**Answers to Councilmember Questions**

**Regarding the Proposed Little Si Transfer**

At the May 20, 2014, meeting of the Transportation, Economy and Environment Committee, members asked for more information about the proposed transfer.

**QUESTION:** **How is Little Si currently protected and how would it be protected if the transfer occurs?**

**ANSWER:** The Little Si Natural Area is currently preserved as open space and protected from logging. These protections would remain in place and additional protections would be added if the transfer is approved.

**Current Status.** The Little Si Natural Area is an approximately 28-acre property located on the boundary of the State of Washington’s Mount Si Natural Resource Conservation Area. The Little Si Natural Area was purchased by King County in the 1980s. It is currently protected as permanent open space as a result of:

* **Conservation Futures Tax (CFT) funding.** In September 1986, the Council appropriated $125,000 from the CFT fund to be used for property acquisition at Little Si and other projects (Ordinance 7736).

Properties that are acquired with CFT funding carry permanent restrictions. For the purposes of the CFT program, the term “Open Space Land” is defined to be consistent with RCW 84.34.020(1), and properties acquired with CFT funds must include the level of ownership, covenant or easement “necessary to protect, preserve, maintain, restore, limit the future use of or otherwise conserve the land.” (KCC 26.12.003.F)

* **Covenant Agreement with Hankins Family.** As part of the County’s purchase of the Little Si Natural Area, the County purchased 22.68 acres of property from the Hankins family, and transferred 8.9 acres of an adjacent surplus property (a portion of the Anderson property) to the Hankins family. The statutory warranty deed resulting from this transaction included the following restriction on logging:

“The Grantor and Grantee herein, covenant and agree for themselves, their heirs, successors, and assigns, that neither of them shall log the lands described herein from the base of the cliff, eastward up the mountain. Any cutting of timber or brush shall be limited to non-evergreens; except when necessary to control disease or enhance the quality of the environment, and will be subject to prior written approval by either party.” (Statutory Warranty Deed File 82-10-192 (C) #8912111051, dated November 7, 1989)

* **Status as Ecological Land.** The Little Si Natural Area has been designated a King County Department of Natural Resources and Parks (DNRP) Ecological Land.[[1]](#footnote-1)

Ecological Lands are managed to maintain and enhance the ecological value of the region because of the ability afforded to preserve, protect, and enhance ecological processes and habitat features, with a particular focus on biological diversity and ecosystem integrity. King County’s Ecological Lands Handbook stipulates that, “Ecological Lands should be managed in a way that both assures the greatest protection of ecological processes and native species on these lands, and assures the highest possible contribution of these lands to ecological protection at larger scales. In other words, the lands should be managed for their sustainability.”[[2]](#footnote-2)

**Status if Transferred to WADNR.** The Intergovernmental Land Transfer Agreement that is included with Proposed Ordinance 2013-0455 would transfer the Little Si Natural Area to the Washington State Department of Natural Resources (WADNR).

If transferred, the Little Si Natural Area would continue to be protected as permanent open space and protected from logging due to the covenants resulting from the use of CFT funds and from the Hankins transaction, covenants that WADNR would specifically agree to honor through the Intergovernmental Land Transfer Agreement (Intergovernmental Land Transfer Agreement §2.1).[[3]](#footnote-3) In addition, the following restrictions would govern the property if transferred:

* **CFT regulation on the allowed transfer of land.** Open space lands acquired using CFT funding cannot be transferred or conveyed except by “interlocal agreement providing that the land or interest in land shall be continued to be used for the purposes of KCC 26.12.005 through 26.12.025 and in strict conformance with the uses authorized under RCW 84.34.230.” (KCC 26.12.010.H) WADNR would specifically agree to be bound by these restrictions at section §1.2, which provides:

"WADNR acknowledges that the Property was purchased for open space purposes with Conservation Futures funds as authorized by King County Ordinances 10750 and 13717 and covenants that the Property will continue to be used for the purposes contemplated by these Ordinances, which prohibit active recreation such as motorized recreation including off-road recreational vehicles but allow passive recreation, consistent with use and management in perpetuity as an NRCA under Chapter 79.71 RCW; that the Property shall not be transferred or conveyed except by agreement providing that the Property shall continue to be used for the purposes contemplated by these Ordinances and that the Property shall not be converted to a different use unless other equivalent lands and/or facilities within the County shall be received in replacement therefore.

WADNR covenants that it shall place the preceding covenants in any deed transferring the Property or a portion of the Property for public park, recreation or open space uses."

