

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

**RESOLUTION NO.** 1489

A **RESOLUTION** relating to the compensation to the State Forest Land Transfer Trust for the designation of State Forest Land to be managed as a natural resources conservation area as authorized by RCW 79.22.060 and the 2015 Capital Budget, as amended by Laws of 2016, Chapter 35, Section 3029, under Department of Natural Resources Land Transfer File No. 02-093995.

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

**SECTION 1.** The State of Washington, acting by and through the Department of Natural Resources, holds in trust land acquired by transfer under RCW 79.22.040 (State Forest Land Transfer Trust) in Pacific County as described in Exhibit A.

**SECTION 2.** Pacific County has a population of 20,920 based on the 2010 census.

**SECTION 3.** The real property described in Exhibit A, known as Pacific 3 State Forest Transfer, is classified as occupied habitat for the Marbled Murrelet under the 1997 Habitat Conservation Plan, which has a 70 year term. Harvest on this property is deferred during the term of the HCP.

**SECTION 4.** RCW 79.22.060 and the 2015 State Capital Budget, as amended by Laws of 2016, Chapter 35, Section 3029, authorize transfer of State Forest Trust land and out of trust status for the purpose of protecting lands encumbered by endangered species-based harvest restrictions and replacing this property with productive, working forest lands.

**SECTION 5.** The Board of Natural Resources finds that it is in the best interest of the State to transfer Pacific 3 property from the State Forest Transfer Trust to natural resources conservation area status.

**SECTION 6.** Consistent with RCW 79.22.060 (3), the Board of Natural Resources finds the fair market value of the Pacific 3 State Forest Transfer to be \$1,500,000, as the value of the fee simple interest without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act.

**SECTION 7.** The Board of Natural Resources approves of the use of the Declaration of Covenants, Conditions, and Restrictions related to the Dedication of Pacific 3 State Forest Transfer as a Natural Resources Conservation Area and Management Commitment, set forth in Exhibit B, as evidence of the transfer of the property described in Exhibit A to natural resources conservation area status.

**SECTION 8.** Should the transfer authorized by this resolution be consummated, the State of Washington, Department of Natural Resources shall:

- A. Upon receiving payment of the value stated in SECTION 6 above, properly authorize and record the "Declaration of Covenants, Conditions, and Restrictions" shown in form as Exhibit B and take whatever steps are necessary to designate the property described in Exhibit A as a Natural Resources Conservation Area. Use shall be restricted for purposes consistent with Ch. 79.71 RCW. All mineral rights will be conveyed with the land. The property shall be retained as Permit Lands as defined in the Department of Natural Resources' Habitat Conservation Plan. The term of the natural resources conservation area status shall be perpetual.
  
- B. Disburse the proceeds from the transfer to natural resources conservation area status as follows:
  - 1. In accordance with RCW 79.64.110, deposit \$351,225 of timber value into the Forest Development Account, and the remaining \$1,053,675 of timber value to Pacific County; and
  
  - 2. Deposit the land value of \$95,100 into the Park Land Trust Revolving Account and hold, together with accrued interest, for the purpose of acquiring desirable replacement property for the State Forest Transfer Trust in future purchases to be approved by the Board.

**APPROVED AND ADOPTED** by the Board of Natural Resources, Department of Natural Resources, State of Washington, this 15<sup>th</sup> day of November, 2016.

**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 17<sup>th</sup> day  
of October, 2016

  
Assistant Attorney General

## EXHIBIT A

### LEGAL DESCRIPTION

#### Section 3, Township 10 North, Range 9 West, W.M. Pacific County, Washington

That portion of the the Southwest Quarter of the Northwest Quarter of Section 3, Township 10 North, Range 9 West, W.M., Pacific County, Washington lying easterly of that certain parcel as shown as "Private" on that survey recorded July 20, 1977 in Book 1 of Surveys at Page 190, records of Pacific County, Washington, being a portion of those lands within said Section 3 as described by that document recorded April 2, 1975 in Volume 276 at Page 323, records of Pacific County, Washington. EXCEPTING therefrom the South 200.00 feet as measured along the east line thereof.

#### TOGETHER WITH

That portion of the Southeast Quarter and the Southwest Quarter of the Northeast Quarter and the Northeast Quarter of the Southwest Quarter and the Southeast of the Northwest Quarter and the Northeast Quarter of the Southeast Quarter of Section 3, Township 10 North, Range 9 West, W.M., Pacific County, Washington lying easterly of that certain parcel as shown as "Private" on that survey recorded July 20, 1977 in Book 1 of Surveys at Page 190, records of Pacific County, Washington, being a portion of those lands within said Section 3 as described by that document recorded April 2, 1975 in Volume 276 at Page 323, records of Pacific County, Washington and lying westerly and southerly of the following described line:

Beginning at the Southwest corner of the Northeast Quarter of the Southwest Quarter of said Section 3; thence along the south line of said subdivision S86°44'35"E 553.00 feet; thence N 12°00'00" E 176.00 feet; thence N 00°00'00" W 133.00 feet; thence N 57°00'00" E 180.00 feet; thence N 84°00'00" E 138.00 feet; thence N 18°00'00" W 39.00 feet; thence N 78°00'00" E 113.00 feet; thence N 87°00'00" E 201.00 feet; thence S 75°00'00" E 149.00 feet; thence N 75°00'00" E 52.00 feet; thence N 07°00'00" W 110.00 feet; thence N 15°00'00" W 214.00 feet; thence N 25°00'00" W 194.00 feet; thence N 09°00'00" W 180.00 feet; thence N 09°00'00" E 166.00 feet; thence N 35°00'00" E 167.00 feet; thence N 27°00'00" E 183.00 feet; thence N 27°00'00" W 122.00 feet; thence N 67°00'00" W 104.00 feet; thence N 17°00'00" E 32.00 feet; thence N 47°00'00" E 102.00 feet; thence N 62°00'00" E 33.00 feet; thence N 02°00'00" E 366.00 feet; thence parallel with the north line of the Northwest Quarter of said Section 3, N02°13' 14"W 1140.00 feet more or less to the east line of said "Private" parcel and the terminus of said line description.

Rynea L. Edwards, PLS 45158  
Land Description & R/W Specialist  
Land Survey Unit  
Engineering Division  
PO Box 47030  
Olympia, WA 98504-7030

**EXHIBIT B**

**STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES  
RESOLUTION**

**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS RELATED  
TO THE DEDICATION OF \_\_\_\_\_ STATE FOREST TRUST TRANSFER  
\_\_\_\_\_ AS A NATURAL RESOURCES CONSERVATION AREA AND  
MANAGEMENT COMMITMENT**

\_\_\_\_\_ **County**

**Grantor:** State of Washington, by and through the Department of Natural Resources

**Grantee:** State of Washington, by and through the Washington Department of Natural Resources, Natural Areas Program

**Abbreviated  
Legal Desc:**

**Tax Parcel #:**

THIS DECLARATION is made this \_\_\_\_ day of \_\_\_\_\_, 2016, by the State of Washington, Department of Natural Resources (DNR).

**RECITALS**

WHEREAS, the State of Washington owns that certain real property legally described as set forth on Exhibit A and Exhibit B attached hereto and incorporated herein by this reference (the Property);

WHEREAS, Peter Goldmark, Commissioner of Public Lands, following the approval of the Board of Natural Resources, designated the Property as a natural resources conservation area pursuant to the requirements of Ch. 79.71 Revised Code of Washington; and

WHEREAS, DNR desires to place a Declaration of Covenants, Conditions, and Restrictions declaring that the Property shall be utilized perpetually as a natural resources conservation area and desires this Declaration to be recorded as a covenant running with the land to bind the Property according to the terms of this instrument.

NOW, THEREFORE, DNR hereby declares that the Property shall be used perpetually as a natural resources conservation area only subject to further restrictions of use as set forth herein.

Section 1. Restriction on Use of Property. The \_\_\_\_\_ Natural Resources Conservation Area was established for the Property to protect for public benefit an area that is important for scenic and ecological values. No uses are to be made of the Property except those consistent with its designation for the term specified herein. No additional or future restrictions may be placed on the Property without the approval of the Commissioner of Public Lands. DNR shall manage the Property consistent with its designation as a natural resources conservation area, and subject to any management plan that is adopted pursuant to RCW 79.71.070. Any other use or activity on the Property which is or may become inconsistent with the purposes of the \_\_\_\_\_ Natural Resources Conservation Area, the preservation of the Property in its natural condition, or the protection of its ecological features, or any management plan that is adopted, is prohibited.

Section 2. Applicability of Habitat Conservation Plan. The Property is located within an area that is subject to the State of Washington, Department of Natural Resources Habitat Conservation Plan and amendments thereto adopted in connection with Incidental Take Permit No. PRT-812521, as supplemented by Permit No. 1168, and the Implementation Agreement for the Washington State Department of Natural Resources Habitat Conservation Plan dated January 30, 1997, and any amendments to said permits and agreement. The Property is also to be used consistent with management as "PERMIT LANDS" as defined in the Habitat Conservation Plan Implementation Agreement as long as the Habitat Conservation Plan Implementation Agreement is in effect.

Section 3. This Declaration does not convey to the public the right to enter the Property for any purpose whatsoever, except as is set forth in any management plan adopted for the \_\_\_\_\_ Natural Resources Conservation Area.

Section 4. The covenants and restriction of this Declaration shall run with the land and bind the Property in perpetuity.

Section 5. This Declaration, and any future changes duly authorized in writing by the Commissioner of Public Lands, shall be recorded in the Auditor's Office of \_\_\_\_\_ County.

Section 6. Each covenant, condition, and restriction contained in this Declaration may be enforced by DNR or any owner of the Property if the Property is subsequently transferred from the State of Washington to another person or entity.

Section 7. This Declaration shall be governed by and construed in accordance with the laws of the State of Washington.

Section 8. This Declaration shall take effect when recorded.

This Declaration is executed and delivered pursuant to RCW 79.71.050 pursuant to Commissioner's Order No. \_\_\_\_\_, dated \_\_\_\_\_, entered by the

Commissioner of Public Lands with the approval of the Board of Natural Resources, State of Washington.

IN WITNESS WHEREOF, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES

\_\_\_\_\_  
**PETER GOLDMARK**  
Commissioner of Public Lands

Approved as to form this \_\_\_\_\_ day  
of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Assistant Attorney General