

NORTH KITSAP HERITAGE PARK PHASE II/EXPANSION PROPERTY PUBLIC ACCESS AND STEWARDSHIP PLAN (#10-1297)

General

In December 2014, Kitsap County acquired 366 acres of property from Pope Resources for long-term open space preservation and public access. This acquisition expanded the North Kitsap Heritage Park and allowed improved land management and regional and community trail access for the public. The property includes several high quality wetland systems, headwaters to Grovers Creek and wildlife habitat. This plan is intended to address future public access considerations for the Heritage Park Phase II/Expansion Property as well as continued allowances for access to the adjacent lands of public benefit.

Public Access and Use Requirements

Public access will be allowed throughout the property through public access points including regional and community trails and existing logging roads. The public's use of the property will be governed by Kitsap County Parks and Recreation rules included in Kitsap County Code Chapter 10.12 and well as other Kitsap County policies. Any public access will subordinate to the protections of wetlands and stream habitat. The Parks and Recreation requirements of the current Chapter 10.12 are included as Exhibit A for reference purposes.

Scheduling of Park Facilities for Special Events

The North Kitsap Heritage Park Expansion will be available to the public for special events. Scheduling of these events shall be one through the Kitsap Parks and Recreation Department pursuant to the Parks and Recreation reservation policies. Primary responsibility for oversight of these events will be that of the applicant and consistent with Parks and Recreation policies. Parks and Recreation will work collaboratively with applicants for large-scale community events with off-site impacts.

Forest Stewardship Plan Development

A forest stewardship plan for the property has been developed and is attached as Exhibit D. This plan addresses specifically and in great detail the long-term habitat management of the property for restoration and environmental protection. This planning will be consistent with public access and regional and community trail systems through the property and address any conflicts between these uses. All forest management will be consistent with the recorded deed of right to enhance or restore habitat values of the property. All revenue generated by any

restoration thinning will be used consistent with RCO Acquisitions Manual 3: Section 7: Post-Award Issues regarding Income and Income Use, specifically-

Income

The source of any income generated in a funded project or project work site must be compatible with the funding source and the agreement. User and other fees may be charged in connection with land acquired or facilities developed with funding board grants if the fees are consistent with the:

- Value of any services furnished;
- Value of any opportunities furnished; and
- Prevailing range of public fees in the state for the activity involved.

Fees Based on Residence³⁹

If different fees are charged for residents and nonresidents, the non-resident fee must not exceed twice that imposed on residents. If no resident fee is charged, then a non-resident fee must not be charged.

Use of Income

Regardless of whether income or fees in a project work site (including entrance, utility corridor permit, cattle grazing, timber harvesting, farming, etc.) are gained during or after the reimbursement period cited in the agreement, unless precluded by state or federal law, the revenue may only be used to offset:

- The sponsor's matching funds.
- The project's total cost.

The expense of operation, maintenance, stewardship, monitoring, or repair of the facility or program assisted by the funding board grant.

- The expense of operation, maintenance, stewardship, monitoring, or repair of other similar units in the sponsor's system.
- Capital expenses for similar acquisition, development, or restoration.

If the income exceeds the system's operation, maintenance, or monitoring costs, it must be deposited in a capital reserve fund.

This fund must:

- Be identified in the sponsor's official annual budget for acquisition and/or development of lands or facilities.
- Only be used to further the capital goals and objectives identified in the sponsor's park and recreation, habitat conservation, or salmon recovery plan.

• Only be applied to other of the sponsor’s Recreation and Conservation Funding Board projects in the same category (for example, revenue raised from an RCO Boating Facilities Program grant only may be used to assist other motorized boating projects).