**QUESTION: If the transfer occurs, would Little Si be incorporated into the Mount Si Natural Resources Conservation Area (NRCA)? If so, what would that mean?**

**ANSWER:** The proposed transfer agreement does not commit WADNR to incorporate Little Si into the NRCA. However, it does require WADNR to manage Little Si as if it is part of the NRCA. (Intergovernmental Land Transfer Agreement §1.2)

NRCAs are regulated under RCW 79.71, which requires that WADNR develop a management plan for each NRCA. Each management plan “shall identify the significant resources to be conserved consistent with the purposes of this chapter and identify the areas with potential for low-impact public and environmental educational uses. The plan shall specify what types of management activities and public uses that are permitted, consistent with the conservation purposes of this chapter.” (RCW 79.71.070)

**QUESTION: What is the cost of maintaining the Little Si Natural Area?**

**ANSWER:** As DNRP noted at the May 20, 2014, meeting, the current maintenance cost to the County is low (less than $1,000 per year) because access to the Little Si property is very constrained, and, as a result, the County provides only inspection services. Currently, WADNR has been performing most of the maintenance activities needed on site. DNRP’s 2005 “Little Si Natural Area Site Management Guidelines” note that DNRP should monitor the property for enhancement and restoration opportunities, work collaboratively with WADNR to address ecological issues, and work with WADNR to monitor public use and “maintain any improvements to protect the site from inappropriate public uses and address safety issues. This should include installing signs and removing rope swings.” (p. 9) Access by the public to the Little Si site is called out as a particular issue in the guidelines, due to the proximity of the Little Si site to the Little Si Trail (which is located in the Mount Si NRCA but passes within 250 feet of the Little Si site), as well as to the existence of the “blue hole” swimming area that is located in the Middle Fork of the Snoqualmie River adjacent to the Little Si site. (p. 5)

**QUESTION: Is there a precedent for the County transferring parks or open space land without requiring payment?**

**ANSWER:** The County has had a long-time practice of transferring parks and open space land to other jurisdictions. Table 1 on the next page lists a number of examples of parks properties that were transferred from County ownership to other jurisdictions. The standard transfer arrangement, as implemented in the examples listed in the table, requires the jurisdiction receiving the transfer to agree to all maintenance responsibilities, to maintain the property for park or open space use, and to allow non-City residents to use property. In some cases, the County either contracted with the other jurisdiction to provide some level or ongoing maintenance or provided funding to assist with ongoing maintenance.

**Table 1: Examples of Transfer of Park or Open Space Properties by King County\***

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| **Date** | **Ordinance #** | **Description of Transfer from King County** |
| 2/14/2000 | 13719 | Three parks, two trails to City of Sammamish |
| 5/8/2000 | 13838 | Open space/drainage property to City of Lake Forest Park |
| 8/7/2000 | 13915 | Lake Wilderness Park to City of Maple Valley |
| 9/25/2000 | 13950 | Auburndale Park to City of Auburn |
| 2/26/2001 | 14054 | Five parks to City of Kenmore |
| 4/16/2001 | 14086 | Three parks to City of SeaTac |
| 6/18/2001 | 14131 | Eight open space properties to City of Covington |
| 7/22/2002 | 14431 | All parks in Potential Annexation Areas to those cities |
| 8/19/2002 | 14451 | Juanita Beach Park to City of Kirkland[[4]](#footnote-4) |
| 12/16/2002 | 14452 | Beaver Lake Park to City of Sammamish |
| 12/9/2002 | 14528 | Lake Burien Park to City of Burien |
| 12/9/2002 | 14529 | Jenkins Creek Park to City of Covington |
| 12/9/2002 | 14531 | South Central Pool to City of Tukwila |
| 12/9/2002 | 14533 | Luther Burbank Park to City of Mercer Island |
| 12/9/2002 | 14534 | Eastgate and Manor Hill Parks to City of Bellevue |
| 12/16/2002 | 14553 | Lea Hill and Auburndale Park Two to City of Auburn |
| 12/16/2002 | 14547 | Bridle Crest Trail to City of Redmond |
| 12/16/2002 | 14549 | Salmon Creek Waterway to City of Burien |
| 12/16/2002 | 14554 | Sammamish Cove Park to City of Issaquah |
| 12/16/2002 | 14555 | Kenneth Jones Pool to City of Federal Way |
| 7/28/2003 | 14720 | Des Moines Creek Park to City of SeaTac |
| 10/30/2006 | 15634 | County Fairgrounds to City of Enumclaw |

\*Please note that this is not a comprehensive list, but is rather meant to identify examples of transfers of parks or open space property from the County to another jurisdiction.

1. King County. 2002. Little Si Natural Area Site Management Guidelines. King County Department of Natural Resources and Parks, Water and Land Resources Division. Seattle, Washington. [↑](#footnote-ref-1)
2. King County. 2003. King County Water and Land Resources Division Ecological Lands Handbook. King County Department of Natural Resources and Parks, Water and Land Resources Division. Seattle, Washington. [↑](#footnote-ref-2)
3. “WADNR shall abide by and enforce all terms, conditions, reservations, restrictions and covenants of title referenced herein at the time of conveyance and/or in the deed of conveyance.” (Intergovernmental Land Transfer Agreement §2.1) [↑](#footnote-ref-3)
4. Note that in 2009 per Ordinance 16312 Section 88 P1, the Council redesignated Juanita Park as a regional park, and clarified that the County would maintain ownership of this park and would not transfer it. [↑](#footnote-ref-4)