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# Administration



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# Administration

Island residents have expressed numerous concerns about the potential impacts of forest management and public use of DNR Trust Lands in San Juan County. As a result of testimony received at community workshops and in letters, as well as information gathered during field inspections, the Committee has identified control of access to Trust Lands, trespass onto private property, vandalism, fire, and impacts on water supply as important issues to consider in planning for Trust Land management. If each of these issues is not considered in the planning and use of each parcel of Trust Land, any one of them could become an issue of contention between DNR managers and the community. The intent of the following Recommendations is to provide a framework for planning and operations as well as to reduce the potential for conflict in the management of these lands. The Committee believes that there is a great potential for DNR and the citizens of San Juan County to work together in the management of these lands.

## CONTROL OF ACCESS

A complete discussion of the need for access to DNR lands can be found in "ACCESS". In the context of the present discussion, the major concern is how to control access so that adjacent residents and the community perceive that the Trust Land in their backyard is not creating a nuisance or hazard. The following measures are suggested as a means to both allow access under reasonable restrictions and to provide a measure of safety for the community.

- 1) All forest management sites will have only one vehicular access for administrative and public use. This access should be gated and locked and opened only for DNR administrative traffic. There should be no public vehicular use of DNR lands.
- 2) All DNR forest management and preserve areas should be for Day-Use Only unless a plan for overnight camping has been approved by DNR and San Juan County after full and open public discussion and hearings.
- 3) All DNR property lines should be clearly marked with intervisible boundary tags so that the public will know the extent of DNR lands.

- 4) For those sites which do not require road access for management equipment or machinery, a clearly marked parking area and interpretive signs should be installed to inform users of the natural systems present and the restrictions necessary to conserve the biological integrity of the site.
- 5) The potential for abuse or degradation of fragile areas is always greater if the site is easily accessible and well known. Site planning methods to protect the resources should be used. For example, access points for shorelines and areas of biological importance should be located so that the public must walk a reasonable distance from the parking area to reach the point of interest. Good examples would be the trails to Obstruction Pass or to Shark Reef.
- 6) DNR, community groups, neighboring property owners and the County Sheriff should work together to develop a system to notify the Sheriff and other authorities if violations of the above rules take place.
- 7) Laws and rules pertaining to access and trespass are applicable to Trust Land and should be enforced by the San Juan County Sheriff in conjunction with the DNR.
- 8) DNR and the County should work together to maintain and protect fragile biological areas. The foreseen level of use and methods of limiting access, if later deemed necessary, should be included in the site planning document.

#### TRESPASS

Another major concern expressed by property owners adjacent to DNR land was the fear of trespass, particularly of pedestrians and drivers onto private roads and paths. A number of common rules of good site planning and enforcement should minimize the actual occurrence of trespass.

- 1) All boundaries of DNR land should be clearly marked with intervisible boundary tags. When a trail

corridor crosses private land, the boundaries of the private land should be clearly marked.

- 2) At the entrance to each DNR holding, a clearly visible map should show the trail route(s) as well as the proximity to private land. Signing should be kept to a minimum.
- 3) If these methods are not sufficient to keep users on public lands, then fencing should be considered a reasonable next option.
- 4) All forest management roads and recreational trails should be clearly marked and kept as far as possible from adjacent property lines.
- 5) All sites should contain interpretive signs as well as informational signs urging users to respect private property rights.
- 6) No overnight use of DNR lands should be allowed unless it is part of a site plan approved by the DNR and the County.
- 7) DNR should pursue resolution of timber trespass (illegal harvesting of trees from Trust Land) in a timely manner.

#### VANDALISM

Vandalism to signs, DNR and logging contractors' equipment, recreational installations and neighboring property is one of the potential consequences of public use of public lands. Over the years, land managers and user groups have developed a number of methods to deal with these problems. The focus of many of these efforts is on preventive maintenance and use of vandal-proof materials. The following Recommendations are proposed to reduce or minimize vandalism on DNR sites.

- 1) All signs and installations should be attractive, well designed and installed so they are not easily removed. If possible, signs should be bullet resistant. The number of signs should be kept to a minimum.

- 2) All installations should be low-key, with minimal impact and with low operations and maintenance costs.
- 3) All DNR sites should be gated and posted.
- 4) Any vandalism-caused problem should be promptly repaired.
- 5) A "Neighborhood Watch" program should be developed by the DNR, San Juan County Sheriff, local fire districts and neighbors to report any suspicious activities on DNR lands to the Sheriff or to DNR.
- 6) All applicable county, state and federal laws should be enforced by the San Juan County Sheriff on DNR land.

#### FIRE CONTROL

Fear of fire is most often mentioned by island residents when they consider the prospect of public lands being made available for public use. The dry conditions in the islands during the summer, coupled with uncertain water availability and an increase in nonresident population seeking recreational opportunities, make this a prominent concern at that time of year when the islands are most vulnerable.

