



**JEFFERSON COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA REQUEST**

**TO:** Board of County Commissioners  
Mark McCauley, County Administrator

**FROM:** Pinky Mingo, Environmental Health and Water Quality  
Director  
Tami Pokorny, Natural Resources Program Coordinator

**DATE:** December 5, 2022

**SUBJECT:** Agenda Item – Recreation and Conservation Office – Deed of Right  
for Parcel #702 242 012; Upon signature – perpetuity

**STATEMENT OF ISSUE:**

Jefferson County Public Health, Natural Resources Program, requests Board approval of the Recreation and Conservation Office – Deed of Right for parcels #702 242 012; Upon signature – perpetuity.

**ANALYSIS/STRATEGIC GOALS/PRO'S and CON'S:**

This Deed of Right, for the former Baughman property in Quilcene, ensures that the County shall not use or allow any use of the property that is inconsistent with salmon recovery purposes. The County must also allow public access to the property and must accept restrictions and inspections by the State for compliance with the terms of the Deed and Project Agreement.

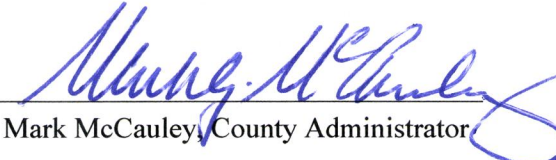
**FISCAL IMPACT/COST BENEFIT ANALYSIS:**

This property's acquisition was funded by a grant from the RCO Salmon Recovery Funding Board (#18-1227) and the Hood Canal Salmon Enhancement Group through an MOU.

**RECOMMENDATION:**

JCPH management request approval of the Recreation and Conservation Office – Deed of Right for parcel #702 242 012; Upon signature – perpetuity.

**REVIEWED BY:**

 12/1/22  
Mark McCauley, County Administrator

Natural Resources Building  
P.O. Box 40917  
Olympia, WA 98504-0917  
  
1111 Washington St. S.E.  
Olympia, WA 98501



(360) 902-3000  
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Web site: [www.rco.wa.gov](http://www.rco.wa.gov)

**STATE OF WASHINGTON**  
**RECREATION AND CONSERVATION OFFICE**

November 7, 2022

Tami Pokorny  
Jefferson County  
PO Box 1220  
Port Townsend, WA, 98368

Re: Deed of Right for the Baughman Property  
Lower Big Quilcene Floodplain Acquisitions 2018 Project, SRFB #18-1227

Dear Tami:

Enclosed is the original Deed of Right for the Baughman Property signed by the Recreation and Conservation Office (RCO).

Please have the appropriate responsible person sign the original document on your organization's behalf and then record the document with the county auditor's office. The county auditor will send the original recorded document to RCO for our files. Once we receive the document, RCO will attach it to your project in PRISM.

Please be aware, RCO will not release retainage until it receives the recorded document from the county auditor's office.

If you have any questions, please contact me at 360-867-8781 or [josh.lambert@rco.wa.gov](mailto:josh.lambert@rco.wa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Lambert".

Josh Lambert  
Outdoor Grants Manager

Enclosure



Upon Recording, Please Return To:  
Washington State Recreation and Conservation Office  
PO Box 40917  
Olympia, WA 98504-0917  
Attn: Josh Lambert \_\_\_\_\_

**DEED OF RIGHT TO USE LAND FOR  
SALMON RECOVERY PURPOSES**

**Baughman Property**

Grantor: Jefferson County (Sponsor Name)

Grantee: STATE OF WASHINGTON, acting by and through the WASHINGTON  
STATE SALMON RECOVERY FUNDING BOARD and the WASHINGTON  
STATE RECREATION AND CONSERVATION OFFICE, including any  
successor agencies.

Abbreviated  
Legal

Description: Ptn SE NW 24-27-2W (More particularly described in Exhibit "A" (Legal  
Description), and as depicted in Exhibit "B" (Property Map)),

Assessor's Property Tax Parcel Number(s): 702 242 012

Reference Numbers of Documents Assigned or Released:

The Grantor enters this Deed for and in consideration of monies coming in whole or in part from  
the General Fund Federal - Salmon Recovery Funding Board account and the Puget Sound  
Acquisition and Restoration Account. Such grant is made pursuant to the Project agreement





entered into between the Grantor and the Grantee entitled Lower Big Quilcene Floodplain Acquisitions 2018, Project Number 18-1227 signed by the Grantor on the 23<sup>rd</sup> day of September 2019, and the Grantee the 30<sup>th</sup> day of September 2019, and supporting materials which are on file with the Grantor and the Grantee in connection with the Project agreement.