Concessions and Leases

A project sponsor may provide for the operation of a board-funded facility by granting a concession agreement or lease to a private organization or individual under certain conditions. The project sponsor is responsible for assuring compliance with all applicable state and federal requirements. Delegation or transfer of certain management or operational responsibilities to concessionaires or lessees does not relieve the project sponsor of any project agreement compliance obligations, including those relating to conversion of board funded properties. All concession or lease documents for the operation of board funded projects by private organizations or individuals must address the following:

• In order to protect the public interest, the project sponsor must have clear ability to periodically review the performance of the lessee or concessionaire and terminate the lease or agreement if its terms and the provisions of the grant agreement, including standards of maintenance, public use, and accessibility are not met.

• The document shall clearly indicate that the leased/concession area is to be operated by the lessee/concessionaire for public purposes in compliance with the provisions of the project agreement and/or the Land and Water Conservation Fund Act and implementing guidelines.

• The document shall require that the area be identified as being publicly owned and operated for public outdoor recreation and/or habitat conservation purposes on all signs, literature, and advertising, and that the lessee/concessionaire be identified as such so as not to mislead the public into believing that the area is private. Signs also should be posted identifying the facility as being open to the public (see project agreement).

• The document shall require that all fees charged by the lessee/concessionaire to the public must be competitive with similar facilities.

Before execution of the lease or agreement between the sponsor and the lessee/concessionaire, the proposed lease or agreement must be reviewed and approved by RCO staff.

Utility Permits

After determining that a pipe or power line will have no adverse effect on present and future public recreation or habitat use of a project site, any permit issued must:

• Not be an easement giving property rights to a third party.

• State that the pipe or power line will be underground.

• Require that the third party give prior notice to and receive approval from the sponsor to enter the site for construction or maintenance. Regularly scheduled periodic maintenance checks and the method(s) of performance (which must not involve disruption of any recreation or habitat conservation function), must have prior approval on the basis of a schedule.

Emergency maintenance would not normally require prior notification and approval. Adequate assurance of surface restoration also is necessary.

- State a *duration* for construction and include language that allows setting a duration for reconstruction.

Exhibit B shows the stream and wetland systems located on the property as well as near-term restoration activities in the northeastern corner of the Phase II/Expansion Property. Any restoration activities are to promote the ecological diversity of the property as it transitions from monoculture Douglas Fir tree farm to native forest.

These streams and wetlands serve as the headwaters to Grover’s Creek and provide significant habitat for Chinook salmon. This property will protect and enhance the habitat for this threatened species. Further activities on the property as shown in the stewardship plan will provide protection of the Chinook by reducing stormwater discharges, reviewing and potentially obliterating certain, existing logging roads, replacing substandard or damaged culverts as well as habitat restoration and invasive species management.

Kitsap County will prepare annual reports on restoration activities on the property for review by state agencies and interested parties.

Signed this ___ day of ____, 2015.

Robert Gelder, Chair
Kitsap County Board of Commissioners

Thomas M. Ringo, President and CEO
Pope Resources

EXHIBIT A

10.12.040 Park hours – Uses of parks.

Except for unusual and unforeseen circumstances, parks will be open to the public during designated hours as posted therein. Exclusive use of a park or part of a park for some special purpose or event, or the closing of a park for an interval of time entirely or to certain uses may be allowed as the park director may find necessary.

10.12.050 Removal of or damage to park property.

It is unlawful to remove, destroy, mutilate or deface any tree, shrub, flower or other plant; any rock, cliff or other natural feature; any building or other manmade structure or artifact; any vehicle, implement, tool or other park property lawfully in any park.

10.12.060 Signboards.

It is unlawful to use, place or erect any signboard, bulletin board, post, pole or device of any kind for advertising in any park, or to attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, railing, post or other structure within any park, or without written consent of the park director, to erect or place any kind of structure in any park; provided that the park director may permit the erection of temporary camping facilities in designated areas, also the erection of temporary directional signs or decorations on occasions of public celebration and picnics.

10.12.070 Animals in playfields or parks.

It is unlawful to allow or permit a horse, dog or other domestic animal in any designated playfield area, swimming area or picnic area or to enter any lake, pond, fountain or stream therein or to run at large in any area of any park.