While fire has been a shaping component of the native San Juan Islands ecology, as evidenced by fire scars on many of the larger trees on DNR lands, it is not compatible with human settlement in the limited island landscape. DNR Forest Wardens have indicated that newcomers to the islands, particularly recent emigrants, do not appreciate the volatile nature of the dry summer landscape. As with vandalism, often the best defense against fire is preventive planning. For instance, a controlled fire on open grass land to minimize thatch build-up may be far more cost effective than trying to fight the same fire with equipment after it is started.

The following Recommendations suggest a number of different methods that can reduce the problem of fire on DNR lands:

- 1) NO FIRE signs should be posted on all forest management sites and on all recreation and preserve sites where there are no DNR-installed fire pits. During periods of extreme fire danger, DNR will close Trust Land to public access.
- 2) Where fire pits are presently in place or will be installed as part of an approved recreation site plan, potential fuel such as dried grass and forest duff should be cleared away to bare mineral soil. Overhanging branches should also be cleared away.
- 3) Stiff penalties should be posted for fires in nondesignated areas.
- 4) To reduce fuel loads on forest management sites after timber harvest, sale areas should be opened for firewood gathering by island citizens. While this is common practice on other DNR lands throughout the state, a particularly aggressive program should be instituted here to assure that as much material as possible is cleaned up. By reducing the amount of large woody materials on the ground, firewood gatherers also reduce or even eliminate the need for slash burning as a means of site preparation for replanting.
- 5) On grass lands such as Cattle Point and Griffin Bay, fire danger can be reduced by preventing the build-up of thatch. DNR should consider one or a combination of the following methods to minimize fire danger on these sites: controlled burning, grazing or haying leases. The latter two possibilities may also provide small yearly income to the Trusts.
- 6) On forested sites, grazing should also be considered as a way to reduce understory fuel loads from building up.
- 7) Forest road systems and trails should be designed to conform to the topography and act as fire control access roads and also as fire breaks.
- 8) DNR Fire Wardens should work with local districts and neighbors of DNR lands to develop a community "smoke watch." A system of coordination should be developed between DNR, County Sheriffs and Local Fire Districts.

## WATER SUPPLY

Three aspects of public use have been identified as issues of concern by the Committee: changes in water quantity due to forest management; draw-down of the water table from high use rates (especially during the summer), and groundwater pollution.

In 1980, responding to concerns raised by the County Commissioners, DNR contracted with Professor David Woolridge, a University of Washington forest hydrologist, to analyze the effects of timber harvesting on groundwater quality and quantity for the State School Land near Mitchell Bay (#11). Results of his analysis suggested there would be:

"... insignificant effects on streamflow (surface runoff) or water quality of streamflow or groundwater. The most significant changes in streamflow would probably be slightly increased low flows during summer and early fall, as the result of conservation of transpiration losses following harvest. . . .Reduced transpiration losses might increase the quantity of water percolating to groundwater tables. No detectable changes are expected in dissolved constituents in groundwater as a result of harvest."

Recreation development on DNR lands around the state has been guided by a policy of "primitive" facilities: picnic tables, fire pits, vault toilets and hand-pumped water supplies. Any future proposed recreational use of DNR land in San Juan County would be built with these standards in mind. Wells are drilled and capped. The vault toilets have self-contained stainless steel chambers that are periodically posing no danger of groundwater contamination.

The Cape San Juan Water District currently leases approximately two acres from the DNR for its well and water line right of way on Trust Land near Cattle Point. A selective harvest was conducted in 1978. Water users indicated they would not be opposed to further similar operations. Other DNR lands, such as Mitchell Hill, Diamond Hill, Lopez Hill and other well-defined topographical features, act as important watersheds for surface and groundwater resources. The undeveloped nature of DNR lands makes them important as part of the complex water recharge system in the islands.

The following Recommendations should assure continued supplies of water from DNR lands:

- 1) All forest management plans should include provisions to maintain or improve the quantity and quality of water originating on DNR lands. These measures should include, but not be limited to the following: directional falling of timber away from ephemeral and intermittent as well as year-round streams; use of existing skidroads and trails where possible to limit the amount of new road construction and; water-barring of all roads to prevent sediment transport during periods of excessive rainfall.
- 2) Any pumps installed on DNR properties for public use should be hand-pumps with clearly posted information about the need to conserve groundwater resources.
- 3) Holding tanks in pit toilets should be pumped out at regular intervals.
- 4) Prevention of groundwater contamination should be a first priority when considering any forest management operation or recreational development.

#### LEASE, TRADE OR SALE OF TRUST LAND

Three options were identified for DNR lands not indicated for formal preservation or forest management: Lease, Trade or Sale. The fundamental idea behind each of these options is to maintain approximately the same number of acres in the public land base in San Juan County for multiple uses. In many ways, the people of San Juan County have been fortunate to have these essential unused public lands in their backyards for so long. However, the current and future financial condition of School Trusts requires that DNR begin to generate some income from these lands to meet its legal obligations as a Trust manager.