The Grantor hereby conveys and grants to the Grantee as the representative of the people of the State, the right to enforce the following duties:

1. The Grantor shall take such reasonable and feasible measures as are necessary to protect the Real Property as described in Exhibit A: Legal Description, in perpetuity. Such measures shall be consistent with the purposes in the Project agreement, including protecting, preserving, restoring and/or enhancing the habitat functions on the Real Property, which includes floodplain and riparian habitat. This habitat supports or may support priority species or groups of species including but not limited to Hood Canal summer chum, Puget sound Chinook and coho salmon..
2. The Grantor shall allow public access to the Property as provided in the Project agreement. Such access shall be subject to the restrictions allowed under the Project agreement, by written agreement with the Grantee, or under state law. This provision is not intended to prevent reasonable access or use restrictions that are necessary for safe and effective management of the property consistent with salmon recovery purposes and the Project agreement.
3. The Grantor shall allow access by the Grantee to inspect the Real Property for compliance with the terms of this Deed and the applicable Project agreement to which the Grantor is a signatory. Such access shall be subject to the restrictions, if any, allowed under the Project agreement, by written agreement with the Grantee, or under state law. The Grantor warrants it has and shall maintain the legal right and means to reach the property.
4. Without prior written consent by the Grantee or its successors, through an amendment to the Project agreement or the process set forth below, the Grantor shall not use or allow any use of the Real Property (including any part of it) that is inconsistent with the salmon recovery purposes herein granted and as stated in the Project agreement. The Grantor shall also not grant or suffer the creation of any property interest that is inconsistent with the salmon recovery purposes herein granted and as stated in the Project agreement.

Grantee's consent to an inconsistent use or property interest under this Deed shall be granted only to the extent permitted by law and upon the following three conditions, which ensure the substitution of other eligible land. The conditions are: (1) the substitute salmon recovery land must be of reasonably equivalent habitat qualities, characteristics and location for the salmon recovery purposes as the Real Property



prior to any inconsistent use; (2) the substitute salmon recovery land must be of at least equal fair market value to the Real Property at the time of Grantee's consent to the inconsistent use; and (3) the fair market value of the Real Property at the time of the Grantee's consent to the inconsistent use shall not take into consideration any encumbrances imposed on or alterations made to that land as a result of the original state grant and other grants if such encumbrances or alterations reduce the value of the Real Property from what it would be without them.

For purposes of this Deed, the Project agreement includes any amendments thereto that occurred prior to or may occur subsequent to the execution of this Deed.

This Deed contains covenants running with the land and shall be binding upon the Grantor, its successors and assigns, and upon any person acquiring the Property, or any portion thereof, or any interest therein, including a leasehold interest, whether by operation of law or otherwise. If the Grantor sells all or any portion of its interest, the new owner of the Property or any portion thereof (including, without limitation, any owner who acquires its interest by foreclosure, trustee's sale or otherwise) shall be subject to applicable covenants and requirements under the Deed.

This Deed may not be removed or altered from the Real Property unless specific approval has been granted by the Washington State Recreation and Conservation Office and/or the Washington State Salmon Recovery Funding Board or its successors.

The Washington State Recreation and Conservation Office and the Washington State Salmon Recovery Funding Board and/or its successors shall each have a separate and independent right to enforce the terms of this Deed.

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## Jefferson County

Name: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

I certify that I know or have satisfactory evidence that \_\_\_\_\_  
is the person who appeared before me, and said person acknowledged that they signed this  
instrument, on oath stated that they were authorized to execute the instrument and acknowledge  
it as the \_\_\_\_\_ for the Grantor, \_\_\_\_\_  
and to be the free and voluntary act of such party for the uses and purposes mentioned in the  
instrument.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

Notary Public in and for the State of Washington,  
residing in \_\_\_\_\_

My commission expires \_\_\_\_\_.

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FOLLOWS





STATE OF WASHINGTON, acting by and through THE WASHINGTON STATE  
SALMON RECOVERY FUNDING BOARD, administered by the WASHINGTON  
STATE RECREATION AND CONSERVATION OFFICE

Dated this 10<sup>th</sup> day of November, 2022

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF THURSTON )

My commission expires 04/18/2025



**EXHIBIT A**  
**Legal Description**

The South 788 feet of the East  $\frac{1}{4}$  of the Southeast $\frac{1}{4}$  of the Northwest $\frac{1}{4}$  of Section 24, Township 27 North, Range 2 West, W.M.,

EXCEPTING 2 acres, more or less, lying South of the Quilcene River as heretofore conveyed to Charles Ward, by deed recorded October 16, 1907 in Volume 58 of Deeds, Page 545, records of Jefferson County, Washington, said excepted tract being known as Tax No. 14 in said Section 24.

Situate in the County of Jefferson, State of Washington.





**EXHIBIT B**  
**Property Map**



SRFB Project 18-1227 Lower Big Quilcene Floodplain Acquisitions 2018, Jefferson County