10.12.080 Firearms in parks.

It is unlawful to shoot, fire or explode any firearm, firecracker, fireworks, torpedo or explosive of any kind or to shoot or fire any air gun, BB gun, bow and arrow or use any slingshot in any park, except the park director may authorize archery, slinging, fireworks and firing of small bore arms at designated times and places suitable for their use.

10.12.090 Throwing missiles allowed only in designated areas.

It is unlawful to throw any ball, stone, dart, spear, knife, club, axe or other missile or to play horseshoes, golf, baseball, football, polo, cricket, hockey, tennis, badminton or other game involving a moving projectile except in areas designated for such use by the park director.

10.12.100 Riding vehicles or animals.

It is unlawful to ride or drive any motor vehicle, bicycle, tricycle or other self-propelled vehicle or any horse or other animal through any park except along and upon park roads and such trails as are marked for bicycles, horses or motorcycles; or at speeds in excess of ten miles per hour; or to park any vehicle except in areas designated by the park director.

10.12.110 Throwing missiles at animals.

It is unlawful in any manner to tease, annoy, molest, disturb, catch, injure or kill or to throw any stone or missile of any kind at or to strike with any stick or other object any animal, be it reptile, fish, bird or beast.

10.12.120 Soliciting – Selling unlawful – Exception.

It is unlawful for any person to solicit alms or contributions for any purpose whether public or private, or to expose or offer for sale any article or thing, nor shall any person station or place any stand, cart or vehicle for transportation, sale or display of any such article or thing, except a licensed concessionaire acting by and under the authority of the park director.

10.12.130 Creating nuisance.*

It is unlawful for any person to commit a nuisance by fighting, threatening, menacing or in any way intimidating or coercing another; or to act in a belligerent, boisterous or threatening manner; or to incite or participate in any riotous act; or to use profane, obscene or abusive language; or to commit any lewd, licentious or vicious act; or to deliberately annoy another person by making loud noises or other disturbance.

10.12.140 Pollution – Waste and garbage disposal.

It is unlawful for any person in any manner to place or cause to be placed in the water of any fountain, pond, lake, bay, stream or other body of water in any park or into a storm sewer or drain flowing into such waters any substance, matter or thing which will or may result in pollution of the waters, nor shall any person bring into any park any rubbish, waste, garbage or refuse or leave such anywhere within the park. All waste and garbage generated within a park by picnic or other lawful means shall be placed in proper receptacles where such are provided; where receptacles are not provided, all such waste or garbage shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