If any of these properties are to remain as parks or preserves, a conscious management decision must be made to accomplish this end. Neighborhood parks and preserves by default are no longer a viable option. Currently developed DNR recreation sites on Trust Land are leased from the Trust by the Interagency Committee for Outdoor Recreation for a 50-year period. A community could similarly lease Trust Land for open

space, recreation or watershed purposes.

Although DNR must derive the Fair Market Value (FMV) from its lands (based on the willing seller/ willing buyer concept), this income can be generated in a number of ways. These may include but not be limited to various types of leases or trade or sale of property to create better administrative patterns and a more stable stream of income. This section of the report reviews the various options, besides timber harvesting, suggested by the Committee for DNR to meet its legal obligations. It should also be pointed out that the lease option can be combined with other forms of resource production to create more than one source of income from an individual piece of Trust Land.

## **Lease**

Leasing of DNR properties was the first method proposed for providing a stream of income to the Trust without diminishing the Trust assets. In many ways, leasing provides the most flexible and dynamic opportunities for generating income since leases can be revised at periodic intervals to reflect changing market conditions. The Committee believes, and the law requires, that DNR leases should reflect market yields and should receive the best dollar value yield possible. DNR leases are based on the Fair Market Value of the property. For instance, leases of forest land when taken out of production, are based on the net loss of forest growth per year. Leases on urban type properties are based on 10 percent of the FMV/year. DNR should develop a policy for deriving fair and equitable lease rates for an area like San Juan County.

While not a common practice in this state, one possibility would be for DNR to lease property, by means of a master lessee, for 99-year home-site leases. If properly sited on some of the more scenic pieces of DNR land, such leases would provide immediate incomes to the Trusts. These leases could be combined with provisions for maintaining the public benefits of the property, such as aesthetic considerations, access to public shorelines or access to a walking trail, without diminishing the financial returns to the Trust.

The current "flatness" in the San Juan County real estate market for undeveloped properties, like many held by DNR, provides one rationale for holding on to these lands for future increases in value. In the meantime, the various leasing and resource management opportunities should be explored. Lease opportunities may include, but are not limited to agriculture,

aesthetic values, watersheds, local or community parks, open space, preserves or protection of wildlife habitat or primitive cabin sites. Two of these leasing opportunities (grazing and cabin sites) are elaborated below.

### Grazing

DNR currently has one grazing lease on its lands in San Juan County at Mitchell Hill (#11). That lease is generating approximately \$1,400/year. However, this land is not cleared pasture but brushy forest land. The Committee's work has brought forth other proposals for grazing leases for forest sites (Lopez Hill #17). As suggested in the Fire Control Section, grazing may also prove to be an effective preventive measure for the outbreak of wildfire in areas such as Cattle Point (#14).

DNR has very little experience with grazing leases on forest lands west of the Cascades. Some research has been conducted by the Forest Service on the use of sheep as a tool for brush control in young conifer plantations. Preliminary data indicates that if sheep are rotated adequately and if sufficient broadleaf vegetation such as alder, salmonberry, elderberry and thimbleberry are available, conifer reproduction will not be adversely affected. A concern raised by DNR foresters is that there may be compaction damage suffered by forest soils from animal traffic. Again, while much is unknown, researchers in this field indicate that with proper herding and animal rotation, as well as limitation or prohibition of grazing during the winter months when soils are most likely to suffer damage, sheep grazing (and perhaps cattle grazing) may be quite compatible with long-term forest management. Effects on deer and other browsing animals would also have to be investigated.

The Committee makes the following Recommendations:

- 1) Grazing should be investigated as a means of generating additional Trust incomes through agricultural leases.
- 2) Research plots should be established to determine the long-term benefits and costs of grazing by sheep and other animals.
- 3) Leases should reflect comparable values with lands used for similar purposes in San Juan County.
- 4) Grazing leases need not and should not preclude other compatible uses such as logging or recreation.

### Wilderness Cabins

A leasing idea which excited the Committee was to provide small "wilderness cabins" on low productivity or nonproductive resource land. These small primitive dwellings would be provided with a minimum of amenities and rented for short or long periods, depending on the terms of the lease. Lessees could be individuals, private corporations or nonprofit organizations. Committee members thought it critical to this concept that these cabins would be used only seasonally (e.g., April-October) and would have to be incorporated into the long range resource management plans for the property involved. While no specific sites were proposed, the idea would seem most appropriate when applied to some of the forest management units. Fifty 99-year long-term leases for nonproductive sites would continue to produce a stream of income, with little management by DNR except for lease compliance.

The arrangement of a lessee for one site may be possible. However, a master lessee for a number of sites would avoid the administrative problems the Forest Service has confronted with multiple single site lessees. The Forest Service also faces the problem of lessees asserting vested rights regarding surrounding forest resources. Protests about timber sales have become an inevitable part of the lease arrangement on federal lands. One way to avoid this problem would be to design lease sites with buffers included as part of the lease fee. It was suggested that leases should be made compatible with DNR management requirements. For instance, in California the Forest Service leases cabins on a 10-year lease with 6 months notice. Stipulations of vacancy periods, tied to the long-term harvesting schedule as well as other necessary measures, could be incorporated into a lease arrangement.

