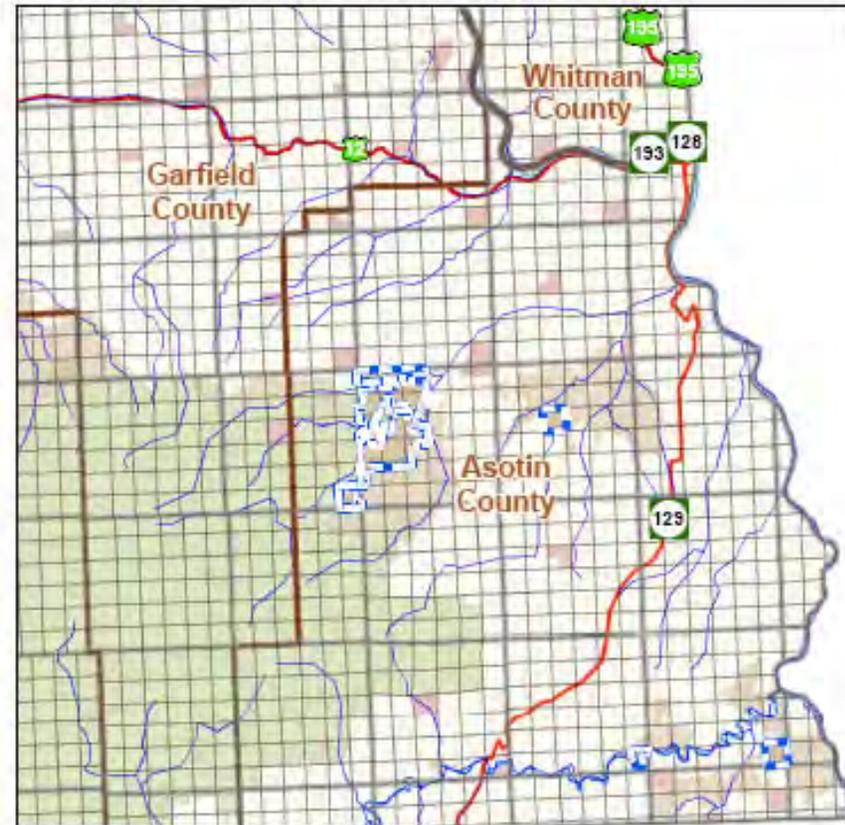
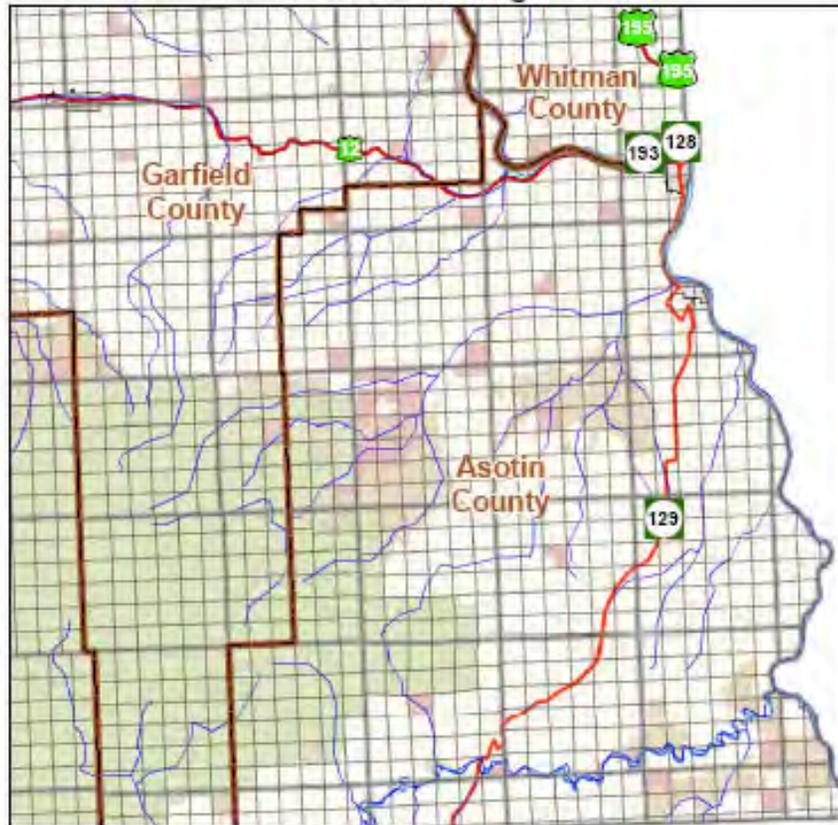
WDFW Proposed Land Exchange Pre and Post Land Exchange Ownership

Map 11 Draft Map - Subject to Change



Pre-Exchange

Post Exchange



Ownership

- NPS 8F Boundary
- WDFW Owned and Managed Lands
- WA Dept of Natural Resources
- US Forest Service



Proposed Exchange Parcels

- DNR to DFW