10.12.150 Building fires.

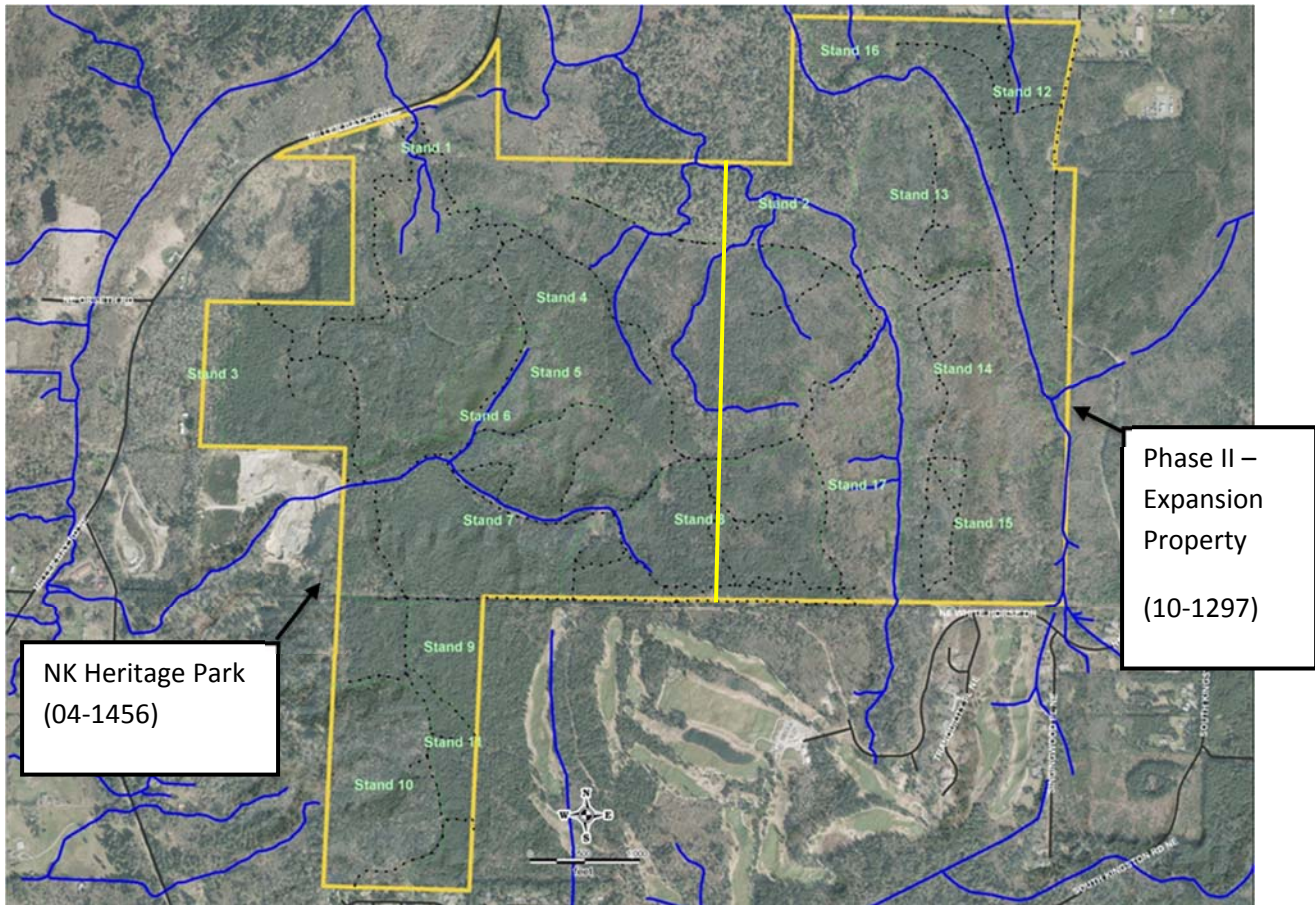
It is unlawful to build any fire in any park except in areas designated by the park director.

10.12.160 Liquor – Drugs.*

It is unlawful to bring into or possess or consume in any park any narcotic, hallucinogen, or any other drug or substance that may cause irrational or unnatural behavior if consumed, injected into, breathed or otherwise administered to a human being or animal. Alcohol consumption is allowed only in contractually reserved areas of community centers, as designated by the director of parks and recreation. Consumption of any alcoholic beverages in specifically designated areas must be in compliance with any and all laws, ordinances, rules and regulations, and use agreements regulating those areas. Content of printed rules and regulations and contractual use agreements is vested in the director of parks and recreation. Use of alcohol in any other areas of the parks is strictly prohibited. Violation of or failure to comply with this provision is governed under Section [10.12.190](#).