A more practical concern arose regarding the County Building Code and the Subdivision Ordinance. As proposed, the cabins would have no electricity; a vault privy or composting toilet and water would be drawn from a well, creek, or community water supply. These would be recreational cabins with clear limitations on use and tenure. However, even with these limitations, questions were raised about conformance to the Building Code. One alternative suggested by the Planning Department was the development of a "binding site plan" to cover such proposals for low-key, low-impact seasonal residential uses. A further concern would be to develop joint management strategies with adjacent landowners for water,

access and other requirements that would become more obvious in the site planning stage.

Four options were identified for the wilderness cabin lease concept:

- 1) A person would lease the defined building site, then construct a building according to certain design standards.

Under this option, public land would be utilized by a limited number of people. Long-term leases to private parties are similar to the Forest Service system. However, they have let no new leases since 1965 because of the increasingly complex administrative problems of dealing with multiple lessees.

- 2) A cluster of building sites would be located on certain DNR holdings as a Master Lease.

Design standards would be developed jointly by DNR and San Juan County. A master lease would then be offered for the particular site. All obligations for construction, maintenance and leasing would be the responsibility of the Master Lessee. A specified seasonal period of occupancy would be defined as would a minimum and maximum rental period (e.g., one week - one month). This option minimizes the administrative problems of Option #1.

- 3) A variation of Option #2 would be a Master Lease for all sites in the County.

This would be a further administrative simplification of Option #2.

- 4) Lease to nonprofit organizations (schools, Outward-Bound type groups, etc.) for environmental education.

Under this option, a fair market lease would be derived from leasing cabin sites to nonprofit organizations. Opportunities for use would be a function of the organization's clientele.

## **Trade**

Trade of Trust Lands within San Juan County was seen as

the most appropriate method for the scattered and inaccessible DNR parcels to be rearranged into units that could be managed with a minimum of administrative costs. By state law, any property exchange must be equal value for equal value. Property proposed for trade to the state must be owned in full (not held on a real estate contract). Any exchange of property is subject to a public hearing in the County where the exchange is to take place. The fundamental criterion for a land exchange is that it will lead to better administrative patterns for DNR in managing Trust assets.

Trades may be negotiated by DNR with governmental entities (Water Districts, Cities, Ports, Counties, State Parks, Bureau of Land Management, etc.), public interest groups (e.g., San Juan Preservation Trust or The Nature Conservancy), or with private parties or individuals. In considering potential trading opportunities, priority should be given first, to other public agencies; second, to conservancy groups; and third, to private parties or individuals. Because of its Trust obligations, land traded to DNR in San Juan County must be at least as manageable or economically viable as the land currently under its stewardship.

One means of increasing the value of the land before trading it into the private market place is to gain legal access. Another way to increase the property's worth while maintaining environmental values is use of the "binding site plan". This mechanism allows DNR planners to propose a compatible use of the land in the context of the local community. San Juan County and the DNR should cooperate to assure that appropriate land-use regulations such as property covenants and restrictions, Comprehensive Plan designations and Binding Site Plans are in place prior to sale or trade of any DNR lands.

## **Sale**

State law requires that Trust Lands be sold at open public auction to the highest bidder. Contracts have historically been for 10 percent down, with a 10-year pay-out period at the prevailing interest rate. However, outright sale of Trust Land diminishes the land base. It is the long standing policy of the Board of Natural Resources to maintain the land base of state lands and discourage land sales while encouraging trades to allow for more efficient management. Since the 1920s, outright sale without replacement of the land base has seldom

been used. The law requires that money from sale of Trust Land be placed in the permanent School Construction Fund from which only the interest may be placed in the ongoing Construction Account.

As an alternative to outright sale, the Land Bank, a revolving fund, was created by the Legislature to allow for the flexibility of selling a piece of Trust Land and using the proceeds to purchase other income producing lands without the funds reverting to the Permanent Fund. Only 1,500 acres can be in the Land Bank process at one time. The proceeds from land bank sales are used to buy land anywhere in the state. There is no stipulation that if land is sold in one county, that other land must be purchased in the same county.

Recognizing the constraints on such funds, and also recognizing that sale or divestiture of some of these properties is the most prudent course for DNR, the Committee recommends that the "Trade" option be pursued as vigorously as possible as a way for DNR to rearrange its holdings in the County while maintaining approximately the same number of acres in the public land base. Sale or trade of Trust Land by DNR should maintain the public land base in San Juan County.

#### ACCESS

The Committee visited nearly all the DNR parcels in San Juan County and was distressed to find that many of the properties had no legal access, despite being public lands. For instance, on Orcas Island, only one of 10 parcels has a legal public road access. Two of the three Trust Land parcels on San Juan Island and two of the Trust Lands on Lopez Island also do not have defined public access. The Committee recognized that DNR has a basic need to have access to its properties for administrative purposes or public use for recreation, education or scientific research. The purpose of the access as well as the cost must be evaluated in making any long-term management decision. Simply stated, public property should have some form of public access.

More specifically, on a site-by-site basis, the questions become: Access for whom? And for what purpose? Obviously, in some cases, such as at Iceberg Point or Point Doughty, it is important to identify special values and protect them. Such

protection is best provided by sound, objective scientific examination of the site and an explicit statement regarding the biological or ecological values which need to be protected. A management plan can then be developed to protect those public resources. Neighbors of Trust Lands often raised the question of whether there has to be more access to some of the less disturbed lands. They claimed that access doesn't raise any monies for the Trusts. It was further stated that many local people don't want access provided to DNR lands because if provided, nonlocal people will use it. The logical outcome of this position is that the land becomes the private park of adjacent owners at public expense to the School Trust and to the general public.

There are a number of complementary issues regarding access. One critical issue identified by the Committee is that many of DNR's management problems are due to lack of access. This is a self-created problem because of a lack of aggressive DNR management and a lack of long-term planning for the use and disposition of San Juan County Trust Land. It should be noted, as evidenced by the property chart preceding the Site Analysis Section, that more than one-half of the current Trust Land ownerships (1,300 acres) in the County were acquired after 1957 by DNR and most don't have access. Those properties which presently do have access front on County rights of way, or DNR has purchased an easement, as they did in 1975 for Obstruction Pass (#6) on Orcas. Unsuccessful negotiations to date have failed to gain access to Point Lawrence (#5) and Mitchell Hill (#11). However, property owners have contacted DNR during the Committee's work to reopen negotiations about acquiring access to these properties.

Another side of the problem is that without access, these properties are either the private parks of nearby residents or properties with much higher potential value once access is acquired. Under present conditions, these landlocked parcels are seriously diminished in value.

A third important issue is that the late acquisition of old Lighthouse Reserves never utilized by the Federal government (Point Doughty (#1), Point Lawrence (#5), Iceberg Point (#19) and Blakely East (#23)), as well as the isolated and small parcels of original grant land. Those such as Cormorant Bay (#9) and other small unmanaged holdings such as Diamond Hill (#10) have escaped many of the disruptions to the native ecology. It is for this reason that most of these pristine shoreline properties are designated "Natural" in the Shorelines Management Program. For instance, the native grass lands once typical of the headlands and rocky points of the San

Juans are now difficult to find in their undisturbed state. This is due to long-term grazing pressures. Because of this lack of access and consequent lack of wholesale impacts or degradation, some of these lands can now be viewed as "benchmarks" or controls for land use practices in the County.

The Committee viewed DNR's past restraint in not using its right of eminent domain as understandable in view of its desire to maintain cordial relations with the public and because of the small size of these parcels. However, failing in the future to pursue access to these potentially high market value lands, while these lands yield no revenue to the School Trusts, is not in the public interest. Continuation of this practice is inconsistent with the department's fiduciary responsibilities as trustee.

A complementary concern arose in regard to saltwater access, particularly on Orcas Island. Some questioned whether additional recreational access was desired or needed. The County Parks and Recreation Plan identifies saltwater access as a high priority so that local people have a place to walk on the beach. The problem is particularly acute on Orcas Island where the shoreline is precipitous in many places and public tidelands are relatively inaccessible. One striking exception is at Point Lawrence. Although there is presently no legal upland access, the southern shore with its pocket beaches and extraordinary marine views provides potential access to over 5 miles of public tidelands.

While access to the upland parcels was a primary concern of the Committee, they also realized that some of these same properties also provided access to public tidelands and shorelines. County road ends also offer potential access points to public shorelines and tidelands.

Three categories of Trust Land land were identified in terms of access:

- 1) Acquire administrative access for forest management as soon as possible for Point Lawrence, Chadwick Hill and Mitchell Hill. Simultaneously, negotiations should be pursued for acquiring limited public access to these properties in conjunction with the DNR Multiple Use Plan. Forest management is conditional on clear rights of access.
- 2) Acquire access within the next 5 years for those properties which are not valuable for resource production and which have potential value as sites

for carefully designed residential uses. The increased valued parcels could then be traded for other resource land within the County (e.g., Diamond Hill (#10), Buck Mountain (#2) and Raccoon Point (#3)).

- 3) Lands to be held for long-term gains instead of immediate and/or high rates of return. On these properties, DNR should methodically work toward acquiring access by trade, easement, purchase or use of eminent domain. At the present time, these properties have approximately one-half or less of their potential value.

If there are lands that fall into Categories 2 or 3 which can be sold or traded in the near-term for other land in San Juan County more appropriate for management purposes, DNR should pursue this course. This is particularly necessary if acquiring access by use of eminent domain involves court costs and an extended period of time. The opportunity cost of pursuing access will need to be weighed against the prospects of more immediate and profitable administrative realignment of these holdings.