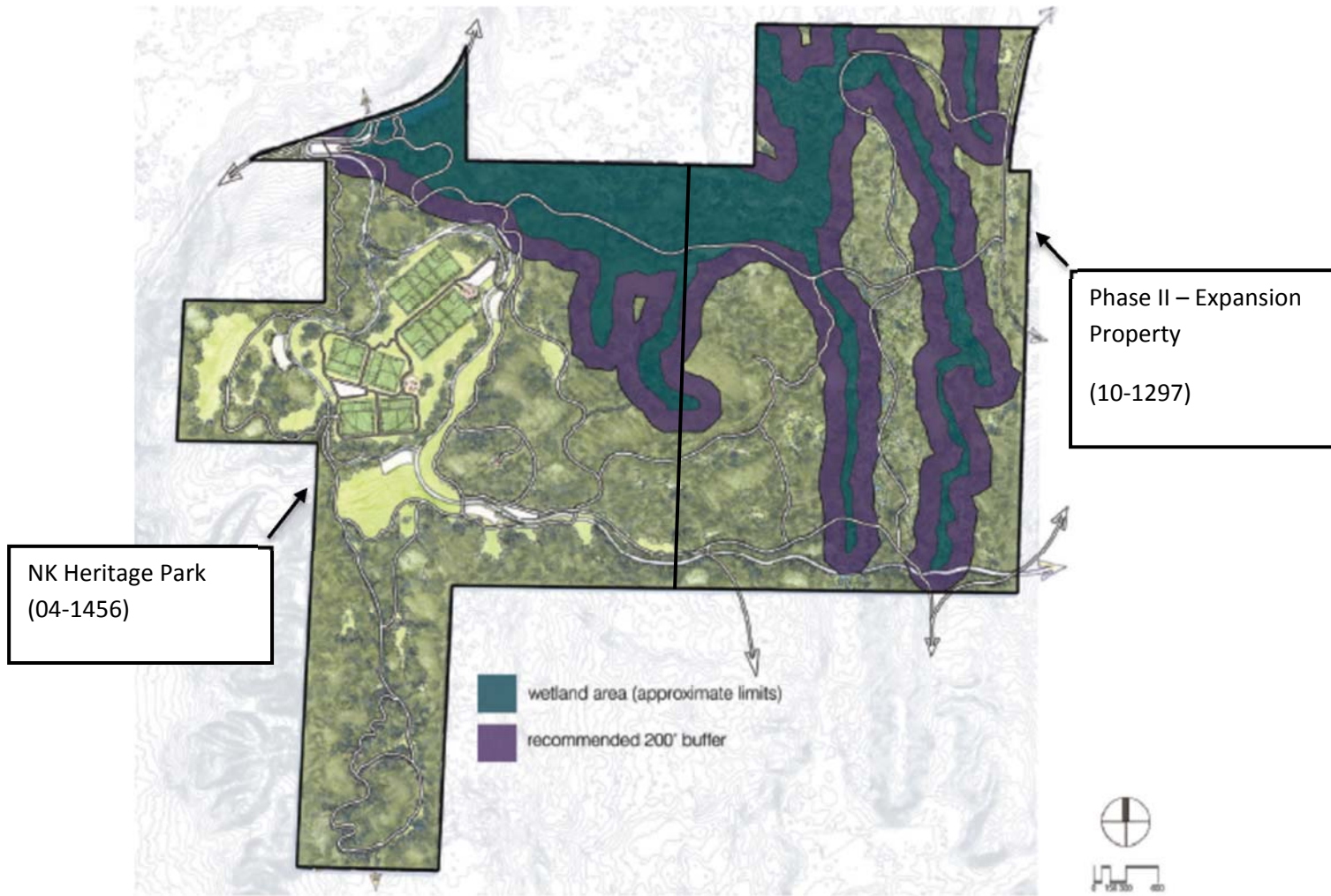
EXHIBIT B

Heritage Park Phase II/Expansion Property Streams, Wetlands and Near-Term Restoration