The Committee makes the following Recommendations regarding access to DNR Trust Lands:

- 1) All public lands should have some form of legal access.
- 2) DNR should pursue access for its properties with all the tools at its disposal. San Juan County should support and assist DNR in obtaining access to these public lands.
- 3) Boat access is not sufficient for any Trust Land. Where resource damage is a concern, seasonal easements or specified and prohibited uses or other methods should be pursued to provide public access.
- 4) Public uses must be consistent with the constraints of the site and the type of access available.
- 5) When landlocked property can be sold or traded without undue loss (or profitability), it should be divested and the value reinvested in other San Juan County property with access (See Criteria for Future Acquisition).

## MORATORIUM

Certain parcels of Trust Land were identified by the Committee as having special biological values or natural features that represent San Juan County before human disturbance or which are otherwise important to preserve. These parcels were termed "museum pieces" to denote the natural history and heritage values of the properties. Consensus among Committee members was that if these properties did not conform to the statewide criteria of the Natural Heritage Program administered by DNR, they should be preserved, nonetheless, by local efforts.

The Natural Heritage Program administers 15 Natural Area Preserves throughout the state. The program, established under RCW 79.70, sets up a framework for the classification, inventory, prioritization, acquisition and development of management plans for a statewide Natural Areas Preserves system, to include a network of sites representing the "elements of natural diversity" of the state. These specific sites provide a "benchmark" against which human disturbance of similar environments can be measured, provide areas for research and education, and preserve gene pools of threatened and endangered plants and animals. If Trust Land is set aside for preserve purposes, the Trust must receive Fair Market Value for any disposed interests.

For tracts not meeting all the criteria for preserve status or too small to be considered for preserves, or habitats containing rare species (not threatened or endangered), DNR has a voluntary registration program to "red flag" important biological features on Trust Land. Under the Forest Land Management Program, the department will register sites on Trust Land that meet the Registry Program criteria. However, this designation does not prevent or prohibit management.

If the identified parcels do not fit either of the above criteria and the community believes that the properties are valuable for preservation at the local level, then other mechanisms will have to be developed. Local preservation gives the community closest to the property an opportunity to determine use levels and activities appropriate to local concerns. While some of these properties do not currently have access, and cannot immediately fulfill their projected educational and scientific function, a longer time perspective is needed. If land is worthy of preservation, then access can be acquired at a later date. Irreversible decisions to sell or develop these lands are permanent. For those pieces

identified as potential local preserves, the Committee suggested that a Moratorium, for a specific number of years (e.g., 10) be established to allow the local community to explore funding sources to acquire the property.

Recognizing DNR's Trust responsibilities as well as the projected increases in property values in the County over the next 20 years, Committee members thought it imperative that efforts begin quickly to preserve these properties for future generations of San Juan Islanders. There is a need to set priorities for public acquisition of preserve areas, develop a funding source(s) and, in the meantime, derive as many dollars as possible from manageable inland parcels.

The following Trust Lands were identified by the Committee as having Preserve potential and should be kept in public ownership - Lopez: Shark Reef and Iceberg Point; Orcas: Point Doughty, Point Lawrence (waterfront and grass lands at the point); San Juan: Cattle Point (grass lands and shoreline).

The parcels at Cormorant Bay on Orcas, Cady Mountain on San Juan, and the property on Blakely Island (and possibly Shaw) were suggested as lands which should be acquired as local, public, or private conservation areas.

An initial biological survey of the nine parcels of greatest concern (potential moratorium sites and preserves) was conducted during the summer and fall of 1984 by the Natural Heritage Program. The report can be found in the Appendices of this document. Where appropriate, this information has been incorporated into the Site Analysis Section of this report.

A number of mechanisms were suggested whereby these properties could be preserved while meeting DNR's fiduciary responsibilities. These proposals are not mutually exclusive and might, in fact, be more effective if used in some creative combinations. The alternatives were purchase and protection by The Nature Conservancy; the San Juan Preservation Trust; County ownership via a "San Juan Island Trust Land District" or via a yet to be created Island Trust Fund; ownership or lease by island or island subareas; community funding efforts; private donor and lease or sale to adjacent landowners with "Forever Wild" easements and possible rights of public access.

- 1) The Nature Conservancy (TNC) has offered its assistance in preservation of Trust Land in San Juan County. A close working relationship exists between DNR and TNC. Having already acquired Yellow and Sentinel Islands as well as other County parcels for

preservation, the Conservancy has indicated they would play a facilitating rather than a lead role in new preserve acquisition.