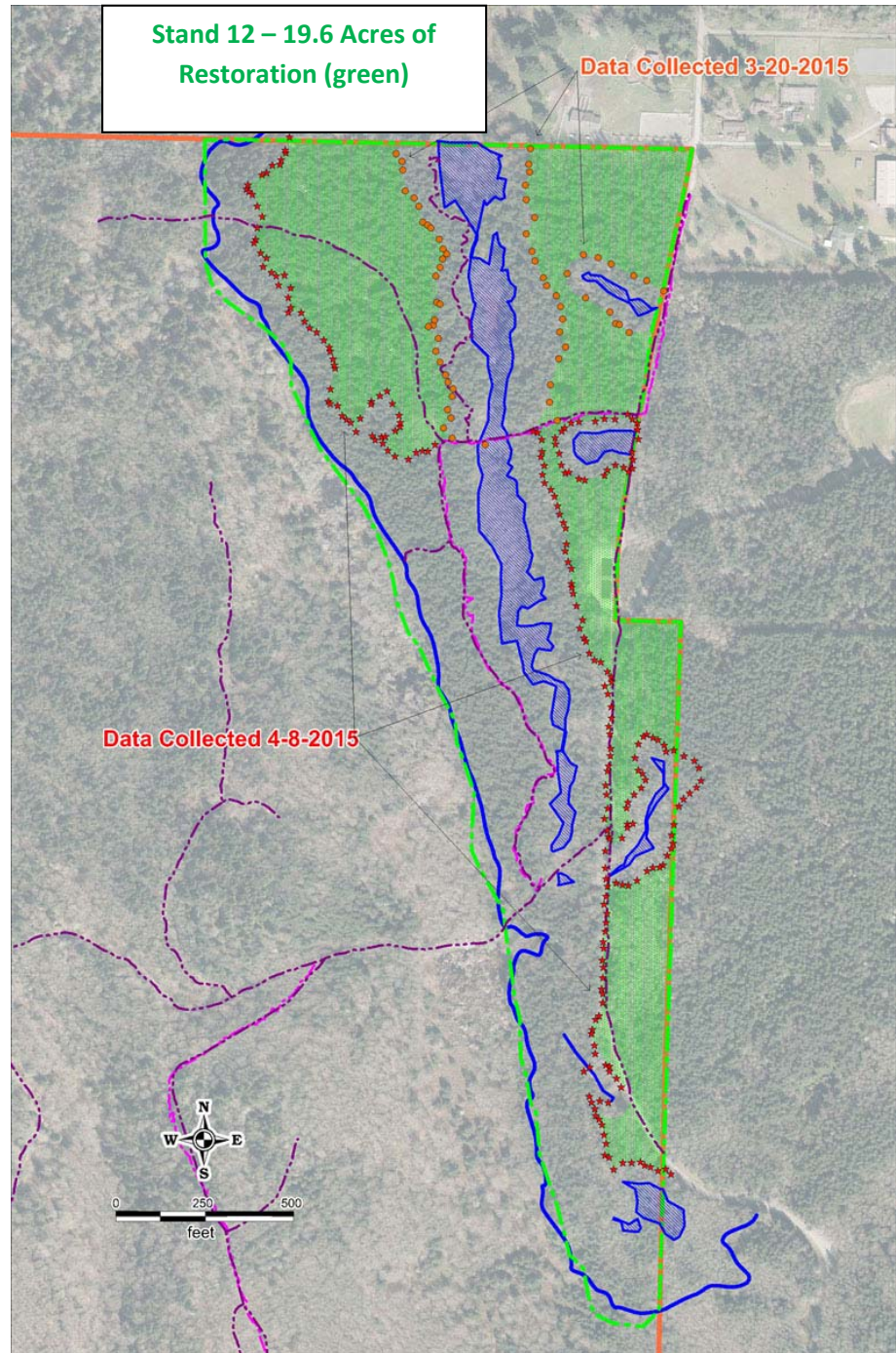
NORTH KITSAP HERITAGE PARK STREAMS. (SOURCE: KITSAP COUNTY, 2015.)

PRELIMINARY MAP OF WETLANDS IN NORTH KITSAP HERITAGE PARK. Wetland boundaries are approximate, wetlands less than 1 acre are not shown, and the buffers do not represent those described in this stewardship plan.



(SOURCE: NORTH KITSAP HERITAGE PARK MASTER PLAN, THE BERGER PARTNERSHIP, 2006.)

Mapping Unit 12 – Northeastern Corner - Phase II/Expansion Property



-Green-: Forested lands slated for restoration, via tree thinning and under-planting areas to be thinned.

-Blue: Wetland and Riparian Zones

-Unshaded: Buffers/no thinning areas.