- 2) The San Juan Preservation Trust was also suggested as a facilitator of land trades. In addition, as a private nonprofit organization it could acquire land more desirable for DNR management and trade it for land indicated for preserve status. This would involve a gift of property interests, such as timber cutting rights or fee simple title equal to the value of the parcel proposed for preserve status.
- 3) County ownership would involve either outright purchase by the County from the General Fund, a bond issue or some special tax related to land preservation (for instance, a surtax on some tourist related activity). One suggestion was that a piece of land could be leased from the Trust for a fee, paid for by a yearly tax approved by local voters. Alternatively, a one-time bond issue for a long-term, lump-sum lease could be proposed or a bond issue renewed periodically (every 5 years). Another alternative would be for the County to trade a piece of surplus County land, if available, for the DNR property. Administration of these County-acquired lands could be through a "San Juan County Trust Land District" that might also incorporate private holdings or specific rights of property.
- 4) A variation of Alternative #3 would be for citizens of a Road District or Fire District or other junior government, to lease or purchase Trust Land. This would keep the financial costs and the local benefits closely related. It would also provide the greatest amount of local control.
- 5) A further variation of the preceding would be Community Funding, by which a neighborhood or a group of citizens could combine both public and private resources to lease or purchase the land in question. However, the open bidding requirements of the law for purchase of Trust Land would preclude this option, unless the community could purchase desirable land of equal value to exchange with the department.
- 6) For conservation, tax benefit or bequest motive reasons, a private donor could offer to purchase a piece of potential income producing property in

exchange for preserve land. The party could then donate the land or the development rights for preservation to the County, TNC, the Preservation Trust, or dedicate it back to the DNR as a preserve.

- 7) Lease, trade or sell to private individuals were the final options identified to date. Negotiations for the sale or trade of Trust Lands would include stipulations that certain areas or characteristics not be changed in perpetuity. A further stipulation could be that controlled public access would be allowed. If these conditions lowered the value of the property below the FMV without these restrictions, the Trust would have to be compensated.

The Committee proposes the following recommendations regarding the placing of certain DNR Trust Lands in a "Moratorium" status in order to explore the various mechanisms available for their long-term preservation:

- 1) While alternative funding sources are being explored or until a conservancy use can be established, a 10-year moratorium on any management activities that would alter these properties should be invoked. DNR has been assigned this authority under RCW 79.68.060: "...to facilitate long range planning by interested agencies, the DNR is allowed to identify and withdraw from all conflicting uses at such times and for such periods as it shall determine appropriate, limited acreages of public land ... for the benefit of the public and, in particular, of the public schools, colleges and universities ... in which may be observed, studied, enjoyed or otherwise utilized the natural ecological systems ... unique or typical to the State of Washington... ." Such withdrawals do not modify the DNR'S obligations to manage the land "...in the best interests of the beneficiaries... ."
- 2) During this Moratorium, the citizens of San Juan County should explore every alternative, including but not limited to those listed above, in order to preserve these Trust Lands for future generations.

## CRITERIA FOR FUTURE ACQUISITION

A primary consideration in the prudent management of Trust Lands is the ability of DNR managers to generate an income stream from each piece of land in San Juan County, whether it be leased for a park or preserve, managed for forestry or used for grazing or other purposes. As noted in the Forest Management Section, the maintenance of forestry as an economic activity in San Juan County is perceived as an important benefit of DNR land management. The current random pattern of Trust Land holdings in the County has created what has been called "an administrative nightmare" by DNR foresters. The Committee recommends DNR consolidate these holdings by trading or selling certain small or low productivity properties for other lands in the County. The intent is to maintain approximately the same number of acres of public lands in San Juan County after this rearrangement as existed before.

Criteria for "blocking up" or enlarging existing parcels are necessary in order that future acquisitions do not leave managers 20 years from now with a situation as difficult and confusing as the one DNR presently finds in its land holdings. The following criteria are meant to provide the necessary framework for new acquisition.

- 1) Size/Location - Any new acquisition should be adjacent to an existing forest management unit; or at least of sufficient size for efficient management by DNR if acquired as an independent unit; or capable of producing revenue from other resource management. The result would be either the expansion of an existing unit or creating of a new unit with enough acreage to economically justify sustained yield management.
- 2) Site Index - Any land acquired for forest management should have an average site index of at least 80 (i.e., it will grow an 80-foot Douglas fir tree in 50 years in an unmanaged or "wild" stand). DNR forest soils scientists indicate that in the Western Puget Sound Trough soils series, DNR can manage Site Index 80 and better soils for a profitable return to the Trusts over a 60-year rotation period. Particularly on "rocky outcrop soils with a site index below 80, it appears that DNR would not generate the target 7 percent return on investment.
- 3) Access - Any land acquired should have access or

provide access to current DNR holdings. A vexing problem for DNR managers has been lack of access to the present ownership. Any future acquisitions must have access already available to allow the land to be brought under management or it should provide access to a currently inaccessible site.

- 4) No Encumbrances - Easements such as roads and wells, legal contracts or outstanding lawsuits are all encumbrances that may limit or prevent efficient management. New land acquired by DNR should not be encumbered in any way which restricts efficient management unless it carries with it compensating income.
- 5) Minimum Adjacent Subdivision or Short Platting - If DNR is to manage land for forestry over the long term, then stability of adjacent land uses is critical. Subdivision of land into parcels of less than 10 acres means an increasing number of neighbors who may view the DNR land as a private park. Parcelation also begins to dramatically change the bidding price for land and calls into question the wisdom of managing for resources as opposed to "higher" uses.

#### PLAN ADOPTION BY SAN JUAN COUNTY AND THE DEPARTMENT OF NATURAL RESOURCES

The Committee recognizes that a formal framework, adopted by DNR and San Juan County, is necessary so that the implementation of these recommendations has long-term value and consistency. The DNR-managed Trust Land in San Juan County constitutes a group of properties unified by state ownership and by Trust obligations and opportunities. Therefore, the Committee recommends that the San Juan County Board of Commissioners initiate the adoption of this document as a Sub-Area Plan in the San Juan County Comprehensive Plan to guide present and future management decisions for Trust Land.

The policies and recommended alternatives for the use of each site are consistent with the purposes and intent of the Comprehensive Plan and also meet the legal requirements for DNR Trust Land management. The provisions of the Trust Land Sub-

Area Plan should prevail over any conflicting provisions in other sections of the Comprehensive Plan. All other provisions and language of the Comprehensive Plan should retain their **full** force and effect within this sub-area.

After appropriate review by the DNR, as outlined in the Memorandum of Understanding of January 24, 1984, the Committee also recommends that the document be adopted by the Board of Natural Resources as a "Block Plan" under the provisions of the 1984 Forest Land Management Program (FLMP).

The indepth examination by the Committee has revealed that certain properties deserve a more protective status than the current conservancy designation on the Comprehensive Plan map. Some Trust Lands designated Conservancy should remain so, while others should be redesignated, with the understanding that DNR would submit for approval a binding site plan for those properties before taking any action to divest of them. This would increase the value for the Trust and also conserve the public and environmental values the County believes should be protected. The Committee also recommends that those properties proposed for forest management should be designated as Rural or Rural/Timber/Agricultural (R/TA), compatible with surrounding privately held resource management land.

A close working relationship has developed as a result of the Advisory Committee, DNR and the County thoroughly examining the Trust Land in San Juan County. Examples of committed long-term forest management, using techniques developed for San Juan County conditions by skilled, trained professionals will be a positive benefit for both the County and the DNR. The evaluations in the following section, in conjunction with the multiple use forest management plans, will provide a predictable framework within which both the DNR and County residents may operate in the future. With the adoption of this document, the Committee concluded that the requirement that DNR must apply for and receive a Conditional Use Permit from the County to manage Trust Land recommended for forestry, should no longer be necessary. These parcels are: Odlin South, Lopez Hill, Chadwick Hill, Shark Reef Road and Mitchell Hill.

In the following Site Analyses section, the Committee suggests a Comprehensive Plan designation for each of the parcels of Trust Land in San Juan County. In conjunction with the adoption of this document as a sub-area plan, the Committee recommends that the San Juan County Board of Commissioners initiate hearings to consider the expeditious redesignation of these Trust Lands. Where appropriate, the Comprehensive Plan map should be amended to reflect these changes.

## OVERSIGHT AND IMPLEMENTATION

These consensus Recommendations represent the beginning of a new era in the management of Trust Land in San Juan County. The Committee is concerned that the substance and intent of these Recommendations not be forgotten in the future. Committee members also expressed concern that a future Commissioner of Public Lands or Board of County Commissioners might neglect or ignore these Recommendations. In order to further the cooperative spirit of the San Juan Islands Trust Land Advisory Committee and reassure the citizens of the County that this planning process has been meaningful, the Committee concluded that some form of continuing public involvement would be desirable.

The implementation of these Recommendations will provide a framework within which DNR and the citizens of San Juan County can work together for mutual benefit. To provide continuity and monitor the implementation of this plan, the Committee makes the following Recommendations based on its indepth study:

- 1) The presently constituted San Juan Islands Trust Land Advisory Committee agrees to reconvene in 1985 upon the call of the Chair. The Committee should assist San Juan County and DNR in any way possible to implement these Recommendations.
- 2) DNR should hold a public meeting with the Advisory Committee and the San Juan County Board of Commissioners at least once a year to review proposed actions on Trust Lands.
- 3) In 1986, three of the present members should be replaced by three new members jointly appointed by the San Juan County Board of Commissioners and the Commissioner of Public Lands. This process should be repeated each year so that there is a continuity of membership and a return on the knowledge gained by existing members, while providing for the introduction of new ideas and talents to the Oversight Committee.
- 4) San Juan County and DNR should provide adequate staff support for this Committee to function.
- 5) These recommendations, after public study and review

and upon approval of the San Juan County Board of Commissioners and the Commissioner of Public Lands, should be considered a binding agreement between DNR and San Juan County.

- 6) Changes in these Recommendations for the management of Trust Lands in San Juan County may be made by mutual consent of the Commissioner of Public Lands and the San Juan County Board of Commissioners after, and only after, recommendations by the Advisory Committee and public hearings.

